Data Centers Ordinance - Draft

ARTICLE II

2.1 DEFINITIONS

- **Carbon Usage Effectiveness (CUE)** means $\frac{\text{Total } CO_2 \text{ emissions (kg)}}{\text{IT energy consumed (kWh)}}$
- **Commission** means the Georgetown – Scott County Planning Commission.
- **Community Benefits Agreement** means contract that ensures local communities receive tangible benefits, such as job creation and infrastructure improvements, in exchange for hosting these facilities.
- **Data** means any information, whether digital, electronic, optical or quantum, that can be collected, stored, processed, or transmitted.
- **Data Center** means a facility used primarily for the storage, management, processing, or transmission of data and includes, but is not limited to, buildings designed to accommodate computer servers, storage systems, or specialized computing hardware. A Data Center includes a Data Center principal use/structure, any Data Center accessory use/structure, and Data Center energy system. Examples of these facilities and uses include (but are not limited to) crypto processing, commercial cryptocurrency mining (bitcoin mining), and artificial intelligence training and/or processing. Data Centers are not facilities designed to facilitate the ordinary or incidental use of cloud-based computing, data storage, software, or other information technology services by a business, government entity, or organization.
- **Data Center Principal Use/Structure** means any structure or building that is used primarily for the storage, management, processing, or transmission of data which includes, but not limited to, any building designed or used to accommodate and house computer servers, storage systems, or specialized computing hardware.
- **Data Center Accessory Use/Structure** means any structure or building that supports the operation of a Data Center, is located on the same tract or assemblage of adjacent parcels and is developed either as a unified development of or in further support of a Data Center. The category includes but is not limited to administrative, logistical, fiber optic, storage, and security buildings or structures; air handlers; process water and non-contact cooling water and wastewater management and treatment facilities; water holding facilities; pump stations; water towers; environmental controls (e.g., air conditioning or cooling towers, fire suppression, and related equipment), water cooling and storage facilities, security features, and any other associated electric, gas, water, wastewater, and stormwater infrastructure to support operations at the property.

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- **Data Center Energy Systems** means energy generation and storage systems, including electrical generators or engines, electric substations, back-up power generators, battery energy storage systems (BESS), used or intended to be used as sources of electrical power during normal operations, or as back-up temporary power when the main source of power is interrupted; electric transmission and distribution lines; and pipelines. The category shall not include utility service facilities exempted under KRS 100.324. Information concerning such utility service facilities to be sited or extended on private property in support of a Data Center shall be provided to the Planning Administrator as part of any application.
- **Data Processing** means the conversion of raw, unorganized data into meaningful, usable information through a structured sequence ofoperations, including collection, preparation, transformation and storage. Data processing does not include crypto processing, commercial cryptocurrency mining (bitcoin mining), artificial intelligence training and/or processing, and other similar uses.
- **Farmland of Statewide Importance** means a map unit identified by the Natural Resources Conservation Service identifying soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods.
- **Noise level** means the maximum sound pressure level measured in both A-weighted decibels (dBA) and C-weighted decibels (dBC) at the property line.
- **Power Unit Effectiveness (PUE)** means $\frac{\text{Total Facility Energy (kWh)}}{\text{IT Energy (kWh)}}$ when both units are measured over the same period.
- **Prime Farmland** means a map unit identified by the Natural Resources Conservation Service of the United States Department of Agriculture as having the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses.
- **Waste Heat** means heat generated as a byproduct of data center operations
- **Water Unit Effectiveness (WUE)** means $\frac{\text{Water Consumed (L)}}{\text{Energy Consumed (kWh)}}$ when both units are measured over the same period.

