

ORDINANCE # 2026- 5

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA, TO AMEND THE CODE OF BYRON, GEORGIA BY DELETING CHAPTER 39 IN ITS ENTIRETY AND BY CREATING A NEW CHAPTER 39 CONCERNING DATA CENTERS AND BY INSERTING THE FOLLOWING PROVISIONS, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BYRON, GEORGIA, AND IT IS HEREBY SO ORDAINED, THAT THE CITY OF BYRON, GEORGIA ADOPTS AMENDMENTS TO THE CODE OF BYRON, GEORGIA TO DELETE CHAPTER 39 IN ITS ENTIRETY AND CREATING A NEW CHAPTER 39 TITLED "DATA CENTERS", AND ADDING THE FOLLOWING SECTIONS THEREOF, AS FOLLOWS:

Chapter 39 is hereby deleted in its entirety and replaced with the provisions concerning "Data Centers" attached hereto as **Exhibit A** and incorporated herein by reference thereto.

All other matters in conflict herewith are hereby repealed.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF BYRON, GEORGIA, THIS 14th DAY OF September 2026.

Attest:



Telma Allred, City Clerk

CITY OF BYRON, GEORGIA MAYOR
AND CITY COUNCIL:

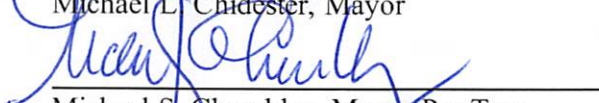
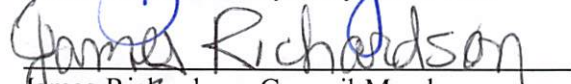
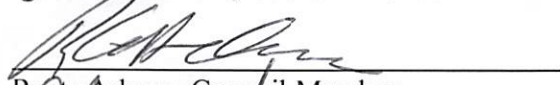
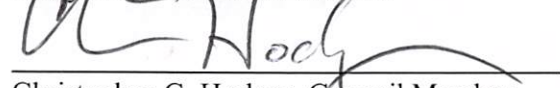
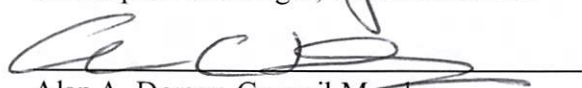

Michael L. Chidester, Mayor
Michael S. Chumbley, Mayor Pro Tem
James Richardson, Council Member
Rusty Adams, Council Member
Christopher C. Hodges, Council Member
Alan A. Dorsey, Council Member

EXHIBIT A

Sec. 1. Purpose.

The purpose of this chapter is to establish definitions relating to data centers, to set standards that protect public health, safety, and welfare, and to mitigate potential impacts on natural resources, infrastructure, and adjacent land uses, including but not limited to water supply, electrical grid capacity, noise, and environmental quality.

By enacting this chapter, it is the intent of the Mayor and City Council of the City of Byron, Georgia to facilitate the orderly development of data centers as an economic driver, providing jobs, tax revenue, and technological infrastructure, while ensuring that such facilities are sited, designed, and operated in a manner compatible with the character of the City of Byron. This chapter draws upon the best practices for sustainable data center operations, including energy and water efficiency metrics, and aligns with proposed Georgia Department of Community Affairs rules for Development of Regional Impact (DRI) reviews, which require disclosure of energy and water demands for facilities exceeding areas of 500,000 square feet or more than 200 acres.

Sec. 2. Definitions.

Code enforcement official. The City Administrator of the City of Byron shall have enforcement authority for health, safety, or welfare requirements under this article, or a designee thereof. Such official is authorized to issue citations or file formal complaints regarding the same pursuant to O.C.G.A. ' 36-74-21(1).

Data center. A facility, campus of facilities, or array of independent or interconnected equipment used to store, manage, process, exchange, house, or disseminate digital data and information, which may include, but is not limited to, computers, servers, networking equipment, and supporting infrastructure such as power supply and cooling. This definition is designed to apply to such facilities which are constructed and/or maintained for the primary purposes listed above. It is not intended that this definition be construed so as to include businesses or facilities whose primary purposes are not data-related or are other than data-related, but which also have some components as are listed above. This definition excludes cryptocurrency mining operations. As additional examples, the definition is not intended to include residences, banks, retail stores, service-related businesses, wholesale businesses, manufacturing, industrial, telecommunications, or similar businesses whose primary purpose is other than listed above but which may have some components listed above.

