

INDUSTRIAL DATA CENTER (D-C) DISTRICT CLASSIFICATION

SECTION 24-A

DATA CENTER ~~AND HIGH-DENSITY COMPUTING FACILITIES~~ ZONE

Section 24-A1. Purpose and Intent

This ordinance is adopted in accordance with and in furtherance of the Comprehensive Zoning Ordinance of Augusta Georgia and the Augusta Georgia Comprehensive Plan (Envision Augusta) in order to regulate the siting and land use impacts of Data Centers (D-Cs) ~~or High-Density Computing Facilities (HDCFs)~~ that promotes compatibility with surrounding land uses, protect public infrastructure, preserve agricultural land and natural resources, and reduce the risk of adverse impacts associated with the siting, construction, and operation of such facilities. Because D-Cs ~~or HDCFs~~ may involve substantial electrical demand, continuous equipment operation, cooling systems, and large-scale site improvements, these regulations are intended to ensure that such uses are considered only in appropriate locations and under standards addressing location, setbacks, site design, infrastructure coordination, resource protection, and site restoration. These regulations are further intended to support orderly development patterns and discourage scattered or incompatible industrial development.

Augusta anticipates all potential partners collaborating with Augusta in the development of a Community Benefits Agreement to support local initiatives to include but not limited to:

- o Long-term investment in local infrastructure.
- o Workforce development partnerships with Richmond County Schools.
- o Internship and career awareness programs for students.
- o Collaboration with local colleges and technical education partners.
- o Opportunities for local contractors and suppliers during construction and operations.
- o Continued environmental stewardship and compliance with all applicable federal, state, and local regulations.

Section 24-A2. Definitions

For purposes of this Section 24-A, the following terms shall be defined as follows. To the extent there is a conflict between these definitions and the General Definitions of Section 2, these definitions shall control.

Abatement. Any corrective action taken to reduce, mitigate, or eliminate an identified violation of this ordinance, including but not limited to operational adjustments, physical modifications, removal of violating materials or equipment, site restoration, or other corrective action authorized by law.

Accessory Use. A use or structure incidental and subordinate to the principal facility on the same parcel and serving a function customarily associated with the principal use.

Adjacent or Nonparticipating Parcel. A parcel that is not owned, leased, controlled, or otherwise subject to a written agreement with the Data Center ~~or High-Density Computing Facility~~ applicant, owner, or operator for purposes of siting, construction, operation, setback, access, or related project approval.

Augusta. Augusta, Georgia or the Augusta-Richmond County Board of Commissioners, as the context requires.

Closed-Loop Cooling System. A cooling system that recirculates coolant within a sealed system and does not rely on continuous withdrawal or discharge of groundwater or surface water during normal operation.

Data Center: A physical room, building, or facility that houses infrastructure for computer systems and services, servers, storage devices, and networking equipment used for the storage, processing, and transmission of digital data. This includes, but is not limited to, High-Density Computing Facility (HDCF), specialized data centers designed to house a massive amount of computing power in a compact physical space and requiring a high-density load services. Such facilities support like artificial intelligence (AI), machines learning (ML) and High-Performance Computing (HPC).

Data centers vary in size due to their use and proximity to the end data user(s). The proposed ordinance includes five (5) types of Data Centers based on size and energy needs:

- Accessory: Minor data centers shall only be permitted on parcels as an accessory use if under 2,000 square feet.
- Minor: A minor data center has an area of less than 20,000 square feet and does not have a substation.
- Medium: A medium data center has an area between 20,000 square feet and 99,999 square feet and may include a substation.
- Major: A major data center has an area between 100,000 square feet and 499,999 square feet and has a substation.
- Data Center Campus: A data center campus is a geographically contiguous development of one or multiple buildings built across one or multiple phases totaling at least 500,000 square feet.
- A structure or facility shall not be classified as a “data center” where the primary purpose of such facility is telecommunications services, including but not limited to, wireline, wireless, broadband, or network interconnection services; or, emergency communications infrastructure. Such facilities shall not be subject to the zoning, siting, or operational restrictions applicable to a data center.

Expansion or Modification. Any structural, mechanical, or electrical addition or alteration that increases total electrical service load, physical footprint, or operating noise beyond that authorized under the most recent zoning permit or Augusta Planning Commission approval.

Hydro-Cooling System. A closed-loop or water-based heat-exchange system used for temperature control of computing equipment.

~~Mapped Sensitive Area. A sensitive environmental, cultural, hydrologic, scenic, or geologic resource identified in Augusta, state, or federal mapping, records, or adopted plans, including but not limited to wetlands, floodplains, sinkholes, karst features, protected water resources, conservation areas, mapped burial mound or archaeological sensitivity areas, bluffs, scenic byway viewsheds, or other mapped natural resource areas.~~

Noise Level (dBA). Sound-pressure level measured with an A-weighted filter and slow-response time constant in accordance with ANSI S12.9 (Parts 1 & 3) and IEC 61672-1 (Type 1 sound-level meter) standards.

~~Occupied Structure. Any building or structure designed for or regularly used by humans for employment, assembly, education, worship, or shelter, whether permanent or seasonal.~~

Operator. The individual, company, partnership, corporation, or other legal entity that owns, leases, or controls the operation, maintenance, and regulatory compliance of a D-C ~~or HDCE~~.

Owner. The person, partnership, corporation, trust, or other legal entity holding title to the real property on which a D-C ~~or HDCE~~ is located, as recorded with the Clerk of the Superior Court of Richmond County.

~~Surface Water. Any water body located on the surface of the land, including rivers, streams, creeks, ponds, lakes, drainageways, wetlands and other waters regulated by the Georgia Department of Natural Resources (GDNR).~~

Utility Provider. The electric utility (including an investor-owned public utility, municipal utility, or electric cooperative) that is lawfully authorized to provide retail electric service to the subject property, or its designated agent, and that will supply primary electrical power to the D-C ~~or HDCE~~.

Utility Service Coordination Letter. Written documentation from the applicable Utility Provider, or other documentation acceptable to the Planning and Development Director or their Designee, confirming that the applicant has contacted the Utility Provider regarding the proposed D-C ~~or HDCE's~~ anticipated electrical service needs and identifying any known service extensions, upgrades, easements, substations, transmission or distribution improvements, or related utility infrastructure improvements necessary to serve the proposed use. ~~The letter is for land use and site feasibility review only and shall not be construed as an Augusta regulation of utility capacity, rates, service territory, interconnection requirements, or system operations.~~

Section 24-A3. Applicability and Zoning Districts

~~D-Cs and HDCFs require substantial electrical infrastructure, may generate continuous operational noise, and may utilize cooling systems that affect surrounding environmental conditions. To ensure compatibility with neighboring land uses, protection of natural resources, and public safety, this section establishes where such facilities may be considered within Augusta.~~

A. Prohibited Locations

D-Cs ~~and HDCFs~~ are prohibited in all Residential **and Agricultural** Zoning Districts except those specifically listed in Section 24-A3(B).

~~DCs and HDCFs are also prohibited within any area where industrial or commercial development is prohibited by applicable Augusta Ordinances, state, or federal law, regulation, easement, deed restriction, conservation restriction, or other legally binding land use limitation. Sites containing or affecting wetlands, conservation areas, protected natural resource areas, drainageways, flood-prone areas, karst features, bluffs, or other environmentally sensitive resources shall be subject to all applicable August Ordinances, state, and federal review and permitting requirements. Augusta Planning and Development Department shall require the applicant to identify such resources on the site plan and may require additional information or conditions where necessary to determine site suitability and prevent adverse land use impacts.~~

~~B. Allowable Locations~~ Permitted Locations.