2.5 SPECIFIC USE REGULATIONS

2.5.XX DATA CENTER ORDINANCE

1. **Purpose**
    a. This ordinance shall facilitate appropriate location, development, construction, installation, and decommissioning of Data Centers in unincorporated Scott County in

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a predictable manner that promotes and protects the safety, health, and welfare of the community.

b. This Ordinance and the standards and requirements established herein are intended to define and regulate Data Centers in order to minimize impact on adjacent and surrounding properties; to ensure compatibility with other adjacent and surrounding land uses; to protect environmental resources, and to assure that the correlative rights of landowners and lessors owning or leasing and hosting Data Centers are balanced with those of neighboring land and communities; and to assure that the location, construction, operation, and decommissioning of Data Centers are undertaken in a manner that integrates the use into the surrounding built and natural environment.

c. The appropriate location, construction, and operation of Data Centers considers, avoids to the extent possible, minimizes, and mitigates any unavoidable adverse impacts to residential properties; neighborhoods; commercial areas; community and institutional buildings; land, air, and water resources; prime and productive agricultural lands; forests and woodlands; threatened and endangered species and critical habitat; and historic, natural, and sensitive lands. Standards and planning requirements are established to ensure that the use and enjoyment of lands located adjacent to and in the proximity of the Data Centers are fully safeguarded.

d. The requirements of this Ordinance are intended to be supplemental to any safety, health, or environmental requirements of federal, state, or local laws, and regulations.

2. Applicability

a. Data Centers are a defined land use in the Georgetown – Scott County Zoning Ordinance. This article applies to the siting, development, and construction of any new Data Centers after the effective date of this ordinance.

b. These standards apply to all developments that meet such a definition in unincorporated Scott County.

3. Permitted Uses

a. A Data Center shall only be allowed in the I-2 Heavy Industrial Zoning District designed for such use and as a conditional use upon:

i. Application for a zoning map amendment to reclassify the property on which the Data Center will be located as “I-2 Heavy Industrial” and

ii. Issuance of a Conditional Use Permit by the Board of Adjustment and

iii. Approval of both a preliminary and final development plan by the Commission and

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iv. A Community Benefits Agreement between the developer and County that shall contain, at a minimum, sections detailing the following

1. The hiring of local workers/contractors during the construction phase of development
2. Any funding for community projects
3. Any enhancements to local public infrastructure

4. General Requirements Relating to Location of Data Centers

a. No Data Center shall be located:

i. On a parcel smaller than 50 acres.

ii. On lands with slopes over 20% or which are prone to flooding, or soil, or geologic instability.

iii. Where the disposal or release of any hazardous substance, pollutant, or contaminant from a Data Center could affect karst terrain.

iv. Where the structure or facility will restrict the flow of a 100-year flood, reduce the temporary storage capacity of the floodplain, or be placed in a manner likely to increase flood frequency, velocity, or heights so as to pose a risk or hazard to human health, property, wildlife, or land or water resources.

v. In wetlands or within 50 feet of the boundary of any wetland.

vi. On parcels containing more than 0% prime farmland, or farmland of state importance.

vii. Where such facilities may cause or contribute to the taking of a threatened or endangered species or adversely affect critical habitat.

viii. South of the Georgetown Southern Greenbelt Reserve Area as defined and identified in the 2024 (or most recently adopted) Comprehensive Plan.

ix. Within 1,500 feet from all schools, childcare facilities, religious assembly facilities, public parks, or public recreational facilities

5. General Requirements Applicable to Data Centers

These standards apply to all Data Centers.

a. **Setbacks:** Data Center principal, accessory, and energy systems structures or facilities, smokestacks, and emission points, other than transmission and distribution powerlines, pipelines delivering electricity or natural gas to the property, other utility lines, and ingress/egress for road and rail traffic, shall be located:

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i. At least 500 feet from all outer perimeter property lines of the Data Center regardless of the zoning classification of the adjacent property. These setbacks shall not apply to property lines that are interior to a Data Center site.

ii. At least 1500 feet from the boundary of any Residential, Commercial, or Agricultural District.

iii. Any emission point or exhaust stack from a data center energy system whether for primary or backup power, shall be required to be at least one thousand (1,000) feet from the property boundary of any adjacent property and two thousand (2,000) feet from any Sensitive Use or the boundary of any Residential, Commercial or Agricultural District.

iv. Where necessary to comply with the noise limits provided in Subsection H of this Section at the exterior perimeter property boundary, due to site configuration, topography, and projected equipment noise, the Commission may require greater setback distance.

b. **Structure Height, Lot Coverage, And Impervious Surface**

i. Maximum Building Height, Lot Coverage, and Impervious Surface shall be defined by the standards applicable to the I-2 Heavy Industrial zoning classification or under general design standards.