Owner/Operator. Includes, without limitation, any person, entity, group, company, agent, or other party which, in connection with a data center development, seeks to do any of the following: own, operate, lease, sublease, let, or sublet, any data center; and/or which applies for a land disturbance permit, business license, certificate of occupancy, and/or any other requirement of the City of Byron, the State of Georgia, the United States of America, or any subdivisions thereof, with respect to a data center; or undertakes any act(s) not specifically referred to above with respect to development or operation of a data center. This definition is intended to be liberally construed.

Residence. A stick-built home, prefabricated home, mobile home (permanently attached or otherwise) or other similar structure, used and permitted for use as a residential dwelling place. This term shall not include campers (single axle, double axle, fifth wheel, or other type) barns, shops, storage buildings or other outbuildings, even if containing bedroom(s), bathroom(s), kitchen(s) or other spaces typically associated with residential dwellings, regardless of whether they are occupied as living spaces.

Sec. 3. Applicability.

(a) This chapter shall apply to all data centers installed, constructed, or substantially modified (defined as an expansion increasing floor area by 25% or more) after the effective date of this chapter.

(b) All data centers shall be designed, erected, and installed in compliance with applicable local, state, and federal laws, rules, and regulations, including the Georgia Department of Community Affairs rules and regulations (Ga. Comp. R. & Regs. ' 110-12-3-.01, *et seq.*) regarding DRIs for technological facilities requiring disclosure of projected energy and water demands.

(c) Data centers exceeding DRI thresholds under Ga. Comp. R. & Regs. ' 110-12-3-.05(1)(a)(2), shall undergo regional DRI review coordinated by the Middle Georgia Regional Commission.

(d) Data centers shall be designed, erected, installed, operated, upgraded, cooled, powered, and decommissioned or closed using industry standard best management practices such as those measures identified in the PNNL/ASHRAE/NEMA AI data center energy performance framework, except where this Ordinance requires stricter standards.

(e) In the procurement of employees, Data Centers are encouraged to hire locally and to partner with local educational facilities and school systems to create a workforce pipeline.

Sec. 4. Byron Development Authority (BDA) Agreement and Other Agreements

(a) Reserved.

(b) As a condition of development, the data center owner/operator shall enter into a binding agreement with the City of Byron providing that, in the event of a change in state or federal law that reduces or eliminates the electric franchise fee and/or natural gas franchise fee payable to the City with respect to electric and/or natural gas service furnished to the data center, the owner/operator shall continue to thereafter pay to the City a contractual payment equal to the applicable franchise fee rate for the respective service in effect on the effective date of such agreement, applied to (multiplied by) the recurring charges for electricity and/or gas actually delivered to and billed to the data center (excluding unrealized or reserved demand), on an annual or monthly basis, as determined between the parties, for a period of twenty (20) years from the effective date of such change

in law. Such payment shall be reduced by any successor tax, fee, or charge imposed on the same electric or gas consumption, but only to the extent such tax, fee or charge is paid or distributed, directly or indirectly, to the City of Byron, and by any franchise fee amounts the City continues to receive with respect to the data center. No payment shall be due on account of any voluntary reduction or waiver of the franchise fee by the City.

Sec. 5. Standards for Data Centers.

(a) Site and Design Standards. All principal and accessory structures shall be arranged, designed, and constructed in accordance with this Section 5 which ensures harmony with both the character and nature of the site and the surrounding properties.

(1) All structures shall have permanent concrete foundations.

(2) Exterior facades shall use muted earth-tone colors and shall be free of defects, decay, or corrosion; any building façade visible facing a public right of way must incorporate, in areas so visible, high quality, non-reflective architectural materials such as brick, stone, decorative painted masonry, or architectural glass with architectural wall plane offsets of at least four feet width, vertically every seventy five linear feet of building so visible. Rooftop mechanical equipment, cooling units and exhaust structures must be screened from horizontal view by a parapet wall matching the design of the primary facade.

(3) Shipping containers, railroad cars, semi-truck trailers, or similar temporary storage units shall not be used for permanent, non-construction related storage.

(4) Backup generators shall comply with Tier IV (4) emission standards as promulgated by the U.S. Environmental Protection Agency (EPA); shall be located to the interior of a site or proposed building complex to the most practical extent possible; shall not be placed within a buffer; and shall be surrounded by opaque barrier walls constructed of durable, non-weathering and sound dampening materials with a sound transmission class (STC) rating of not less than (30). Equipment necessary for cooling and ventilating the facility must be encompassed on at least three sides by an opaque barrier wall constructed of durable, non-weathering and sound dampening materials. Barrier walls shall originate no higher than 18 inches above finished grade and shall extend at least 12 inches in height above the tallest mechanical equipment intended to be screened where the use is located. The barrier wall must be continuous and solid with no gaps, holes, or openings outside of the access gate and openings for stormwater. The access gate or area must not be visible from any public street or road.