The following type of Data Center use is limited to **ONLY** the designated zoning districts:

1. Accessory data center, as defined, and Minor data center in General Business zoning districts.

C. Uses permitted by Special Exception

All other uses shall be permitted **ONLY** by Special Exception in the underlying zoning districts and ~~D-Cs and HDCFs~~ may be considered **ONLY** upon approval by the Augusta Commission; ~~following a public hearing, within the following zoning district: HI Industrial District.~~

1. Accessory data center, Minor data center, Medium data centers, Major data centers, and Campus, data centers in Heavy Industrial (HI).
2. Accessory data centers and Minor data centers, as defined, in designated Mixed-use (MXU) zoning districts.
3. Medium data centers, not requiring substations or transmission line impacts in designated General Business (GB) zoning district.
4. Minor data center and medium data center in designated Light Industrial (LI) zoning district.

5. Major data center and data center campus in designated Heavy Industrial (HI) zoning district.
 - i. All permitted accessory uses in the underlying zoning district shall be permitted in the Data Center District.
 - ii. Accessory data centers shall only be permitted on parcels zoned Light Industrial (LI) and Heavy Industrial (HI) as an accessory use if data center remains under 2,000 square feet.
6. All D-Cs ~~and HDCFs~~, regardless of zoning district, shall comply with the enclosure and permanent construction requirements of Section 24-A13.

~~D. General Siting Requirements~~

- ~~1. Sites shall have feasible access to electrical and broadband infrastructure without requiring new service extensions through existing residential neighborhoods or environmentally sensitive areas. As part of siting feasibility, the applicant shall submit the Utility Service Coordination Letter or other acceptable documentation required by Section 24-A9(A), identifying the applicable Utility Provider and any known utility service extensions, upgrades, easements, substations, transformers, access routes, or related infrastructure improvements that may be necessary to serve the proposed use.~~
- ~~2. Sites shall provide safe, all-weather access for emergency response, utility, and service vehicles.~~
- ~~3. Facilities that cannot comply with the cooling and water use standards of Section 24A.7 without reliance on consumptive groundwater or surface water use shall be ineligible for approval. Any request for consideration of alternative cooling technology shall be reviewed only through the (Utilities) approval process and the limited exception provisions of Section 24-A7(B) and shall require written Findings of Fact.~~
- ~~4. Where a proposal involves conversion of existing cropland or pasture to industrial use, the applicant shall provide information as required by Section 24-A4(2). Conversion of existing cropland or pasture is a consideration for compatibility and land-use impacts; it is not, by itself, an approval or denial criterion.~~

Section 24-A4. Application and Review Process

A. Pre-Application Conference.

Before filing an application, the applicant shall meet with the Planning and Development ~~Director or Designee~~, Engineering Department ~~Director~~, Environmental Services, Utilities, ~~and~~ Public Health, ~~AEMA~~, and Building Official. ~~The purpose is to identify site constraints, coordinate utility and infrastructure needs, and confirm required submittals.~~

~~B. Application Submittal Requirements.~~

~~Applications for a DC or HDCF shall include, at minimum:~~

- ~~1. A current survey, site plan showing property boundaries, topography, drainageways, proposed structures, setbacks, utilities, emergency access, stormwater facilities, parking, and landscaping.~~
- ~~2. A brief summary of the disturbed area or acres proposed for disturbance. The applicant may include a short narrative on how the layout minimizes conversion where feasible.~~
- ~~3. Required studies, as applicable, including noise analysis, hydrogeologic/water evaluation, utility service coordination, stormwater and drainage information, traffic information, and backup power/fuel storage information, prepared in accordance with Sections 24-A6 through 24-A14 of this ordinance.~~
- ~~4. The Utility Service Coordination Letter or other acceptable documentation required by Section 24-A9(A).~~
- ~~5. A written operations plan describing anticipated hours of operation, staffing levels, maintenance activities, delivery schedules, site security, emergency shutdown procedures, generator use, backup power systems, expected truck traffic during operation, and the name and contact information for the responsible facility operator.~~
- ~~6. If the project is proposed to be constructed in phases, the applicant shall submit a phasing plan identifying the timing, location, electrical load, structures, equipment, impervious surface, utility improvements, and operational capacity of each phase. Any future phase, expansion, or increase in electrical load beyond that approved shall require review as an Expansion or Modification under this ordinance.~~
- ~~7. The applicant shall identify the location and general type of major utility infrastructure proposed to serve the facility, including transformers, substations, switchgear, utility yards, poles, underground routes, easements, service access routes, and related equipment areas, to the extent known at the time of application.~~
- ~~8. The applicant shall identify the proposed method of sanitary sewage disposal and potable water supply for the facility, including whether the facility will use an existing system, proposed private well, public or municipal water service, hauled water, or another lawful source. Any required Environmental, Board of Health or state agency review shall be coordinated under Section 24-8.~~
- ~~9. The applicant shall submit development plan, which includes stormwater, grading, drainage, and erosion control plan prepared by a qualified professional, identifying existing and proposed drainage patterns, impervious surface, stormwater facilities, erosion control measures, sediment control measures, and any required state or federal stormwater permits.~~

~~10. The applicant shall identify any proposed backup generators, fuel tanks, battery energy storage systems, diesel storage, propane storage, coolant storage, or other backup power systems, including general location, capacity, containment measures, noise impacts, air-emissions permitting status if applicable, and emergency response considerations. Nothing in this subsection authorizes a battery energy storage system except as otherwise allowed by the Augusta Fire Marshal, Utilities, and Engineering Department.~~

~~11. As part of the Emergency Access and Safety Coordination Plan, the applicant shall provide basic site safety information reasonably necessary for emergency response coordination, including access routes, gate or access control information, emergency contact information, general location of electrical disconnects or disconnects or isolation points, backup generators, fuel storage areas, battery systems if proposed, coolant or chemical storage areas, and any other site features that may affect emergency access or responder awareness. The plan shall be provided to the emergency response agency having jurisdiction for informational review and coordination purposes only. Nothing in this section shall be interpreted to require the Augusta Commission or any emergency response agency to approve building design, fire code compliance, utility-owned equipment, electrical systems, or any matter under the authority of the Fire Marshal or other agency having jurisdiction.~~

~~12. The applicant shall submit a list of known or anticipated local, state, and federal permits, licenses, registrations, approvals, or agency reviews required for the project, including but not limited to stormwater, water use, wastewater or discharge, air emissions, fuel storage, electrical, driveway or access, road use, or environmental permits. Augusta approval under this ordinance does not relieve the applicant of responsibility to obtain all other required approvals.~~

13. Public Notification (New 24-A3 (D))

- a. Notice of the public hearing shall be prepared and published by the Planning and Development Director or Designee in accordance with O.C.G.A. § 36-66-4(g).
- b. Mailed Notice: Pursuant to O.C.G.A. § 36-66-4(g), at least thirty (30) days prior to the required public hearing for variances, special exceptions, Amendments, or other similar permits not enumerated as a zoning decision, the Zoning Administrator shall cause a notice of hearing to be mailed to the owners whose property or interest is the subject of such hearing, as applicable.
- c. Courtesy Notice: Written notice of the petition shall be distributed to all property owners within three hundred (300) feet of the boundaries of the subject property, whichever is greater for any petition for Future Land Use Map Amendment, Rezoning, Special Exception, or Text Amendment.
- d. The petitioner shall distribute the Courtesy Notice in writing as prepared by Planning and Development of the petition to all property owners as follows:
 - i. Written notice of the petition to all adjoining property owners of the boundaries of the subject property and within three hundred (300) feet radius of the subject property lines.
 - ii. The notice shall contain the same information as the legal notice which is published in the newspaper as outlined in this Section 24-A14.