c. **Design Standards**: A Data Center shall be designed and constructed with these considerations.

i. All principal and accessory structures and energy systems associated with a Data Center shall be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties. In general, Data Centers that visually approximate commercial office buildings are encouraged. Data Center Accessory Use(s)/Structure(s) shall be located to the side or rear of the Data Center Principal Structure.

ii. Buildings shall be sited and oriented to minimize visual impacts of the bulk of the building when examined on a line-of-sight basis from adjacent public streets.

iii. Provide safe and convenient vehicular access to the site, including sufficient on-site queuing areas at security gates and delivery, loading/unloading, and staging areas.

iv. Accommodate adequate parking at a minimum of one (1) space per employee on the largest shift and three (3) visitor spaces.

v. Incorporate appropriate erosion control/stormwater management practices.

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vi. House the equipment used in any Data Center in a metered, electrically grounded, and pre-engineered metal-encased structure with a fire rating designed to resist an internal electrical fire for at least thirty (30) minutes. The containment space shall contain baffles that automatically close in the event of fire, independent of a possible electric system failure.

vii. All building façades that face existing and/or planned public roads or face property zoned for residential use shall include these design features:

1. A change in façade surface to include building material, pattern, texture, color, accent materials at least every 150 horizontal linear feet.
2. Windows, doors, or similar fenestration, i.e. faux windows which shall be distributed both horizontally and vertically and comprise at least 30% of the façades.
3. At least one main entrance that projects or is recessed from the main building plane and is differentiated from the remainder of the building façade by a change in building material.
4. The main entrance of the building shall incorporate plantings a minimum of 50% of the length of the façade that must include a mix of evergreens, deciduous shrubs, grasses, or ferns. These plantings are in addition to any required buffers or landscaping requirements.
5. All loading and unloading areas, including overhead doors, shall be oriented towards the side or rear property lines away from public roadways. Loading docks are not permitted in the front or street side yards and shall not be oriented towards the front property line.
6. Varied materials, colors, and textures, particularly earthtones, are encouraged to create a high-quality and non-obtrusive design.

viii. All buildings must be constructed to minimize glare or reflection on adjacent properties and roadways and shall use appropriate textured glass, antireflective coating, and screening. Data Center equipment may be ground mounted or roof top mounted.

ix. All ground mounted equipment, including generators, fuel storage tanks, and utility substations, are prohibited from the front yard. Ground mounted equipment shall be located on a side farthest from any type of residential zone use and are not permitted adjacent to any property with a Zoning District permitting residential use, an existing residential development, or residentially used property.

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d. **Emergency Contact Information.**

i. Each Data Center shall provide 24-hour emergency contact signage visible at each access entrance. Signs shall include the company name (if applicable), the owner, operator, and/or representative's name, the telephone number, and the corresponding local power company's name and telephone number.

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e. **Lighting**

i. For the lighting of horizontal surfaces, such as, but not limited to, parking areas, roadways, vehicular and pedestrian passage areas, loading docks, building entrances, sidewalks, bicycle paths, and site entrances, luminaires shall be aimed down, and shall meet Illuminating Engineering Society of North America (IESNA) full cut-off/fully shielded criteria.

ii. For the lighting of non-horizontal surfaces, such as, but not limited to, facades, landscaping, and signs, luminaires shall be shielded and shall be installed and aimed to not project their output into the windows of neighboring residences, adjacent uses, past the object being illuminated, skyward, or onto a public roadway.

iii. The illumination measured line-of-sight and from any point on any external perimeter property line shall at no time exceed 0.1 footcandle.

iv. Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily using such means as cutoff luminaires, shields and baffles, and appropriate application of luminaire mounting height, wattage, aiming angle, and luminaire placement.

v. Luminaires shall not be mounted more than 20 feet above the finished grade of the surface being illuminated. No pole-mounted lighting on the roof shall be permitted.