(5) Data centers shall be located only on sites that meet the following criteria to ensure compatibility with surrounding land uses;

(A) Any zoning designation in which data centers are a permitted use;

(B) Minimum project size of 200 contiguous acres;

(C) The project property shall have an existing 230 kV or greater transmission line and right of way/easement crossing the project property or immediately adjacent to and abutting the project property;

(D) All buildings (existing or proposed) containing servers or computing equipment, must be at least:

(i) 500 feet from any residence existing at the time of the adoption of this chapter, excluding a residence located upon property owned or controlled by the data center owner or operator, as measured from exterior wall of any data center building to the exterior wall of any residence; however, if a residence is located closer than 500 feet from the exterior wall of a data center building, a berm must be constructed and additional vegetation must be placed, in which case this setback distance can be reduced to 350 feet, provided that such berm is built between the residence and the data center building. The berm shall extend along a line to points located on a radial arc that measures 350= from the nearest part of the residence nearest the data center, running end to end to the points where the line intersect the 350= radial arc, however the length of the berm shall be not less than 500= in length.

(ii) 1000 feet from public schools, places of worship, or hospitals, existing at the time of the adoption of this chapter, as measured from exterior wall of the data center building to the exterior wall of the school, place of worship, or hospital, as applicable;

(E) Each data center shall implement natural vegetation or, if the natural vegetation is insufficient, plantings to provide screening between all data center buildings and adjoining residential dwellings;

(F) No building may be constructed within any FEMA-designated Special Flood Hazard Area (100-year floodplain) unless properly mitigated with a Letter of Map Revision and supporting documentation or other applicable approval from the Federal Emergency Management Agency (FEMA);

(G) Each data center shall have direct access to a state or federal highway or city or county road capable of accommodating heavy truck traffic, as determined by the City Engineer, Owner=s Representative, and/or Director of Public Works;

(H) All construction traffic must use pre-approved routes;

(I) A traffic study shall be submitted to the City that establishes necessary

road improvements and proposed construction traffic routes;

(J) All bridges along the construction traffic route shall be evaluated to ensure adequate weight limits.

(6) Setbacks: All data center buildings shall observe the following setbacks, except as modified by the requirements of Section 5(a)(5)(D):

(A) 200 feet from front property line; and,

(B) 200 feet from side and rear property lines.

(7) Buffers: In addition to required setbacks, a buffer (the buffer zone), which can include the required setback, shall be incorporated along property lines for parcels developed and used for data centers:

(A) a minimum of 100-foot-wide buffer (buffer zone), which can include required setback, shall be required along all exterior property lines.

(B) a minimum 50-foot-wide buffer zone along any public road rights of way existing at the time of development of a data center, excluding any access points from road rights of way into the property.

(C) any buffer zone that is disturbed during construction shall be supplemented with additional trees and plant materials to maintain and/or create a visual buffer from public road rights of way and neighboring residential properties. If existing mature vegetation (less than 10 feet in height) within the buffer zone is insufficient to create such a visual buffer, additional trees shall be installed to reach a minimum density of 1 tree per 150 square feet which shall consist of a minimum of 1/3 native species, 1/3 evergreen trees, and 1/3 genera that are appropriate to local soil types and sunlight. Planted trees should be a minimum of 6" tall at the time of planting, should be irrigated, and fertilized a minimum of twice per year. The developer shall post with the City of Byron a 1-year landscape bond that the City may call upon to replace diseased or dead trees, if the data center operator or landowner fails to replace them within 60 days after the City gives notice to the operator or the landowner that such trees are diseased or dead.

(8) Maximum building height: 80 feet measured from finished ground grade to the top of the structure or mechanical equipment or the parapet wall required under Section 5(a)(2) above, whichever is greater, unless approved by variance/special exception. If applicable laws require approval from the Federal Aviation Administration or RAFB then those approvals must be provided along with the variance/special exception application.

(9) Impacts to infrastructure: At the predevelopment meeting required hereinbelow, any data center owner/operator and the appropriate officials of the City of Byron shall discuss infrastructure necessary during or to be impacted by construction of the data center. The City of Byron shall conduct a study of and identify all storm drainage facilities, water and sewer infrastructure, and city and/or county roadways which may or will require upgrades and/or improvements, solely due to the construction and or operation of the data center and shall prepare a plan for construction of the upgrades necessary to support construction and operation. The study and plan shall be funded by the owner/operator. The owner/operator shall then be required to fund the necessary upgrades, improvements, expansions or mitigations identified in the plan. The City shall plan and execute the projects through its consulting engineers unless otherwise agreed.

(b) Noise Standards.