- iii. The distribution and cost of the courtesy notice shall be the responsibility of the petitioner.
 - iv. The petitioner shall obtain the names and mailing addresses of those to be notified from the Planning and Development Director or Designee. These names and mailing addresses will be provided directly from the Property Transfer Books and/or digital record files contained in the Richmond County Tax Assessor's Office. Only owners reflected on the records of the Tax Assessors as of the date of the application shall be entitled to notice. A copy of the names and addresses of these property owners that were provided to the petitioner shall be retained by the Planning and Development Director or Designee at the time the petition is filed.
 - v. The notices shall be sent to each property owner at least one (1) time and must be postmarked a minimum of at least fifteen (15) calendar days before the date of the public hearing. The mailing shall be sent via a letter by first class mail, with proof of mailing obtained from the Post Office. Proof of mailing means either a "Certificate of Mailing" or a "Certified Mail" receipt; a "Return Receipt" showing delivery is not required. No other form of mailing shall be acceptable.
 - vi. A copy of the materials provided to each property owner, a copy of all certified mailing receipts, and a signed and notarized Affidavit of Notice certifying the correctness of the mailing shall be provided to the Planning and Development Director or Designee a minimum of seven (7) business days prior to the date of the public hearing.
 - vii. Failure of delivery of mailed courtesy notice shall not invalidate the hearing or any action taken, provided published notice was properly given.
- e. Public Notice for Hearings before Quasi-Judicial Officers, Boards, or Agencies. All applications before quasi-judicial officers, board, or agencies as defined in O.C.G.A. 36-66-3(1.1), shall require a public hearing preceded by publication of publish a public hearing notice within a newspaper of general circulation in Augusta at least thirty (30) days prior to the date of the public hearing. Such notices shall include the application number, date, time, location, and purpose of the public hearing.

14. The required fee and any escrow for third-party review, as determined by the ~~Planning and Development Director or Designee.~~ (Augusta Board of Commissioners).

~~C. Completeness and Review Timeline.~~

1. ~~Within fifteen (15) business days of submittal, the Planning and Development Director or Designee shall determine whether the application is complete and notify the applicant of any deficiencies or confirm completeness.~~

2. ~~Upon acceptance as complete, applications eligible for Augusta Planning Commission review shall be scheduled for a public hearing no sooner than forty-five (45) days from acceptance to allow interdepartmental review, technical evaluation, public notice, and utility coordination.~~

3. ~~Decision Period.~~

~~a. No Rezoning Required. If the property is already zoned to allow DCs and HDCFs, Augusta Planning Commission shall act on the Special Exception within sixty (60) days after acceptance of a complete application, unless extended by mutual written agreement.~~

~~b. Rezoning Required. If rezoning is required, the rezoning request shall proceed in accordance with the applicable procedures and timelines of the Comprehensive Zoning Ordinance of Augusta Georgia, including any required referrals, reviews, and actions by other jurisdictions or agencies where applicable, following final action by Augusta on the rezoning request.~~

~~4. The sixty day (60) decision period is paused while (a) third party review is underway or (b) required documents from the applicant or Utility Provider are outstanding.~~

D. Third-Party Technical Review, (if applicable).

1. Augusta may retain one or more qualified independent professionals to review technical materials where specialized expertise beyond normal staff capacity is reasonably necessary.

All costs of third-party review, including professional fees and reasonable Augusta administrative costs associated with such review, shall be paid by the applicant to the Planning and Development , ~~reimbursed to Planning and Development upon invoice, or paid through an escrow or advance payment process established by Planning and Development.~~ Such costs shall not be borne by Augusta.

2. ~~Planning and Development Department may require an escrow deposit or advance payment in an amount reasonably estimated to cover third party review costs.~~ Review or processing of the application may be suspended if the payment is not timely made by the applicant.

~~E. Public Hearing.~~

~~All DC and HDCF Special Exception applications shall be heard by Augusta Commission following any required rezoning process and all notices and hearing requirements by state law or ordinance are satisfied.~~

~~F. Permit Conditions and Findings.~~

~~1. The Augusta Planning Commission shall impose such reasonable and necessary conditions as are needed to ensure compliance with this ordinance and to protect the public health, safety, and welfare.~~

~~2. All decisions shall include written Findings of Fact summarizing the evidence, conditions, and basis for approval or denial, with reference to the standards of O.C.G.A. § 36-66-4 where applicable.~~

~~3. In addition to the technical standards set forth in Sections 24-A5 through 24-A15, the Findings of Fact shall address, as applicable, compatibility with surrounding land uses, transportation and road impacts, utility service considerations, information regarding the conversion of cropland and pasture, and consistency with the Comprehensive Zoning Ordinance of Augusta Georgia and Comprehensive Plan.~~

~~G. Minimum Standards; No Guarantee of Approval.~~

~~Compliance with the minimum submittal, technical, dimensional, and operational standards of this ordinance does not, by itself, guarantee approval of a DC or HDCF. Applications subject to the applicable public hearing process, required Findings of Fact, site-specific review, consistency with the Comprehensive Zoning Ordinance of Augusta Georgia, and Comprehensive Plan, and consideration of public health, safety, welfare, infrastructure, compatibility, and natural resource impacts. The reviewing body may approve, approve with conditions, or deny an application based on the standards of this ordinance and the evidence in the record.~~

H. As-Built Documentation and Pre-Operation Certification.

Prior to commencement of full facility operations, the facility owner and operator shall submit as-built plans or certification from a licensed professional confirming that the facility was constructed in substantial compliance with the approved site plan, approved conditions, utility infrastructure plan, stormwater plan, emergency access plan, and other approved application materials.

I. Annual Compliance Certification.

By March 1 of each year, the facility owner and operator shall submit a brief annual certification to Planning and Development confirming that the facility remains in compliance with the approved Special Exception, approved site plan, approved operations plan, noise standards, cooling and water-use standards, emergency contact information, and all applicable conditions of approval. The certification shall identify any material changes in ownership, operation, electrical load, cooling technology, backup power systems, or site layout during the prior calendar year.

Section 24-A5. Setbacks and Separation Requirements

The following setbacks and separation requirements shall apply to all principal structures, equipment enclosures, cooling systems, generators, and associated infrastructure of a D-C ~~or~~ HDCF.

A. Where adjacent to property zoned HI or LI; no D-C ~~or~~ HDCF shall be located less than ~~100~~ 0-foot and 25-foot feet from the property line.

B. Where adjacent to property zoned for Residential use, Agricultural use, or with ground level

residential, a minimum 500-foot ~~(setback)~~ or wide buffer shall be required.

C. If a planted berm that provides a minimum visual screen that blocks the line of sight measured at the highest point at adjacent property lines and roads to the highest point on proposed structures in the development is proposed within the buffer along adjacent to a property or road frontages, the buffer may be reduced to 300 feet where adjacent to a property zoned for Residential use, Agricultural use, or with ground level Residential; and 100 feet where adjacent to local road frontages and other properties.

D. If a reduction is proposed, a visual survey showing line of sight to the highest point on proposed structures in the development and at adjacent property lines and roads shall be provided for review by the Engineering Department Director or their designee prior to final approval. Natural buffers may be utilized as well where warranted. The Planning Director or their designee shall determine if the ~~proposed development~~ ~~provided information~~ warrants a reduction in the buffer and provide the determination prior to issuance of a land disturbance permit.

