

City of Euharlee, Georgia

Ordinance No. 2026-10

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF EUHARLEE, APPENDIX A, ZONING ORDINANCE; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES AT THE REGULAR MEETING OF THE EUHARLEE CITY COUNCIL on _____, 2026.

WHEREAS, the City of Euharlee, Georgia submitted an application to amend the City of Euharlee Code of Ordinances, Appendix A, Zoning Ordinance, the same being TAZ 2026.02; and

WHEREAS, the Mayor and City Council have determined it is in the best interest of the public health, safety and welfare to make amendments to address matters not properly regulated in the Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission considered the proposed amendment at its public meeting on _____, 2026 and recommended _____ of the proposed ordinance revisions; and

WHEREAS, public comment has been received, which has been considered; and

WHEREAS, City staff have made certain recommendations to adjust the language to better serve the public health, safety and welfare; and

WHEREAS, the Mayor and City Council have determined that the proposed amendment to the Zoning Ordinance as stated herein serves such purposes and benefits the public health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED AND IT IS HEREBY ORDAINED, by virtue of the authority vested in the Mayor and City Council by law, that the Code of City, Appendix A, Zoning Ordinance, is amended as follows:

SECTION 1. Article III, Section 3.2, is hereby amended as follows:

New Definitions are added as follows to Section 3.2:

DATA CENTER: commercial activity center associated with technology, information systems, data infrastructure, data hosting and management activities, and similar new information age uses such as data processing, storage, and related services. Structures and land may be used for uses customarily incidental to the primary permitted use. See Section 9.9 for detailed use regulations on data centers.

"Occupied": The actual, physical presence of persons or personal property within a building or upon land, including habitation, business operations, or other lawful activities. "Occupied"

includes temporary occupancy when authorized by permit, and excludes mere storage incidental to construction where no lawful occupancy is permitted.

"Use (or Land Use)": The present, lawfully established principal or accessory activity or function for which land or a building is currently arranged or employed. A use is considered established only when (a) a certificate of occupancy has been issued; or (b) the activity has lawfully commenced; or (c) for uses not requiring a certificate of occupancy, the activity is being lawfully conducted on the premises. It can include seasonal occupancy or when property is temporarily vacant but still intended for a specific use. "Use" does not include mere plans, intentions, designations, or future approvals unless otherwise expressly stated in this Ordinance.

"Used": Actively employed or applied to a present, lawfully established use. Property is "used" for a given purpose only when the activity is occurring or lawfully commenced pursuant to required approvals and permits.

SECTION 2. In Article IX, new Section 1 is added as follows:

Sec. 9.1 Data Centers

Data Centers are an allowed use in the I-1 and I-2 districts, and are a conditional use in the A-1 district. The following development standards shall apply.

1. **Height.** Buildings shall not exceed a height of seventy-five (75) feet, measured from structure pad level. Height limitations shall not apply to accessory structures such as water towers, conveyer belts, smokestacks and other incidental and uninhabited parts of industrial uses.
2. Front, Side, and Rear yard setback: fifty (50) feet.
3. Minimum lot frontage: One hundred fifty (150) feet adjoining a street.
4. Minimum lot width at building line: One hundred fifty (150) feet.
5. Minimum lot acreage: Fifty (50) acres
6. **Minimum buffer requirements.** In addition to required setbacks, a minimum buffer of 200 feet shall be required when adjacent to residential districts. When adjacent to commercial or industrial districts, the buffer shall be 50 feet. Buffer standards shall meet the requirements of Section 5.17. The Planning and Zoning Commission can enact greater buffers if necessary.
7. **Closed-loop cooling system required.** To promote sustainable water use and reduce stress on public water supplies, Data Centers are required to use a closed-loop cooling system or another functionally equivalent technology. Open-loop, once-through, or continuously evaporative cooling systems are prohibited.
8. **Air conditioning units and HVAC systems.** Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping. This requirement shall not apply where the equipment is more

than 100 feet from adjacent property lines.