(1) Data center operations shall not produce continuous sound that exceeds an average of seventy (70) decibels measured in dBA over any rolling 30-minute period between the hours of 8 a.m. to 6 p.m., measured at the property line shared by the data center and any adjacent property containing a residence existing on the date the application for construction of a data center is submitted, excluding any such property owned or controlled by the data center owner or operator. Data center operations shall not produce continuous sound that exceeds an average of eighty (80) decibels measured in dBC over any rolling 30-minute period between the hours of 8 a.m. to 6 p.m., measured at the property line shared by the data center and any adjacent property containing a residence existing on the date the application for construction of a data center is submitted, excluding any such property owned or controlled by the data center owner or operator. Data center operations shall not produce continuous sound that exceeds an average of sixty (60) decibels measured in dBA over any rolling 30-minute period between the hours of 6 p.m. to 8 a.m., measured at the property line shared by the data center and any adjacent property containing a residence existing on the date the application for construction of a data center is submitted, excluding any such property owned or controlled by the data center owner or operator. Data center operations shall not produce continuous sound that exceeds an average of seventy (70) decibels measured in dBC over any rolling 30-minute period between the hours of 6 p.m. to 8 a.m., measured at the property line shared by the data center and any adjacent property containing a residence existing on the date the application for construction of a data center is submitted, excluding any such property owned or controlled by the data center owner or operator. The limits set forth in this subsection shall remain in force during construction of and buildout of the data center, but for no more than 48 months from the certificate of occupancy of the first data center building.

(2) Data center operations shall not produce continuous sound that exceeds an average of sixty five (65) decibels measured in dBA over any rolling 30-minute period between the hours of 8 a.m. to 6 p.m., measured at the property line shared by the data center and any adjacent property containing a residence existing on the

date the application for construction of a data center is submitted, excluding any such property owned or controlled by the data center owner or operator. Data center operations shall not produce continuous sound that exceeds an average of seventy five (75) decibels measured in dBC over any rolling 30-minute period between the hours of 8 a.m. to 6 p.m., measured at the property line shared by the data center and any adjacent property containing a residence existing on the date the application for construction of a data center is submitted, excluding any such property owned or controlled by the data center owner or operator. Data center operations shall not produce continuous sound that exceeds an average of sixty (60) decibels measured in dBA over any rolling 30-minute period between the hours of 6 p.m. to 8 a.m., measured at the property line shared by the data center and any adjacent property containing a residence existing on the date the application for construction of a data center is submitted, excluding any such property owned or controlled by the data center owner or operator. The limits set forth in this subsection shall take effect upon the data center commencing full operations, or at the end of the 48 month period provided for by subsection (1) of this section, whichever shall first occur.

(3) Use and testing of backup generators (outside emergency use during outages) is limited to 9:00 a.m. to 5:00 p.m.

(4) Violations of these sound levels may be prosecuted in the same manner as other zoning ordinance violations. These restrictions shall not apply during emergency situations, such as power outages, when backup power generation must be activated to sustain operations, during routine testing of backup generation performed pursuant to Section 5(b)(3) or when the power provider curtails power.

(5) Owner/operator shall contract, at its own expense, with a third-party sound monitoring (environmental noise monitoring) service to monitor sound emissions from the data center property. Such contract shall include complete perimeter monitoring on a 24 hour per day, 7 days per week basis. Monitoring shall include monitoring for sound emissions in the dBA and dBC measurement ranges. Such contract shall require that the monitoring service program the monitoring equipment to detect any violations of Section 5(b)(1) and (b)(2) above. Such contract shall provide that such monitoring service shall send immediate notifications to the City of Byron upon detection of such violations. Such contract shall also allow the Code enforcement official of the City of Byron to contact the third-party monitor directly and shall authorize the third-party monitor to release such information and data to the Code Enforcement Official of the City of Byron as requested. If a data center is found to be in violation of the requirements of

Section 5(b)(1) or (b)(2) above, the City may issue a Notice of Violation, which shall direct that the data center take appropriate steps to operate within the requirements of Section 5(b)(1) or (b)(2) above. The City Administrator shall require the data center owner/operator to provide a solution and proposed time period for implementation. If the City Administrator approves such a solution, and the data center fails to successfully implement that solution within the time approved, the violator shall be subject to a fine up to one thousand dollars (\$1,000.00) for each day that the violation exists until full compliance is obtained, for a period of up to 30 days. If the issue is not resolved within 30 days, the City may increase fines up to ten thousand dollars (\$10,000.00) per day, until compliance is achieved. Every data center owner/operator and site developer, in making application for any required approvals by the City, agrees that submission of such application(s) constitutes consent to be bound by these provisions and constitutes a waiver of any right to bring legal action against the City because of the City's enforcement thereof or to challenge the authority of the City to levy such fines or enforce these penalty provisions, unless such enforcement is arbitrary or capricious. All subsequent operators or successors in interest shall be bound by the waivers initially made by their predecessors in interest. Sound monitoring data provided to the City under this paragraph shall be treated as confidential proprietary business information of the owner/operator to the fullest extent permitted by law, including O.C.G.A. ' 50-18-72, and shall not be disclosed to third parties except (i) pursuant to court order or lawful subpoena, (ii) to law enforcement or emergency responders, or (iii) in aggregated annual summary form in City compliance reporting. Nothing herein limits the City's use of such data for enforcement of this Article.