E. All plantings on the berm shall be reviewed by the Engineering Department Director prior to the issuance of a land disturbance permit wherein the berm is constructed. No berm shall be constructed within 25 feet of the adjacent property line or road frontage and any stormwater runoff from said berm shall be directed away from adjacent properties.

~~F. Greater Setback May Be Required:~~

~~The Augusta Board of Zoning Appeals, Planning Commission, Augusta Utilities, or Engineering Division may require greater setbacks where site conditions, topography, facility design, cooling technology, water-use characteristics, or other site-specific factors indicate that additional distance requirement is necessary to protect public health, safety, and welfare, to achieve compliance with Section 24-A6 of this ordinance, or to prevent adverse impacts to groundwater, surface water, or hydrologically sensitive features.~~

~~G. Findings of Fact Required:~~

~~Any increase in the setbacks required by this section, or any additional site protection required under this section, shall be supported by written Findings of Fact referencing applicable studies, modeling, site conditions, agency guidance, or other information contained in the public record~~

~~H. Greater Standard Governs:~~

~~Where multiple setbacks or separation standards apply, the greater distance shall govern. Nothing in this section shall be interpreted to authorize a reduction of any required setback except through the applicable variance process under the Comprehensive Zoning Ordinance of Augusta Georgia.~~

I. Measurement.

Setbacks shall be measured from the property line ~~nearest DC or HDCF structure, equipment~~

~~enclosure, cooling system, generator, or associated infrastructure to the respective property line, occupied structure, cemetery, or environmental feature.~~ If more restrictive setback, buffer, or water-quality requirements are imposed by state or federal law, those requirements shall govern.

Section 24-A6. Noise Standards

The purpose of this section is to protect the health, comfort, and welfare of August residents from excessive noise associated with D-Cs ~~or HDCFs~~.

A. Noise Limits

1. Noise from any Data Center ~~or High-Density Computing Facility~~ shall not exceed a sound level at daytime (7:01 a.m. to 9:59 p.m.) continuous sound level of 65 dBA or a nighttime (10:00 p.m. to 7:00 a.m.) continuous sound level of 60 dBA, for any 15-minute measurement interval unless otherwise permitted.

~~1. six five decibels (65 dBA), measured at the property line of an adjacent parcel.~~

2. If testing identifies a distinct hum, tone, or other prominent low-frequency characteristic, the measured sound level shall be adjusted by ~~plus~~ (minus) five decibels (~~+5 dBA~~) (-5 dBA) for compliance evaluation purposes.

B. Noise Measurement Standards.

~~1. Noise measurements shall be conducted in accordance with the most current versions of ANSI S12.9 (Parts 1 and 3) and IEC 61672-1, or approved successor or equivalent standards providing equal or greater rigor, accuracy, and public protection.~~

Testing shall be performed using a Class 1 / Type 1 sound level meter capable of one-third-octave band analysis, or equivalent instrumentation under an approved successor or equivalent standard.

2. For permitting and compliance purposes, measurements shall be performed using a calibrated Type 1 sound level meter, configured to log and record one-third octave flat-weighted equivalent sound pressure levels, and A-weighted equivalent level (Leq), slow time weighting, with a 15-minute averaging interval. Measurements shall be made proximately to, but no closer than, 100 feet from an occupied residential structure or other designated sensitive receiver.

~~2. Measurements shall be taken over a representative operating period sufficient to capture typical facility conditions, including cyclical equipment operation, as determined by the qualified professional conducting the test.~~

3. ~~If a successor or equivalent standard is used, the testing professional shall provide a brief written statement explaining why the alternative standard is equivalent to or more conservative than the standards listed above.~~

C. Noise Testing, Reporting, and Corrective Action.

1. The facility owner and operator shall, at their sole expense, provide:

- a. a baseline ambient noise study completed prior to commencement of construction, documenting existing background sound conditions at representative locations; and
- b. a post-startup noise compliance test completed within sixty (60) days after commencement of full facility operations, or within such additional time approved by the Engineering Department Director or Designee, for good cause, demonstrating compliance with this ordinance under representative operating conditions.

2. Additional noise testing may be required by the Engineering Department Director or Designee in response to a complaint, following any Expansion or Modification, a documented violation, or when the Engineering Department Director or Designee reasonably determines that additional testing is necessary to investigate potential noncompliance.

3. Beginning on the third anniversary of commencement of full facility operations, and every three (3) years thereafter for so long as the facility operates, the facility owner and operator shall provide an updated noise compliance test at their sole expense.

Provided that if the Planning Department receives a minimum of 10 documented complaints regarding noise within a six (6) month period, the Planning Department Director may require the owner and operator to provide an updated noise compliance test, but no more frequently than once every one and half (1 ½ years).

4. All noise testing shall be conducted by an independent qualified professional experienced in environmental noise measurement.

5. All noise testing and reporting required under this section shall be at the sole expense of the facility owner and operator and shall not be borne by Augusta.

6. Noise study or sound test required under this ordinance shall be submitted to the Engineering Department Director or Designee, within ten (10) business days after testing. The report shall include, at a minimum, testing locations, dates and times, equipment and calibration information, standards used, facility operating conditions, and results sufficient to demonstrate compliance.

7. If noise exceeds the allowable limits, the facility owner and operator shall promptly implement corrective measures and, if necessary, suspend the offending equipment or operations until compliance is demonstrated by follow-up testing. Any follow-up report shall also be submitted to the Engineering Department Director or Designee.

Section 24-A7. Cooling Systems & Water Use

The purpose of this section is to address land use impacts associated with cooling systems and water use, including compatibility with surrounding properties, protection of groundwater and surface water resources, and site suitability for D-Cs or HDCFs. ~~This section is intended to establish land use standards and coordination requirements only. Nothing in this section shall be construed to supersede, duplicate, or replace the authority of the Georgia Department of Natural Resources or any other agency having jurisdiction over water withdrawal, discharge, wastewater, or related permitting requirements.~~

A. Required Cooling Technology

All D-Cs ~~or HDCFs~~ shall utilize air-cooled or closed-loop cooling systems. Open-loop, once-through, or water-consumptive cooling systems are prohibited, ~~unless an exception is approved by the Augusta Utilities Department.~~ This requirement applies to all primary and auxiliary cooling equipment serving computing, electrical, or energy storage components of the facility.

B. Limited Exception

~~Only the Augusta Utilities Department can grant alternative cooling technology. Any approval of an alternative cooling system shall require written Findings of Fact and may include conditions of approval.~~

The Augusta Planning Commission may consider alternative colling technology only if the applicant submits a certified engineering report demonstrating that the proposed system:

1. Does not withdraw groundwater or surface water.
2. Results in no net consumptive water loss.
3. Does not increase risk to aquifers, private wells, or hydrologically sensitive features.
- 4.4. Complies with all applicable Georgia Department of Natural Resources (GDNR) water-use and discharge requirements.

Any approval of an alternative colling system shall require written Finding of Fact and may include conditions of approval.

C. Spill Prevention and Containment

All coolants, lubricants, and water-treatment chemicals shall be stored in approved containers with secondary containment sufficient to prevent release to soil, groundwater, or surface water. Containment practices shall comply with all applicable local, state, and federal requirements, including applicable GDNR or EPA requirements, manufacturer specifications, permit conditions, and applicable fire, electrical, or industry standards.