9. **Front building facade.** The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts. This requirement shall not apply if the front of the building is greater than 500 feet from the public right-of-way or not visible from the public right-of-way.
10. **Security fencing.** Security fencing and walls shall not be located within the required buffer unless it complies with the general regulations pertaining to fencing. Fences and walls outside the required setback and buffer provided above shall not be subject to height limitations.
11. **Accessory structures.** Accessory structures shall be subject to the standards of the applicable zoning district. Notwithstanding other provisions of the code, the following accessory structures shall be permitted:

(a) Guard houses and secured entry features

Guard houses and secured entry features shall be permitted at public road entrances.

(b) Private Power Generation and Storage Facilities

Private power generation and storage facilities shall be permitted as accessory uses to data centers, subject to the following standards:

i. Definition

Private Power Generation Facility: A facility designed to generate electricity primarily for on-site consumption by the principal use, and not for sale to the public utility grid except for incidental surplus.

ii. Permitted Fuel Sources

- a) Solar.
- b) Natural gas turbines or engines, subject to the screening requirements of subsection (iv) herein.
- c) Diesel generators are permitted only for emergency backup purposes. If only for emergency backup, generators can be Tier 2 but must comply with the 100-hour rule of 40 CFR Part 63, Subpart ZZZZ. If the generators are intended for use beyond true emergency, such as peak shaving, they must meet EPA Tier 4 Final equivalent standards including using ULSD and exhaust aftertreatment systems, as well as meet noise standards.
- d) Battery storage systems that are associated with any of the above permitted fuel sources.

iii. Prohibited Fuel Sources

Coal or other petroleum-based fuels (except emergency diesel generators).

iv. Screening Requirements

- a) In order to achieve sound mitigation and visual screening, any natural gas turbines or engines shall be fully screened within either a solid screening

wall of at least 10 feet above the tallest turbine; berms of at least the height of the tallest turbine, with additional evergreen landscaping on top; or, a combination of both. Engineered alternatives may be considered by the zoning administrator that achieve the equivalent performance standards. Maximum wall height of 75 feet is permitted.

- b) Any screening walls shall be consistent with the architectural design of the data center buildings or shall be screened with a berm and landscaping as required by the zoning administrator.

v. **Setbacks**

Any screening wall for natural gas turbine power generation shall be located at least 300 feet from any property line and 1,000 feet from any existing, occupied residential dwelling (i.e., house, apartment or townhome). Utility easements and rights of way crossing through, or adjacent to, a property may be ignored when calculating setbacks.

vi. **Noise Standards**

All power generation facilities shall comply with the noise standards set forth in the Noise Abatement Ordinance. The applicant must submit an acoustic impact report prepared by a qualified noise control engineer. The report must model both A-weighted and C-weighted sound pressure levels and demonstrate that the facility design includes redundant attenuation (e.g., sound-rated enclosures, silencers, and physical barriers) to meet the stated noise performance standards. After a power generation or storage facility becomes operational, the City may require the operator to provide a sound study to verify that the operation is in compliance with the requirements of this ordinance and does not constitute a public health or welfare concern for any resident whose occupied dwelling is located within 2,000' of the power generation facility. If a data center is found to be in violation of the explicit requirements of this ordinance, the provisions of Section 14.b. shall apply. In addition, the operator shall cooperate with the zoning administrator to implement any reasonable modifications recommended by the sound study to address any issues that are considered a public health or welfare concern related to any resident located within 2,000' of the power generation facility.

vii. **Environmental Compliance**

Facilities shall comply with all applicable state and federal air quality and emissions regulations and obtain necessary permits prior to operation.

viii. Capacity Limitation

The facility shall not exceed 300 megawatts of firm load, as verified by the Planning Department, to ensure the use remains accessory.

ix. Safety and Emergency Provisions

An emergency shut-off plan and fire suppression system shall be provided and approved by the Fire Marshal.

x. Utility Connection

Natural gas facilities shall connect to an existing utility pipeline; trucking of fuel (other than diesel fuel for back-up generators) is prohibited except for emergency situations.

xi. Permitting

Proposed private power generation facilities must be reviewed and approved by the Zoning Administrator to ensure compliance with these standards.