(6) Data center facilities shall be designed and constructed using best practices to reduce infrasonic sound waves from the facility. Compliance with the C-weighted sound limits of Sections 5(b)(1) and (b)(2), together with incorporation of the mitigation measures identified below as applicable to the facility's cooling and power architecture, shall constitute compliance with this paragraph. Periodic post-occupancy verification shall be performed by an INCE Board Certified engineer using third-octave band analysis. Design standards to meet this requirement shall be addressed during the pre-development meeting required hereinbelow. The development shall incorporate infrasonic sound attenuation measures, which may include, but are not limited to, the following types of sound-dampening equipment or other mitigation technologies proposed by the data center owner/operator:

(A) Inertia blocks, elastomeric mounts, tuned mass dampers, and spring isolators to decouple rotating equipment from such chillers and pumps from the building structure to prevent vibrations from resonating through floors and walls;

(B) Fan silencers and sound curtain barriers for chillers and cooling equipment;

- (C) Low rotation speed fans;
- (D) Acoustic barrier walls for enclosing generators and other noise generating equipment;
- (E) Active noise cancellation systems to detect low frequency sound waves and generate phase inverted waves to cancel them;
- (F) Low frequency ventilation silencers;
- (G) Acoustic tiles, foam panels, and/or sound-deadening mats on interior walls and ceilings;
- (H) Acoustic shields and earthen berms around the facility;
- (I) Low noise coolers;
- (J) Immersion cooling systems;
- (K) Acoustic silencers in duct work.

(c) Water Usage Standards.

- (1) Data centers shall submit water and sewer projected demands so that the City may determine availability and capacities of existing infrastructure. Water usage shall not exceed 1.8 gallons of water per kW of electricity per day as specified in the written verification of power allotment from the electric utility provider.
- (2) Closed-loop cooling systems shall be required and utilized; water shall be first sourced from non-potable/recycled water sources once available. There shall be no discharge of cooling water to any outlet other than the public sewer system, except it may be discharged into temporary holding tanks prior to pretreatment or discharge. There shall be no discharge of cooling water into public sewers without pre-treatment to EPD and the wastewater treatment jurisdictional standards. Pre-treatment may not be required based on effluent discharge constituents; however, an industrial pre-treatment permit may be required and effluent will be monitored. The data center owner/operator shall pay all costs associated with building of and extension of water and sewer infrastructure necessary to sustain data center operations, as well as any pre-treatment of the wastewater produced by the data center if required, together with attendant monitoring costs.
- (3) Water availability may require a new permit from the Georgia Environmental Protection Division (EPD). The new permit may require documentation provided by the data center owner/operator that water withdrawal from the aquifer will not impair local water supply during droughts or peak demand periods and shall include projected annual consumption.

(4) Best practices: Data centers shall (a) use recycled water where and to the extent available, for all uses which do not require potable water; (b) return heated water to its source where feasible and environmentally safe; and (c) monitor water usage and its correlation with ambient temperatures and IT load.

(5) Water Use and Monitoring. Data centers using water-based cooling systems shall:

(A) Submit an annual Water Use and Efficiency Report to the City verifying total consumption, source, and recycling rates;

(B) Incorporate water-efficient cooling technologies where feasible: closed-loop cooling systems are required, but nothing herein shall prevent a data center from using more efficient and less water-use intensive technology currently available and as improved from time to time.

(C) Use reclaimed or recycled water as part of the data center=s cooling methods, to include the prioritization of on-site water storage for the purpose of reuse and non-potable uses in order to protect the potable water supply;

(D) Install automated metering devices capable of reporting real-time water usage data upon request by the City or provide such data if installed without request by the City;

(E) Make no direct connection to surface water sources and/or aquifers or any existing well. Any well now in existence on the property shall not be used for any purpose by the owner/operator. No well may be drilled by owner/operator for use by the data center for any purpose.

(6) Multi-Use Integration for Water Resources.