vi. Lighting for parking areas and vehicular traffic ways shall be automatically extinguished nightly within ½ hour of the close of the facility. When after-hours site safety/security lighting is proposed, such lighting shall not exceed 25% of the number of fixtures required or permitted for illumination during regular business hours. Where there is reduced but continued onsite activity throughout the night that requires site-wide even illumination, the use of dimming circuitry to lower illumination levels by at least 50% after 11 PM or after regular business hours, whichever is earlier, or the use of motion sensor control, shall be permitted.

f. **Buffering/Screening/Landscaping**

i. The setback area required under Section 5 A. of this Ordinance shall serve as a buffer zone between the Data Center and the outer property boundary.

ii. No Data Center structures or facilities may be constructed within the setback areas, provided that within the first hundred feet of the setback area measured from the outer perimeter of the Data Center at the beginning of the

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setback area, parking areas may be constructed and interior surface roads may be located.

iii. Any parking or roads constructed within the setback areas shall be bermed and vegetated to shield off-site areas from glare and other visual impacts associated with the interior vehicular travel and parking. Any landscape buffer shall include an earthen berm with a minimum height of eight (8) feet and a grade no steeper than 2:1.

iv. Except as provided in subsections 2 and 3, no impervious surface is permitted within any landscape buffer except for access roads and sidewalks.

v. All Data Center accessory structures and buildings and Data Center Energy Systems shall be fully screened on all sides from all existing and planned public roads as well as adjoining properties, utilizing a mixture of screening materials, berms, and landscaping. Screening can be accomplished using any combination of existing vegetation, a newly planted vegetative screen, fence, screen wall, panel, parapet wall, or other opaque screen. Screening is not required where the principal building itself serves to effectively screen an accessory structure or building or energy system from adjacent roads and properties. A species of trees or shrubs shall be used that ensures visibility through the screening is blocked by at least eighty (80) percent throughout the entire year. The effective screening height of the trees or shrubs shall be at least four (4) feet in height at the time of planting. The landscape buffer shall be a minimum of twenty-five (25) feet in width and may be part of the minimum setback area.

vi. Plantings shall be provided in the setback area, as screening, at the main entrance of any Data Center primary building, in parking lots, and along the façade of the proposed Data Center.

vii. The owner and operator of any Data Center shall have an affirmative and continuing duty to ensure that all buffering/screening standards and requirements are maintained on an ongoing basis.

g. **Perimeter Security Fencing**: Fencing may be considered for security purposes but is not needed for land use compatibility if appropriate and effective screening, buffering, and landscaping are provided.

i. Fences shall not exceed ten (10) feet in height above ground.

ii. Chain-link, slatted-insert, and barbed or razor wire fencing is not allowed along public streets or external perimeter property lines.

iii. Permitted fence materials include aluminum and iron.

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iv. Video and/or audio surveillance shall be restricted to within external perimeter property lines and public right-of-way adjacent to or abutting the Data Center property.

h. **Noise**

i. All Data Centers shall meet the following minimum standards:

ii. Noise from operations, including primary and accessory structures and uses and energy systems, shall not exceed 30 dBA or 50 dBC between 10:00 p.m. and 7:00 a.m., and shall not exceed 40 dBA or 60 dBC at any other times at any external perimeter property line.

1. In addition to the decibel limits in paragraph 1, operations shall not generate vibration, oscillation, or infrasound that causes perceptible resonance within any buildings or adverse impacts on the human body, including but not limited to dizziness, headaches, nausea, sleep disturbance, or other recognized health effects. Compliance shall be determined based on standards issued by ANSI and ISO for human exposure to whole-body and low-frequency vibration (e.g., ISO 2631 and ANSI S2.71) and shall be measured and compliance determined at any external perimeter property line.

iii. The locations of the noise measuring equipment for the pre-construction noise analysis shall be shown on the submitted site plan. The points of measurement shall be at all external perimeter property lines at locations most susceptible to noise from applicable proposed equipment.

iv. The maximum sound levels identified herein do not apply to emergency alerts; emergency work to provide electricity, water, or other public utilities when public health or safety is involved; snow removal; or road repair. Maximum sound levels do apply to testing or routine operation of emergency equipment for backup or primary power generation and to other situations that do not involve public health or safety.

v. A Noise Assessment, Monitoring, and Mitigation plan shall accompany any conditional use permit application and shall include:

1. Assessment of baseline ambient levels of noise before construction, measured in all directions at the external perimeter property lines on which the Data Center is proposed to be located and any related activity is proposed to be conducted;

2. Assessment of all noise projected to be associated with the proposed Data Center (including all structures, facilities, and energy systems)

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before and after incorporation of noise minimization and abatement measures to control and minimize all exterior noise (including high, mid- and low-frequency) generated by the Data Center, including but not limited to exhaust vents, cooling equipment, chiller fans, and on-site power generation.