D. Cooling Water Discharge and Disposal

Any discharge or disposal of cooling water, including water containing additives or treatment chemicals, shall comply with all applicable GDNR, federal, and other legal requirements. Where cooling-water discharge or disposal is proposed as part of facility operations, the applicant may be required to provide sufficient information to demonstrate that such discharge or disposal will be lawfully handled through the appropriate permitting or disposal pathway. Nothing in this subsection shall be interpreted to authorize discharge otherwise regulated by GDNR or other agencies having jurisdiction.

E. Closed-Loop System Verification at Start-Up

Prior to commencement of full facility operations, the facility owner and operator shall provide written verification from a licensed professional engineer or qualified cooling-system installer that:

1. All closed-loop cooling systems have been pressure-tested or otherwise inspected for leaks and system integrity.
2. Testing and inspection were conducted in accordance with manufacturer specifications and applicable industry standards; and
3. Any deficiencies identified during testing have been corrected and re-verified.

The Augusta Utility Department may require follow-up verification or inspection if there is credible evidence of leakage, system malfunction, or resulting impacts to neighboring land uses or environmental resources.

F. Annual Water Use Reporting

Unless the facility is connected to a municipal water-supply system, the facility owner and operator shall submit a simple annual water-use summary to Augusta Utilities, by March 1 of each year covering the prior calendar year of operations. The summary shall include, at a minimum:

1. Total water used during the reporting period, by source, including municipal supply, or hauled water.
2. A brief description of any changes to cooling equipment, cooling-system type, or water-use practices during the reporting period; and
3. A certification that the facility remains in compliance with the cooling-system and water-use requirements of this section.

Routine submission of this summary to state agencies is not required by this ordinance. Additional reporting may be requested by the Augusta Utilities Department, Planning and Development Director or Designee, or the Engineering Department Director, only if required by GDNR or if credible evidence of water-use conflicts with neighboring properties or environmental resources arises.

G. Compliance With Other Laws

Nothing in this section supersedes, duplicates, or limits the authority of the Georgia Department of Natural Resources or any other agency having jurisdiction. All facilities shall comply with Georgia Department of Natural Resources and all other applicable state and federal laws, permits, and regulatory requirements.

H. Water Source.

No private well may be used to provide water to the site or for cooling purposes.

I. Section 24-A8. Sanitary Facilities and Water Supply

This section serves as a coordination provision. Sanitary sewage disposal systems and potable water supply systems are governed by Augusta Utilities Department and the Richmond County Health Department, and applicable local and state agencies rather than independent zoning standards.

All sanitary sewage disposal systems and potable water supplies serving a D-C ~~or HDCF~~ shall comply with applicable Augusta Utilities Department, the Richmond County Department of Public Health regulations, and all applicable local, state, or federal requirements administered by the Georgia Department of Natural Resources, or any other agency having jurisdiction.

Where review or permitting by the Richmond County Department of Public Health Department or a local or state agency is required, the Planning and Development Director or Designee shall coordinate referral as part of the application review process. Approval under this ordinance does not relieve the facility owner, operator, applicant, or property owner of responsibility to obtain all required sanitary, wastewater, potable-water, water-system, or related permits and approvals.

Section 24-A9. Utility Coordination

A. Utility Service Coordination and Applicant Verification.

The applicant shall provide written documentation identifying the applicable electric Utility Provider for the subject property and confirming that the applicant has consulted with the Utility Provider regarding the proposed D-C ~~or HDCF~~, including the proposed maximum electrical service load and any known utility service extensions, upgrades, easements, substations, transmission/distribution improvements, or related site improvements that may be necessary to serve the proposed use.

The documentation may be provided in the form of a utility service availability letter, utility feasibility letter, service coordination letter, or other written confirmation acceptable to the Augusta Utilities (y) Department. ~~Proprietary, confidential, rate related, or contract terms may be redacted.~~

~~The purpose of this requirement is limited to land use review, site feasibility review, infrastructure coordination, emergency access and safety planning, and evaluation of potential site impacts. Nothing in this subsection shall be interpreted to require the Augusta Planning and Development Department to determine electric utility capacity, approve or deny electric service, regulate utility rates, regulate service territories, regulate interconnection requirements, require a Utility Provider to serve the facility, or interfere with matters governed by state or federal law.~~

Failure to provide the required documentation may result in the application being deemed incomplete.

B. Utility Connections, Infrastructure and Site Design

1. Reasonable efforts shall be made to place utility connections serving the D-C ~~or HDCF~~ underground where feasible based on soil conditions, topography, distance, and other site constraints.

2. Major utility equipment areas, transformers, switchgear, substations, easements, and service-access routes shall be shown on the approved site plan to the extent known and shall be located, screened, and accessed in a manner compatible with surrounding land uses and emergency-response needs.

Section 24-A10. Emergency Access, Safety Coordination and Hazard Containment

A. Emergency Access and Safety Coordination Plan

Prior to issuance of any zoning permit, the applicant shall submit an Emergency Access and Safety Coordination Plan consistent with the information required under Section 24-A(B)(12).

1. The plan shall demonstrate that the facility site layout provides safe, reliable, all-weather access for emergency-response, utility, and service vehicles and includes basic site-safety information reasonably necessary for emergency-response coordination.
2. The plan shall be provided to the Emergency Management Director for informational review and coordination purposes only. Nothing in this section shall be interpreted to require the Planning and Development Director or any Emergency Management Director to approve building design, fire-code compliance, utility-owned equipment, electrical systems, or any matter under the authority of the local or State Fire Marshal, Building Official, Engineering Department, Utilities Department, Utility Provider, or other agency having jurisdiction.
3. The plan shall be maintained on file with the Augusta Emergency Management Agency, Engineering Department, Augusta Utilities Department, and Planning and Development and updated as necessary to reflect material changes to site layout, access, gate or access-control information, emergency contact information, emergency electrical disconnects or isolation points, backup power systems, fuel storage areas, coolant or chemical storage areas, or other site features that may affect emergency access or responder awareness.

B. Emergency Contact and Access Updates

The facility owner and operator shall maintain current twenty-four-hour emergency contact information with the Augusta Emergency Management Agency or Designee. Any change in facility ownership, operation, emergency contact information, access-control information, or designated representative responsible shall be provided to the Augusta Emergency Management Agency ~~or Designee~~ and Planning and Development ~~Director or Designee~~, within ten (10) days.

C. Hazard Awareness and Containment

1. To reduce risks to surrounding land uses, public infrastructure, responders, and natural resources, on-site storage of coolants, fuels, lubricants, batteries, or other regulated liquids or chemicals shall be located and maintained so as to prevent spills, leaks, discharges, or uncontrolled releases to soil, groundwater, surface water, stormwater systems, or the atmosphere, as applicable under local, state, or federal law.
2. Secondary containment and release-prevention measures shall be provided where required by applicable law, permit, code, manufacturer specifications, or industry standards.

~~D. Emergency Signage~~

~~A sign visible at the primary access entrance shall identify the facility owner and/or operator and display a twenty-four-hour emergency contact phone number. Required signage shall be maintained in good condition for the life of the facility. Any change in facility ownership,~~

operation, or emergency contact information shall be updated on the required signage and in the Emergency Access and Safety Coordination Plan within ten (10) days.

Section 24 A11. Waste Management, E-Waste, and Regulated Materials

A. Purpose and Land Use Basis

This section is intended to address land use impacts associated with the on-site accumulation, storage, removal, recycling, and disposal of electronic waste, obsolete equipment, regulated materials, and similar materials associated with DCs or HDCFs. Such impacts may include site-safety concerns, contamination risk, visual blight, interference with site maintenance, and interference with site restoration. Nothing in this section is intended to supersede, duplicate, or replace the authority of the GDNR, the U.S. Environmental Protection Agency (EPA), the Local or State Fire Marshal, or any other agency having jurisdiction over environmental, waste-disposal, hazardous material, or code-compliance matters.