(A) If the City constructs infrastructure and supplies reuse water to the data center property, the data center shall provide infrastructure to ensure backflow prevention into the freshwater supply inlet from the City=s water system. The data center owner/operator may, at its option and expense, provide separate, internal cooling water infrastructure for both potable and reuse water. If the City makes reuse water available, the data center shall connect to the City=s reuse system and pay a connection fee.

(B) Prior to connecting to the City=s sewer system, data centers shall have infrastructure to segregate industrial wastewater from sanitary wastewater. Both flows will be metered by the City for use and billing purposes.

(d) Electrical and Energy Standards.

(1) Prior to the issuance of any land disturbance permit, data center owner/operator must submit written verification to City from a power provider confirming sufficient grid capacity exists for peak-hour demands, including redundancy for outages. Where a data center operator is funding transmission or substation upgrades, the written verification requirement shall be satisfied by a utility-executed infrastructure agreement or conditional service commitment confirming capacity upon completion of such upgrades.

(2) Each data center owner/operator shall disclose to the City upon application for a land disturbance permit the data center's projected annual energy use.

(3) Data center owner/operators shall ensure that all equipment is housed in electrically grounded structures with fire-rated enclosures meeting international fire code standards.

(4) Substations constructed upon the data center property shall be screened with landscaping and enclosed by a security fence. The method of screening shall be determined at site plan review or at the pre-application meeting provided for below. No storage of vehicles or materials shall be permitted within the substation area.

(e) Environmental and Sustainability Standards.

(1) Data center(s) shall incorporate environmental and sustainable best management practices for industrial developments as defined by the Environmental Protection Agency (EPA) and EPD.

(2) Data centers shall comply with applicable emissions standards under the Clean Air Act and managed by the EPA, as amended from time to time.

(f) Fire Safety and Emergency Standards.

(1) Data centers shall adhere to the adopted codes in force pursuant to Section 18-2 of the Ordinances of the City of Byron as of the date of construction of each Data Center building.

(2) All designs must have final approval by Georgia-licensed engineers, per applicable codes.

(3) Data center owner/operators shall pay \$500,000 per 300,000 sq ft of data center building to the City of Byron to facilitate the purchase of equipment necessary to ensure the Byron Fire Department (BFD) response for data center fire suppression meets published industry standards, including but not limited to as required under the fire suppression rating schedule published by the Insurance services Office, Inc. (ISO) and the NFPA, as amended from time to time. The fee shall be paid prior to the CO being issued for each building.

(4) Data centers shall install fire suppression systems appropriate for sensitive electrical equipment and meeting, at a minimum, the fire and life safety codes adopted by the City of Byron. All battery systems shall be equipped with a dedicated fire suppression system designed to control thermal runaway, fire and explosion hazards associated with the specific battery chemistry. Fire suppression systems shall comply with all state regulations and suppression systems shall be automatic, monitored and connected to an alarm system.

(5) A site-specific Emergency Response Plan (ERP) shall be prepared by the operator and coordinated with local fire and emergency services prior to issuance of a Certificate of Occupancy. The ERP shall be updated as needed to reflect changes in site operations, equipment, or emergency procedures, and a current copy shall be maintained on file with the City. The ERP shall, at a minimum, contain the following:

(A) A site map showing the location of all batteries, generators, fuel storage, electrical and switchgear;

(B) 24-hour emergency contact information for on-site and corporate personnel and EMS procedures for security contacts, identification, and phone numbers;

(C) Hazard identification of all energy storage materials, including safety data sheets;

(D) Detailed shutdown, isolation, and ventilation procedures;

(E) Firefighting and spill containment procedures specific to the battery chemistry used; and,

(F) Evacuation routes, staging areas, and water supply plan for emergency responders.

(6) Owner/Operators shall conduct emergency drills in coordination with local fire and emergency services at intervals specified by the City of Byron as a condition of certificate of occupancy approval.

(7) Data provided to the City under this paragraph shall be treated as confidential proprietary business information of the owner/operator to the fullest extent permitted by law, including O.C.G.A. ' 50-18-72, and shall not be disclosed to third parties except (i) pursuant to court order or lawful subpoena, (ii) to law enforcement or emergency responders, or (iii) in aggregated annual summary form in City compliance reporting. Nothing herein limits the City's use of such data for enforcement of this Article.

(g) Security and Operations.

(1) An 8-foot security fence must be installed around the perimeter of the property upon which one or more data centers building are located. At a minimum, fencing shall be PVC coated chain-link, without barbed or razor wire. The City may require a more aesthetically appealing fence depending on the size and location of the facility which shall be determined at the pre-development meeting as required by the City. Perimeter fencing shall be installed on the interior of any vegetative buffers.