3. An Acoustical Study prepared by a qualified noise consultant showing:
    a. Expected daytime and nighttime sound levels, including generator noise and other equipment noise, indoors and outdoors at multiple distances and at the external perimeter property lines,
    b. Include both A-weighted (dBA) and C-weighted (dBC) measurements, with full frequency spectra to identify low-frequency and tonal components,
    c. Provide sound level projections and modeling for multiple distances from the facility, with measurements taken both outdoors and indoors of nearby dwellings,
    d. Conduct testing during nighttime and early morning hours, when cooler air and atmospheric conditions may increase sound propagation, and
    e. Recommend specific mitigation measures (e.g., barriers, enclosures, mufflers, alternative cooling technologies) to ensure compliance with the noise standards of this Ordinance.
4. A vibration study shall also be submitted if any mechanical equipment or cooling infrastructure is installed within 2,000 feet of the boundary of any Residential, Commercial, or Agricultural District.
5. Design of Noise Monitoring, Minimization, and Mitigation Plan including real-time continuous monitoring and analysis of noise data sufficient to demonstrate compliance with the applicable standards over time and to identify patterns, trends, and potential areas of improvement; and use of frequency analysis to identify and address low-frequency tones associated with cooling fans or other equipment.
6. Incorporation of measures sufficient to avoid off-site nuisance conditions from all frequencies of noise, at all hours of the day and night, and conform to the required limits at the property lines of the Data Center. Measures may include, but not be limited to, acoustic barriers or shrouds, higher efficiency/lower speed fans, or other noise

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reduction devices sufficient to assure that the noise levels measured at the perimeter property boundary for the Data Center conform to the required levels and to prevent nuisance conditions.

7. All required noise analyses shall be designed and conducted by a certified/ licensed acoustical engineer. The points of measurement shall be on each external perimeter property line at locations selected as those most 14 susceptible to noise from applicable proposed equipment. Any noise analysis shall include the date, time, and duration of measurements taken and shall be taken at various times of the day and night.
8. The County shall require the applicant to conduct post-construction during operation compliance testing within six months of commencement of operation, using the same methodology, to verify actual sound levels and the effectiveness of mitigation measures. Where any noise analysis post-construction and during operation identifies greater than maximum permissible sound levels at any perimeter property boundary, the applicant shall be required to develop and submit for review and approval such measures, including relocation of equipment, reorientation, and other mitigation measures, as are needed to bring the modeled noise level to below acceptable limits.
    a. The County may, at any time thereafter, conduct such compliance testing, and where any noise analysis identifies greater than maximum permissible sound levels at any perimeter property boundary, the County will supply the operator with notice of its findings and allow the operator 15 days to cure the exceedance and submit evidence of this cure to the County. If after 15 days, the operator has not cured the exceedance or submitted evidence of the cure, the Board of Adjustment shall schedule a public hearing to consider the suspension or revocation of the conditional use permit.

g. **Utility And Infrastructure**: An application for a conditional use permit shall contain a Utility and Infrastructure Plan, which shall include:
    i. A Site Plan showing all structures and facilities to be used or constructed to support the Data Center operations, including all water, wastewater, electric, natural gas, and other infrastructure, and public utility service facilities.
    ii. Identification and description of any existing or proposed transmission lines and other facilities that would be required in order to connect the proposed

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facilities to the grid, and any permits or other approvals needed to support such construction.

iii. Identification of any existing or proposed pipelines or gas transmission lines and other facilities that would be required in order to deliver natural gas or other gas or liquids to the facilities for use in heating or power generation.