12. **Roads.** Internal development roads may be public or private and are subject to the City engineering standards of the development regulations.

13. **Lighting.** Exterior illumination shall be shielded, downcast, and of a luminosity designed to maintain the existing night sky darkness and to prevent light trespass onto adjacent properties. In order to obtain that objective, the following criteria shall be met:

- a. All fixtures shall be full cut-off type fixtures;
- b. Light poles shall be no taller than 25 feet in height;
- c. All light poles must be setback a minimum of 10 feet from any exterior property line; and
- d. Maximum foot-candles at the property line shall be 0.5.

The zoning administrator may require a photometric lighting plan which shows conformity with these requirements as part of any building permit application.

14. **Noise.** In order to ensure that data centers do not contribute to noise pollution, all data centers shall be subject to the following standards:

- a. Data center operations shall not produce continuous sound that exceeds an average of 65 decibels over any 30-minute period from 8 AM to 6 PM, measured at any adjacent property boundary between the data center site and a residential property. Nor shall data center operations produce continuous sound that exceeds an average of 55 decibels over any 30-minute period from 6 PM to 8 AM, measured at any adjacent property boundary between the site and residential property. Violations of these sound levels may be prosecuted in the same manner as other zoning ordinance violations.
- b. After issuance of the Certificate of Occupancy for each data center building, the City may obtain sound studies or require the data center operator to provide a sound study to verify that the operation is in compliance with the requirements of paragraph (a) above. If a data center is found to be in violation of the requirements of paragraph (a) above, the

City may issue a notice of violation, which may direct that the data center take appropriate steps to operate within the requirements of paragraph (a) above. The zoning administrator may require the data center operator to propose a solution and a time period for implementation. If the zoning 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) for each day that the violation exists until full compliance is obtained. For a second offense, the fine will be increased to maximum allowed by the charter per day. The City reserves the right to abate a noise violation that is considered a nuisance by seeking an order in the Superior Court to suspend operations at the facility.

- c. Recognizing that a single noise standard may not adequately address all circumstances, if, after operation commences, the City receives noise complaints from citizens whose occupied dwelling are within 2000 feet of any facility, the City may request the facility to conduct additional sound studies to examine the noise complaints and suggest solutions or mitigation efforts. The City may also commission its own sound studies. The company shall make every effort to implement reasonable suggestions generated by these reports to mitigate substantiated noise nuisances.
- d. This requirement applies to both data centers and accessory power generation facility for data centers.
- e. The data center operator shall continue to bear the costs of any sound test or study required to monitor violations in paragraph (b).

15. Energy Efficiency, ENERGY STAR Benchmarking, and Reporting

a) Purpose.

The purpose of this section is to promote energy-efficient operation of data centers and to provide the City with objective and nationally recognized information regarding the energy performance of such facilities.

b) ENERGY STAR Benchmarking.

The owner or operator of each data center shall establish and maintain an account for the facility in the United States Environmental Protection Agency's ENERGY STAR Portfolio Manager, or any successor benchmarking program established by the EPA.

Beginning after the facility has accumulated twelve (12) complete calendar months of operating and energy-consumption data, the owner or operator shall annually benchmark the energy performance of the facility using ENERGY STAR Portfolio Manager.

c) Required Energy Monitoring.

The data center shall be designed, constructed, equipped, and operated with sufficient metering or submetering to permit the owner or operator to determine, to the extent required by the applicable ENERGY STAR methodology:

1. Total annual energy consumption of the data center facility;
2. Energy delivered to information technology equipment;
3. Power Usage Effectiveness ("PUE");
4. The facility's ENERGY STAR score, when the facility is eligible to receive such a score; and
5. Such other energy-performance information reasonably necessary to complete benchmarking through ENERGY STAR Portfolio Manager.

d. Annual Report to the City.