(2) Data center owner/operators must enclose all servers and equipment within buildings.

(3) Data center owner/operators must follow all applicable Occupational Safety and Health Administration (OSHA) standards for workplace safety.

(4) All exterior site and building lighting shall be designed and installed to minimize glare, light trespass, and unnecessary illumination of adjacent properties while providing adequate lighting for site security, pedestrian and vehicular safety, emergency access, loading areas, and normal facility operations. Exterior lighting shall, to the maximum extent practicable, utilize full-cutoff or fully shielded fixtures and shall be directed downward and inward toward the site. Fixtures shall be designed and positioned to prevent direct illumination from being cast onto adjacent residential properties or public rights-of-way. Exterior lighting shall utilize a correlated color temperature (CCT) of no more than 3,000 Kelvin (K), except that lighting required for security, safety, emergency response, specialized industrial operations, or other operational requirements may utilize a higher CCT where reasonably necessary. Site lighting poles may be located as reasonably necessary to support safe and efficient site design and facility operations, provided that lighting is designed and installed to comply with the applicable maximum illumination levels at the property boundary. The mounting height of site lighting shall not exceed thirty (30) feet above finished grade, except that lighting associated with specialized operational, security, loading, parking, or safety requirements may exceed thirty (30) feet where reasonably necessary and where such lighting is appropriately shielded and does not create objectionable glare or light trespass onto adjacent properties. Construction lighting shall be permitted on a temporary basis when reasonably necessary for construction activities, site security, worker safety, or emergency conditions. Construction lighting shall be directed toward the work area and shall incorporate shielding or other measures reasonably designed to minimize glare and light spillover onto adjacent properties. Construction lighting may remain operational during nonconstruction hours when reasonably necessary for site security, safety, equipment protection, or other legitimate construction-related purposes. Nothing in this section shall be construed to prohibit lighting reasonably necessary for emergency response, security, life-safety systems, aviation requirements, facility operations, or compliance with applicable federal, state, or local law.

(h) Continuing compliance.

Compliance with the provisions of this chapter shall be maintained post-occupancy. Any violation of this chapter shall be enforced pursuant to Section 1-8 of the Code of Byron and any provisions in this Article. Any deviation from this chapter may be considered by the Zoning Review Board pursuant to the procedures in Article V (Procedure for Applying for a Special Exception) of Part III of Appendix A to this Code.

(i) Ownership Eligibility.

No entity shall be approved as an owner or controlling party of a data center facility under this ordinance if such entity, or its ultimate parent entity: (a) is identified on the U.S. Treasury OFAC Specially Designated Nationals list, the U.S. Commerce Department Entity List, or any comparable federal restricted-party list; (b) is majority-owned or controlled by a foreign government identified by the U.S. Department of Defense or Department of State as posing a national security risk to the United States; or (c) has been convicted of a felony offense related to human trafficking under 18 U.S.C. ' 1589B1594 or a comparable state statute.

Sec. 6. Application and Approval.

(a) No data center may be developed and/or operated without site plan review and approval by the City of Byron staff, verifying compliance with this chapter and all land development ordinances of the City of Byron and that the data center has completed the DRI process, if required, which approval shall not be unreasonably withheld.

(b) No data center application shall be accepted prior to a pre-application meeting being conducted, at which shall be present any developer, the applicant, the property owner, and/or any other party reasonably necessary to clearly present the development proposal to the City, and to discuss the matters contemplated above, to include those matters specifically referred to above as subject matters for said meeting. To the extent not addressed hereinabove, the following matters shall be considered during such meeting:

(1) The likelihood or need for blasting operations and mitigation of the effects on surrounding properties;

(2) The likelihood of damage to, change in output of, or change in water quality of any existing water-supply well in use as of the date of the pre-application meeting and located up to 2,500 feet of the nearest point of any data center building wall shown on the conceptual site plan presented at such meeting, together with measures to be taken in mitigation;

(3) The likelihood of reduction in power availability to local residents and businesses dependent upon the same power delivery source as used by the data center and measures to ensure uninterrupted supply to such residents and

businesses;

(4) The likelihood of damage to roadways and bridges during construction and final buildout of a data center and measures to repair and upgrade same if necessary or if damaged;

(5) Such other matters as may be considered or should be considered based upon the location and size of the data center or otherwise suggested by any aspect of the proposed data center project.

(c) Applications for site plan review shall include disclosures of energy/water demands and the requirements set forth above. Any application which requests a variance or special exception to the rules and regulations pertaining to this chapter will require a properly advertised public hearing before the City of Byron Planning and Zoning Board for its recommendation to City Council; City Council's consideration of the board's recommendation shall also require a public hearing prior to consideration of the request or special exception.