B. Waste Handling and Disposal

All solid waste, e-waste, hazardous materials, and regulated substances associated with a DC or HDCF shall be handled, stored, transported, and disposed of in compliance with all applicable local, state, and federal laws. Such materials shall not be accumulated on-site beyond reasonable operational needs.

C. Timely Removal

To prevent site safety concerns, visual blight, and interference with site restoration, e-waste and hazardous materials shall be stored and removed in compliance with all applicable local, state, and federal laws and shall not be accumulated on-site beyond reasonable operational needs. Temporary storage pending removal shall occur within approved structures or enclosures, or within approved containers designed for the material being stored and shall use appropriate containment measures where required by applicable law or standards.

D. Documentation

The facility owner and operator shall maintain disposal, recycling, transfer, manifest, or other records required by applicable local, state, or federal law, including GDNR or EPA requirements where applicable. To the extent such records exist or are legally required, they shall be retained for at least five (5) years or the period required by the applicable agency, whichever is longer, and shall be provided to the Planning and Development Director or Designee, upon request for purposes of verifying compliance with this ordinance or obligations. Routine submission is not required unless a compliance concern arises.

E. Compliance and Referral

Failure to comply with this section constitutes a zoning violation subject to enforcement under the Comprehensive Zoning Ordinance of Augusta Georgia. Augusta may refer suspected

~~environmental violations to the GDNR, the EPA, or other agencies having jurisdiction.~~

Section 24-A12. Screening, Fencing, and Lighting (24-A11)

A. Security Fencing

An eight-foot (8 ft.) security fence shall be installed and maintained around the perimeter of the D-C ~~or HDCF~~. Fencing shall be constructed of durable, non-reflective materials commonly used for substations, utility facilities, or similar secured infrastructure. All access points shall be secured with lockable gates designed to prevent unauthorized entry. Fencing shall be maintained in good condition for the life of the facility.

B. Visual Screening

Visual screening may be required by the Augusta Planning Commission where necessary to reduce visual impacts on nearby Occupied Structures or public roadways and to maintain compatibility with surrounding land uses. In determining whether screening is required, the Augusta Planning Commission may consider facility visibility, site conditions, topography, existing vegetation, and the relationship of the facility to nearby Occupied Structures and public roads.

1. Required screening may include architectural walls or panels, berms, landscaping with native or adaptive species, existing vegetation, or other comparable methods approved by the Board of Adjustment.
2. Loading bays, refuse and trash collection areas, service entrances, and similar service areas shall be located or screened to minimize visibility from public roads and nearby Occupied Structures.
3. Ground-mounted mechanical and electrical equipment, including but not limited to generators, transformers, cooling equipment, switchgear, and similar components, shall also be located or screened to minimize visibility from public roads and nearby Occupied Structures. Ground-mounted mechanical or electrical equipment and service yard areas shall not be located within any required building setback for the zoning district.
4. Screening requirements shall be site-specific and shall not interfere with sight-distance requirements, road safety, snow removal, or utility infrastructure.

C. Screening Maintenance

Any required screening shall be maintained for the life of the facility. Dead, damaged, or missing plant materials shall be replaced within the next appropriate growing season.

D. Exterior Lighting

All exterior lighting shall be designed to minimize glare, light trespass, and visual impacts on surrounding properties. Exterior lighting shall be fully shielded and downcast and shall be directed away from adjacent properties and public roadways. Lighting levels shall not exceed

0.2 foot-candles, measured at the property line. Motion sensors, timers, or other control technologies shall be used where feasible to minimize continuous illumination. Exterior lighting fixtures shall not exceed 3,000 Kelvin.

E. Reflective Materials

Reflective, mirrored, or high-gloss exterior finishes are prohibited on buildings, fencing, and equipment enclosures. Exterior materials shall utilize matte or low reflectivity finishes compatible with surrounding rural or industrial character.

F. Scenic Byway and Visual Resource Considerations.

Augusta recognizes the importance of protecting the visual character and scenic resources associated with designated state and national scenic byways. Where a proposed D-C ~~or HDCF~~ is located within the viewshed of such a corridor, the Augusta Planning Commission may consider visual impacts and may require reasonable conditions, including additional screening, lighting controls, site-layout modifications, and compatible exterior materials or finishes, to reduce adverse visual effects.

~~G. Site Maintenance~~

~~The facility owner and operator shall maintain the site in a clean and orderly condition for the life of the facility, including fencing, screening elements, lighting fixtures, and the grounds immediately surrounding structures.~~

H. Enforcement

Failure to maintain the site in compliance with this section or with approved plans shall constitute a zoning violation subject to enforcement under this ordinance. ~~All costs associated with installation, maintenance, replacement, and long-term upkeep required under this section shall be the responsibility of the facility owner and operator.~~

Section 24-A13. ~~Structural~~ Site Design Standards

A. Permanent Construction Required

All principal buildings and equipment enclosures associated with a D-C ~~or HDCF~~ shall be permanently constructed and supported by a concrete foundation or equivalent engineered foundation designed by a licensed professional engineer.

B. Building Height.

Building height for any data center shall not exceed seventy-five (75) feet in Light Industrial (LI) and Heavy Industrial (HI) zoning districts, which shall be measured from average finished grade (determined by averaging the elevations of the finished grade around the entire footprint of the structure) to the top of the highest roof beams on a flat roof, to the deck level

on a mansard roof, and to the average distance between the eaves and the ridge level for gable, hip, shed, and gambrel roofs.

Rooftop mechanical equipment, including but not limited to heating, air conditioning, ventilation, generators, and similar equipment shall not exceed a height of thirty (30) feet.

Data centers in other zoning districts shall comply with the height limit requirements of the relevant zoning district and/or overlay.

C. Enclosure Required for Computing Equipment

1. All servers, computer clusters, processors, data-processing equipment, cryptocurrency mining equipment, artificial-intelligence computing equipment, and similar computing equipment shall be located entirely within a fully enclosed, building.
2. Outdoor or partially enclosed placement of computing equipment is prohibited.
3. ~~This subsection does not prohibit~~ All exterior placement of permanently installed mechanical, electrical, cooling, generator, transformer, switchgear, fuel-storage, utility, or similar support equipment, provided such equipment must be is shown on the approved site plan and complies with all applicable setbacks, screening, noise, safety, containment, and other requirements of this ordinance.

D. Exterior Mechanical and Electrical Support Equipment

1. Accessory uses, such as: exterior mechanical, electrical, cooling, generator, transformer, switchgear, fuel-storage, utility, or similar support equipment shall be permanently installed, shown on the approved site plan, and maintained in good repair.
2. Such equipment shall not be placed on temporary skids, trailers, shipping containers, mobile storage units, or other non-permanent support except during construction, repair, emergency replacement, or other temporary activity approved by the Director of Planning and Development or ~~their~~ Designee.

E. Prohibited Structures

The following portable or non-permanent structures shall not be used as buildings, enclosures, or permanent support structures for computing equipment or associated support equipment of a D-C ~~or HDCF~~:

1. Cargo or shipping containers;
2. Railroad cars;
3. Semi-truck trailers;
4. Mobile or temporary storage units; or
5. Any other portable or non-permanent structure not designed for long-term building occupancy.