iv. A description of any power sources proposed to be constructed or sited and operated, including emissions profile, noise, copies of applications for any required state or federal air permits. Any energy generation system designed or used to supply power directly to a Data Center during normal operations, including solar, wind, fossil fuel, or other energy generating systems, shall not be considered part of the Data Center use. Such systems shall be considered a separate use and shall be approved only in accordance with any zoning regulations that allow and are applicable to such use.

v. Information concerning any proposed grid interconnection.

vi. Documentation, including written verification from the applicable service providers, demonstrating that:

1. Public utility capacity and related electrical infrastructure sufficient in size and capacity is or will be made available to ensure that the power requirements of the proposed project can safely be accommodated without adverse effect on the availability, reliability, quality, cost, or safety of the electric service to other customers;
2. Any system designed for cooling and operation of the facility (whether by electricity, water, or other means) will meet all applicable standards of this ordinance as well as state and federal law;
3. Water, stormwater, and wastewater management and treatment capacity sufficient in size and capacity is or will be made available to ensure that the requirements of the proposed project can be safely accommodated without adverse effects on the availability, reliability, quality, cost, or safety of the water, wastewater, and stormwater management and treatment services to other customers; and
4. Any enhancements or improvements required in order for such utility services to continue to be available without adverse effect or additional cost to existing customers will be in place before operation of the proposed project.

vii. A description of the processes that will be used for management of all water, wastewater including equipment cooling, humidity maintenance, process, and

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sanitary wastewater, and stormwater run-on and run-off, in accordance with all local state, and federal requirements.

viii. Demonstration that for any proposed battery storage or storage of any other device or group of devices capable of storing energy for supply at a later time, whether the energy is stored for use on-site or off-site, compliance with National Fire Protection Association (NFPA) Standard 855, Installation of Stationary Energy Storage Systems, or similar standards, and include fire suppression systems designed specifically for battery storage.

ix. Proposed improvements or alternatives to minimize the need for additional transmission lines and the designated power provider. The use of sustainable alternatives for on-site water or power generation, such as solar panels, rooftop cisterns, small-scale wind turbines, or other renewable energy sources which shall offset at least 25% of total power usage and 10% water usage is required.

h. **Generator and Testing Requirements**

i. Backup power generation using diesel fuel, natural gas, or Battery Energy Storage Systems are allowed for use at a Data Center. Gas or battery storage is preferred over diesel due to emissions concerns.

ii. Backup diesel generators shall be a minimum of Tier IV (or the highest Environmental Protection Association industry standard available at the time of application) which meet all applicable local, state, and federal emission and performance standards to minimize adverse effects from the generator emissions.

iii. Except for generator testing or commissioning activities, generator use shall be limited to backup and emergency use only when the primary source of electricity is interrupted or unavailable. Continuous generator use outside of power outages or interruptions is prohibited.

iv. Generators shall be tested no more than once per week per unit, and only during the hours of 12 P.M. to 5 P.M. Monday through Friday.

v. If diesel fuel is used for a back-up generator, the application shall include information demonstrating that the fuel will be delivered during non-peak daytime hours, that storage of the fuel will conform to all applicable fire and safety standards, and that the storage vessel is equipped with secondary containment to contain any release.

i. **Cooling Requirements**

i. All liquid cooled equipment must be designed to utilize a closed-loop system.

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ii. Water shall not be used as the primary liquid for any liquid cooling system.

iii. Water used for liquid cooling systems must come from a public or semi-public water system and not from any type of private well system.

iv. Water discharge shall only happen after treatment and only in accordance with all applicable local, state, and federal water pretreatment, discharge permit requirements and in conformity with state water quality standards.

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j. **Water Management**: An application for a conditional use permit for a Data Center shall include a Water and Wastewater Management Plan, which shall include:

i. Projected daily and peak water demand;

ii. The source(s) of the water supply, including certification from any public or semipublic water supplier that it will supply the daily and peak water need and that the demand can be met without adverse effect on the availability, quality of service, potability of the water, or other qualitative or quantitative impacts on existing customers;

iii. Certification that the Data Center site is not located within a wellhead protection planning area;

iv. Provide documentation that the Data Center design and equipment incorporates best available technology and best practices to minimize water waste, maximize efficiency of water use, and to reclaim and recycle water to the extent possible;

v. Provide documentation that any improvements to the water or wastewater utility infrastructure needed to serve the proposed Data Center will be paid by the applicant;

vi. Documentation demonstrating cooling system designs that do not discharge to the wastewater or stormwater systems without treatment, or which use non-water-based cooling that does not require discharge.