No later than ninety (90) days following completion of each calendar year for which sufficient operating data is available, the owner or operator shall submit an annual energy-performance report to the City Manager or designee.

The report shall include, at a minimum:

1. Total facility electricity consumption for the reporting year, expressed in kilowatt-hours (kWh) and megawatt-hours (MWh);
2. Peak electrical demand, expressed in megawatts (MW), if available;
3. Annual average PUE calculated in accordance with the methodology recognized by ENERGY STAR or another nationally recognized standard approved by the City;
4. The facility's ENERGY STAR score, if applicable and available;
5. The facility's ENERGY STAR certification status;
6. Documentation demonstrating that the facility has been benchmarked through ENERGY STAR Portfolio Manager; and
7. An explanation of any material change in PUE or ENERGY STAR performance from the preceding reporting year.

The City may make information submitted pursuant to this subsection available to the public to the extent required or permitted by applicable law.

e. ENERGY STAR Certification.

When a data center becomes eligible for ENERGY STAR certification under the standards established by the United States Environmental Protection Agency, the owner or operator shall make commercially reasonable efforts to obtain and maintain such certification.

Failure to obtain ENERGY STAR certification shall not, standing alone, constitute a violation of this section provided that the owner or operator continues to comply with the benchmarking, monitoring, and reporting requirements contained herein.

If certification is not obtained or maintained, the owner or operator shall identify in its annual report whether the facility was eligible for certification and, if eligible, provide a brief explanation of why certification was not obtained or maintained.

f. Energy-Efficiency Improvements.

If the annual report demonstrates a material decline in energy efficiency for two (2) consecutive reporting years, the City may require the owner or operator to provide a written energy-efficiency assessment identifying:

1. The principal causes of the decline;
2. Measures considered to improve energy efficiency;
3. Measures the owner or operator intends to implement, if any; and
4. An anticipated schedule for implementation.

Nothing in this subsection shall authorize the City to dictate the selection, configuration, or operation of information technology equipment or require disclosure of proprietary or confidential customer information.

g. Changes to Federal Standards.

References in this section to ENERGY STAR, ENERGY STAR Portfolio Manager, ENERGY STAR scores, PUE, or related methodologies shall mean the standards and methodologies then in effect and published by the United States Environmental Protection Agency or its successor agency.

If the ENERGY STAR program is discontinued, substantially modified, or no longer provides an applicable benchmarking methodology for data centers, the City may accept an equivalent nationally recognized energy-efficiency benchmarking standard upon recommendation of the City Manager or designee.

h. Verification.

Upon reasonable request by the City, the owner or operator shall provide documentation sufficient to substantiate the energy-performance information reported pursuant to this section. The City may require reported information to be verified by a qualified independent professional when the City has a reasonable basis to believe that submitted information is materially inaccurate.

i. Applicability.

The requirements of this section shall apply to all data centers subject to this ordinance, including subsequent expansions that materially increase the facility's electrical capacity.

SECTION 3. Article XVI is amended by adding a new subsection 16.1.8:

16.1.8 Conditional Use Permits approved by the Mayor and City Council should follow the intent of the site plan submitted in the application. Significant changes to the site plan shall be allowed only if an application to amend the zoning conditions is submitted to the Planning and Zoning Commission. Significant changes include the addition of new structures; increase in acreage of the proposed use; increase in the number of items such as chicken houses, solar panels, or dog kennels; or an increase in the size of proposed structures by greater than 25 percent. Incidental changes; such as change in location of a structure or driveway; or building additions less than 25 percent of the original size, can be approved administratively.

SECTION 4. EFFECTIVE DATE

This ordinance shall become effective immediately upon adoption by the City Council.

ADOPTED THIS ____ DAY OF _____, 2026

City of Euahlee, Georgia

Craig B. Guyton, Mayor

Carolyn T. Banks, City Clerk