~~F. Structural Maintenance~~

~~All structures and equipment enclosures associated with a D-C or HDCF shall be maintained in good repair and free of deterioration, corrosion, or structural defects that could create safety~~

~~hazards, fire risk, or operational impacts. Failure to maintain structures in compliance with this section constitutes a zoning violation subject to enforcement under this ordinance.~~

G. Parking

Off-street parking for D-Cs ~~or HDCFs~~ shall be provided at a minimum ratio of one (1) parking space per two (2) employees on the maximum shift, plus one (1) parking space per company vehicle. If the principal use of the facility changes following Special Exception approval, the new use shall comply with all applicable parking and loading requirements for that use under the **Augusta** Comprehensive Zoning Ordinance.

Section 24-A15. Discontinuation and Abandonment

A. Purpose

To ensure D-Cs ~~or HDCFs~~ are dismantled, removed, and the site restored to a safe, stable, and environmentally sound condition when use is discontinued, abandoned, or a permit is revoked, and to ensure that site restoration costs are borne by the operator and property owner rather than the public.

B. Discontinuation / Abandonment

1. A D-C ~~or HDCF~~ is considered discontinued after one (1) year without active operations or other documented productive use authorized by the Special Exception, unless the operator submits a written plan to return the facility to service on a reasonable schedule. The operator shall provide written notice to the Planning and Development **Department** ~~Director or Designee~~, when the facility is permanently shut down or when operations will be suspended for an extended period.
2. The Planning and Development ~~Director or Designee~~ may determine discontinuation or abandonment based on inspection, operator information, or other reliable documentation.

C. **Decommissioning Deadline and Extension**

1. Following discontinuation or abandonment, the facility owner and operator shall complete site restoration within two hundred seventy (270) days in accordance with the approved Site Restoration Plan.
2. The facility owner and operator may request one extension of up to ninety (90) days, in writing, for good cause shown.

D. (Decommissioning Plan - Submitted with Special Exception**)**

1. At the time of Special Exception application, the applicant shall submit a Decommissioning Plan outlining how the facility will be removed and the site restored at the end of its service life or upon discontinuation/abandonment.

2. The plan shall be prepared and sealed by a professional engineer licensed in the State of Georgia.

3. At a minimum, the plan shall include:

- i) A step -by-step sequence for dismantling, removal, recycling, and disposal of buildings, equipment, foundations, wiring, conduits, fencing, lighting, impervious surfaces, and accessory facilities.
- ii) Site-restoration actions, including repair of disturbed areas, regrading as needed, and revegetation/ground cover.
- iii) An itemized cost estimate in current dollars for decommissioning and site restoration, excluding salvage value.
- iv) Identification of responsible parties and contractors.
- v) A description of how decommissioning will be carried out safely and in compliance with applicable laws.

E. Cost Estimate Review and Update

1. The decommissioning cost estimate is subject to Augusta Planning and Development Department review for completeness and reasonableness. At the applicant's sole expense, Augusta may retain an independent qualified professional to evaluate the estimate.

~~2.~~ At the sole expense of the facility owner and operator, jointly and severally, decommissioning cost estimate shall be reviewed and updated at least every ~~five~~ three years, or more often if required by the Augusta Planning and Development Department due to material changes in facility size or configuration.

~~F. Financial Assurance Required~~

~~1.~~ Prior to issuance of any land disturbance or building permit for construction, the facility owner and operator shall be jointly and severally responsible for providing and maintaining financial assurance in a form acceptable to Augusta to guarantee decommissioning, site restoration, and compliance with this section. The amount of financial assurance shall be based on the approved decommissioning cost estimate, as reviewed and accepted by Augusta, and shall be kept current and in effect for the life of the facility until released in writing by Augusta following satisfactory completion of decommissioning and restoration.

~~2.~~ Financial assurance shall be issued by a surety or financial institution authorized to do business in Georgia and shall name Augusta as beneficiary/obligee as appropriate.

~~3.~~ Financial assurance shall remain in effect until Augusta confirms in writing that decommissioning and site restoration are complete. Failure to maintain required financial assurance is a zoning violation and a breach of Special Exception.

G.F. Responsibility; Property Owner Acknowledgement

Prior to final Special Exception approval and prior to issuance of any land disturbance or

building permit for commencement of construction, the property owner of record shall either be applicant, a co-applicant or, together with the facility operator, shall execute and provide to Augusta written acknowledgment, in a form approved by the Augusta Commission a, and shall provide a written acknowledgment, approved by the Augusta Commission confirming their understanding of an agreement to comply with the decommissioning, restoration, maintenance, and enforcement of this ordinance.

The acknowledgment shall include, at a minimum:

1. The legal description of the subject property and parcel identification number;
2. The name and address of the record property owner;
3. The name and address of the facility operator, if different from the owner;
4. Reference to the approved Special Exception by case number and date of approval, if applicable.
5. A statement that the facility owner and operator are jointly and severally responsible for compliance with the requirements of this ordinance, including restoration obligations.
6. A statement that such obligations shall be binding upon the owner, operator, and their respective heirs, successors, assigns, lessees, transferees, and any other party acquiring an ownership or operational interest in the facility or subject property.
7. A statement that zoning approval does not relieve the owner or operator from compliance with any other applicable local, state, or federal requirements.
8. Augusta may require that this acknowledgment, or a memorandum of it in recordable form, be recorded against the subject property with the Clerk of the Superior Court of Richmond County, Georgia, so as to provide notice to successors and assigns. A recorded copy shall be provided to Planning and Development, before any zoning or building permit is issued. Failure to record and provide proof of recording as required by this section constitutes a zoning violation and shall be grounds for withholding or revoking permits issued under this ordinance.
9. Private lease terms or contractual arrangements between the owner and operator do not limit the Augusta's authority to enforce this ordinance.

H.G. Remedy on Default; Cost Recovery

1. If the operator fails to complete restoration on time, Planning and Development may issue a written Notice of Default stating the basis for noncompliance and providing a reasonable cure period, not to exceed thirty (30) days, unless a shorter period is needed to address an imminent threat to health, safety, or the environment.

2. After the cure period (or sooner, if necessary to address an imminent threat), Augusta may take enforcement action and may cause site restoration to be completed by contractors selected by Augusta.

~~3. Augusta may draw on the financial assurance in an amount sufficient to pay all reasonable costs incurred to complete decommissioning and restoration, including contractor costs, administrative costs, engineering and inspection services, and legal expenses. Augusta's Planning and Development determination of default and documentation of costs shall be~~

~~sufficient basis for a claim against the financial assurance.~~

~~4. If Augusta's costs exceed the available financial assurance, the operator and property owner of record may be held responsible for any unpaid balance to the extent permitted by law.~~

~~3. The Operator and property owner of record may be held responsible for any unpaid balance.~~

5.4. Where authorized by Georgia law, Augusta may pursue recovery of eligible costs through liens, special assessments, or tax-recovery procedures.

I. Documentation of Completion

Upon completion of site restoration, the facility owner and operator shall submit a final report prepared by a qualified professional certifying that work was completed in accordance with the approved plan. The Engineering Department, Environmental Services, Planning and Development Department, Augusta Utilities Department, Georgia Environmental Protection Department, and Fire Marshal shall inspect the site before releasing financial assurance, if applicable.

J. Site Restoration

Unless otherwise approved as part of a reuse plan, site restoration shall include:

1. Removal of exterior D-C ~~or HDCF~~-specific equipment and appurtenances, including exterior equipment yards, standalone cooling equipment, generators, transformers not needed for a subsequent permitted use, above-ground tanks, and security fencing that is no longer needed.
2. Restoration of disturbed areas not needed for a subsequent permitted use, including removal of unused gravel laydown areas, stabilization of soil, and reseeded or other vegetative cover consistent with surrounding land uses.
3. Removal or mitigation of foundations, pads, or below-grade structures that create safety hazards, impede agricultural use, or are inconsistent with the approved site restoration- land use.