Sec. 7. Decommissioning.

(a) An owner/operator shall notify the City of Byron not less than 12 months prior to the permanent decommissioning of one or more of the data center buildings.

(b) All decommissioning will be carried out in accordance with the recognized industry standards and best practices in effect at the time of such decommissioning and shall be entirely funded by the owner/operator.

(c) A decommissioning plan shall be prepared by the owner/operator and shall be shared with the City. A financial assurance amount shall be determined based on the cost to completely decommission the facility or building. The decommissioning plan shall include, at a minimum:

(1) Timeline: A detailed timeline for the decommissioning process, including key milestones and estimated completion dates for each phase of the decommissioning activities.

(2) Equipment and material removal procedures: Specific procedures for the safe dismantling and removal of all equipment, materials, and structures from the data center site. This should include methods for handling and transporting equipment to prevent damage and ensure safety.

(3) Hazardous materials management: Detailed methods for identifying, handling, and disposing of hazardous materials in compliance with federal, state, and local regulations. This should include a list of all hazardous materials present on-site and the procedures for their safe removal and disposal.

(4) Site remediation plan: A comprehensive plan for site remediation, including soil and groundwater testing, identification of any contamination, and proposed cleanup measures. This should also include a timeline for remediation activities and methods for monitoring and verifying the effectiveness of the remediation efforts.

(5) Site restoration plan: A detailed plan for restoring the site to a condition suitable for future use. This should include the removal of any remaining structures, re-vegetation, landscaping, and any other necessary measures to ensure the site is safe and aesthetically pleasing.

(6) Health and safety measures: Procedures to ensure the health and safety of workers and the surrounding community during the decommissioning process. This should include measures for dust control, noise reduction, and protection from hazardous materials.

(d) The Owner/operator shall provide for decommissioning financial assurance in an amount sufficient to ensure the complete cleanup and maintenance of all aspects of the data center, including without limitation, hardware, heavy metals, water contaminants, land contaminants, buildings, infrastructure, perimeter fencing, and other potential factors or aspects of decommissioning. The financial assurance shall cover a period of 24 months to allow adequate time for the entire decommissioning process, and shall provide for its extension in the event that decommissioning is not fully completed within the 24 month initial coverage period. The amount of the decommissioning financial assurance shall be determined based on an estimate provided by a qualified independent engineer. The estimate shall include:

(1) Costs for the removal of all equipment and materials.

(2) Costs for the disposal of hazardous materials.

(3) Costs for site remediation and mitigation, including soil and groundwater testing and cleanup if necessary.

(4) Costs for site restoration, including re-vegetation and any necessary landscaping.

(e) The financial assurance may be provided in the form of a bond from a AAA rated insurer, escrow account, letter of credit, or other financial instrument acceptable to the City of Byron. The form of financial assurance must be sufficient to cover the estimated costs of decommissioning, removal, remediation, and site restoration. The financial assurance shall not be released until the City has verified that the decommissioning, removal, remediation, and site restoration have been completed in accordance with the approved decommissioning plan and all applicable regulations. A final inspection and approval by the City or its designated representative(s) is required before the release of the financial assurance.

(f) In the event that the owner/operator fails to complete the decommissioning, removal, remediation, and site restoration as required, the City shall have the right to use financial assurance to cover the costs of completing the decommissioning process. Any remaining funds after the completion of the decommissioning process shall be returned to the developer. The City may pursue legal action to enforce compliance with the decommissioning requirements, including seeking court orders to compel compliance or recover costs incurred by the City in completing the decommissioning process. The City may also call the decommissioning bond to complete the work, if that is the elected form of financial assurance. In the event the bond is called, the owner/operator shall be liable for an additional penalty. This penalty shall be equal to ten (10) percent of the bond amount and shall be used to cover administrative costs and any additional expenses incurred by the City in managing the decommissioning process.

(g) The Owner/operator shall provide a quarterly report to the City regarding the decommissioning progress and updated timelines if necessary. The City may require that the owner/operator meet with the City's designated officials and engineers to review and update the decommissioning plan and/or adjust requirements as deemed necessary after review of a quarterly report or reports.

Sec. 8. Effectiveness, Interpretation, Separability.

(a) This chapter shall become Effective immediately upon adoption.

(b) Any ordinances in conflict with this chapter shall be repealed.

(c) In the event of any conflicts with federal, state, or other applicable local laws, regulations, or controls, the more restrictive law, regulation, or control shall apply.

(d) Any invalidity or unconstitutionality of any of these provisions shall not affect the remainder, which shall remain in force.