K. Interior Equipment and Materials

Interior computing equipment and associated materials shall be de-energized and managed in compliance with all applicable e-waste, solid-waste, and hazardous-waste laws and regulations, including Georgia Hazardous Waste Management O.C.G.A. 12-8-60, and any applicable state or federal requirements.

Nothing in this ordinance shall be construed to prohibit reuse of a structurally sound, code-compliant building shell and foundation for other permitted industrial, commercial, or agricultural uses, provided all hazardous materials and regulated equipment are removed or managed in compliance with applicable law and any approved reuse plan.

L. Reuse of Buildings

The Augusta Planning Commission may approve a site restoration plan that retains a building shell and associated foundations when a subsequent permitted use has been identified or is reasonably foreseeable, and when retention is consistent with public safety, building and fire codes, and surrounding land use compatibility.

Section 24-A16. Enforcement and Penalties

A. General Authority

The Director of Planning and Development or Designee, is authorized to administer and enforce this ordinance pursuant to the **Augusta** Comprehensive Zoning Ordinance ~~of Georgia~~ and O.C.G.A. §36-66-2.

B. Responsibility

The facility owner and operator shall be jointly and severally responsible for compliance with this ordinance, all conditions of approval, all approved plans and submissions, and all obligations relating to construction, operation, maintenance, site restoration, and enforcement of the facility.

No transfer of ownership, operational control, leasehold interest, or other interest in the facility or subject property shall relieve the owner or operator of any responsibility under this ordinance unless and until such transfer is approved in writing by Planning and Development as required by this ordinance.

Private agreements between the owner, operator, lessee, contractor, or any other party shall not limit or impair the Planning and Development Director or Designee's authority to enforce this ordinance against any responsible party.

C. Violations and Procedures

1. When the Planning and Development Director or Designee determines that a violation of this ordinance, an approved permit, a condition of approval, or an approved plan or submission has occurred, the Planning and Development Director or Designee shall issue a written Notice of Violation to the facility owner and operator and shall copy the property owner of record. The notice shall identify the nature of the violation, the corrective action required, and the deadline for compliance.

2. If the violation is not corrected within the time specified in the Notice of Violation, Director of Planning and Development or Designee may pursue one or more of the following remedies, as authorized by law and the Comprehensive Zoning Ordinance of Augusta Georgia:

- a. Civil citations and fines as provided by the Augusta code;
- b. Initiation of suspension or revocation proceedings for Augusta approval or zoning permit, as applicable and as authorized by law;
- c. Initiation of civil abatement or nuisance proceedings under the Comprehensive

Ordinances of Augusta Georgia, or other applicable law; and
d. Recovery of County costs as provided in this ordinance.

3. Where a D-C ~~or HDCF~~ is operating in a manner that poses an imminent and documented threat to public health or safety, neighboring property, public infrastructure, or natural resources (including but not limited to uncontrolled hazardous-material release, fire or explosion risk, or repeated operation in violation of enforceable noise limits after notice and opportunity to cure) the Augusta may seek immediate temporary injunctive relief or other lawful relief in a court of competent jurisdiction, or may pursue any temporary suspension mechanism. ~~otherwise authorized by Georgia law.~~

D. Abatement and Cost Recovery

If the facility owner and operator fail to timely remedy a violation or to complete required site restoration, Augusta may, after notice and opportunity to cure as provided by this ordinance, enter the property and take such actions as are reasonably necessary to perform abatement, or site restoration.

The facility owner and operator shall be jointly and severally responsible for all reasonable costs incurred by Augusta in connection with such work, including but not limited to administrative costs, contractor costs, engineering or consultant review, inspection costs, recording costs, legal expenses, and site restoration costs.

Augusta may recover such costs through any financial assurance required by this ordinance and may pursue any other remedy authorized by law, including lien procedures ~~under Georgia law~~, if applicable.

E. Continuing Violations

Each day that a violation continues after the deadline for correction stated in a Notice of Violation, or after any extended deadline approved by Planning and Development, shall constitute a separate violation. Civil penalties may be assessed for each day of continuing violation as provided by Augusta code and the Planning and Development Comprehensive Ordinances Schedule of Fines and Fees.

F. Coordination with Other Authorities

Nothing in this ordinance limits the authority of Augusta to refer matters to the Georgia Department of Natural Resources, the State Fire Marshal and Augusta Fire Marshal, the Engineering Department, the Augusta Utilities Department, the Richmond County Health Department, law enforcement, or any other local, state, or federal agency having jurisdiction over the matter. Referral to another agency does not preclude Augusta from also pursuing enforcement under this ordinance.

Section 24-A17. Miscellaneous Provisions

A. Non-Transferability

Any Special Exception or zoning permit issued under this ordinance is specific to the approved applicant, owner, operator, and project site, and shall not be transferred or assigned without prior written approval by Augusta, where required under the Augusta Comprehensive Zoning Ordinance of Georgia.

B. Conflict of Regulations

This ordinance shall be applied in coordination with other applicable federal, state, and local requirements. Where a conflict exists, the controlling authority shall govern.

C. Severability

If any section, clause, or provision of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance.

D. Periodic Review

Augusta shall review this ordinance and amend as needed, to ensure continued alignment with evolving technologies, public infrastructure considerations, and applicable state and federal requirements.

E. Referenced Standards

Any reference in this ordinance to a statute, administrative rule, or technical standard—including but not limited to the Official Code of Georgia, NFPA, ANSI, IEC, or GDNR rules—shall mean the version in effect at the time of application, unless a specific edition or date is expressly stated. Where a successor or equivalent standard exists, Augusta may accept compliance with the successor/equivalent standard upon a determination that it provides equal or greater protection and enforceability.

F. Owner and Operator Responsibility for Costs

Unless otherwise expressly provided in this ordinance, all costs associated with application preparation, technical studies, design, installation, utility extensions or upgrades, testing, monitoring, reporting, maintenance, remediation, site restoration, and compliance with this ordinance shall be the responsibility of the facility owner and operator, jointly and severally, and shall not be borne by Augusta.

G. Conditions of Approval; More Restrictive Standard Controls.

Where a condition of approval, approved site plan, approved study, recorded agreement, agency requirement, or other applicable law imposes a more restrictive requirement than this ordinance, the more restrictive requirement shall govern.

H. Other Permits, Approvals, and Private Obligations.

Approval under this ordinance does not relieve the facility owner, operator, applicant, or property owner from obtaining any other required local, state, or federal permits, licenses, registrations, approvals, inspections, or authorizations. Approval under this ordinance also does not relieve the owner or operator from compliance with private covenants, easements, lease terms, deed restrictions, utility agreements, or other private obligations applicable to the property.

I. Public Records and Confidential Information.

Application materials, studies, reports, plans, correspondence, and approvals submitted under this ordinance may be subject to Georgia public records laws. If an applicant believes any submitted material is confidential or protected from disclosure, the applicant shall clearly identify the specific material and the legal basis for the claimed protection at the time of submittal. Augusta does not guarantee confidential treatment of submitted materials except as required or allowed by law.

J. No Warranty or Assumption of Liability.

Approval under this ordinance shall not be construed as a warranty or representation by Augusta that the facility is safe, suitable, profitable, properly engineered, compliant with private agreements, or compliant with all non-zoning laws. The facility owner and operator remain solely responsible for design, construction, operation, maintenance, compliance, site restoration, and all costs and liabilities associated with the facility.