k. **Waste Heat**

i. No person, firm, or corporation shall cause, permit, allow, or maintain any artificial or mechanical source of heat, radiant energy, or exhaust that creates a condition of thermal discomfort, hazard, or damage to persons, animals, vegetation, or property beyond the external perimeter property lines of the Data Center.

ii. Thermal discharge, venting, or exhaust from any equipment, machinery, or operation shall not raise the ambient temperature at any external perimeter property line above naturally occurring conditions when measured at a height of 4 feet above ground level.

iii. Outdoor equipment and energy systems must be equipped with shielding, insulation, or dispersion devices to minimize radiant heat impacts.

iv. Exhaust from heating, ventilation, air conditioning, or industrial equipment shall be directed and diffused in such a manner as to prevent concentrated heat exposure to anywhere outside of Data Center, neighboring properties, or public rights-of-way.

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v. Rooftop or wall-mounted heat exhaust systems shall be equipped with baffles, louvers, or dispersal devices to prevent heat plumes from causing discomfort or damage to adjacent buildings or damage to vegetation.

l. **Low Impact and Energy Efficiency**: Data Centers are required to implement low-impact development practices in site design and energy efficiency, such as, but not limited to, the following:

i. Site Design. Select sites to:

a. Minimize land disturbance,

b. Maximize tree preservation,

c. Minimize impervious surfaces, and

d. Minimize potential nuisance impacts (noise, glare, vibration, etc.) on adjacent properties, public roadways, and the vicinity.

ii. Energy/Resource Efficiency.

a. Orient buildings to take advantage of passive cooling and daylight opportunities

b. Utilize alternative energy sources (solar, wind, hydro, etc.) as much as possible

c. Provide an energy storage system to monitor and regulate usage of alternative energy for usage during off-peak hours

d. Utilize reclaimed water for cooling, if available

e. Encourage systems that limit the use of finite natural resources and their disposal

f. Incorporate water-efficient landscape materials

g. Utilize LED exterior/interior lighting

h. Provide 100% coverage of required Vehicle Use Area (VUA) with an approved Solar Energy System (SES), exempting driveways, access roads, and required landscaping areas.

i. Provide 100% coverage of rooftop area with an approved Solar Energy System (SES). This requirement may be reduced to 80% coverage if an applicant can demonstrate an incompatibility between the required SES and other rooftop mounted equipment.

j. Implement energy management best practices and carbon reduction techniques such as, but not limited to, those promoted through the

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U.S. Department of Energy's Better Buildings initiative and U.S. Green Building Council's LEED certification system.

m. **Avoidance Of Nuisance**

i. Any use or activity producing emissions, fugitive dust, smoke, glare, exhaust, heat, or humidity in any form shall be designed, located, and carried on in such a manner that it is not perceptible at or beyond the external perimeter property line and does not exceed any standards established by this ordinance or local, state, or federal law or regulation.

n. **Energy & Water Efficiency**

i. Data Centers are required to meet the following PUE, WUE, and CUE levels based on total peak power demand as measured in Megawatts:

Data Center Efficiency Requirements

	PUE	WUE	CUE
Less Than 25 Megawatts	1.5	1.5	0.75
25 to less than 50 Megawatts	1.4	1	0.6
50 to less than 75 Megawatts	1.3	0.5	0.5
75 to less than 100 Megawatts	1.2	0.25	0.4
100 Megawatts and Above	1.1	0.25	0.3

6. Conditional Use Permit Application Requirements

a. The application for a conditional use permit for a Data Center shall include:

i. A proposed site development plan identifying:

a. The zoning classification for all lands within 1 mile of the external perimeter property lines of the proposed Data Center site;

b. The legal boundaries of each separate parcel comprising the proposed site;

c. Proposed access route(s) and access control to the site;

d. The location of proposed improvements including but not limited to the Data Center Principal Structure, Data Center Accessory Use(s)/Structure(s), Data Center Energy Systems, parking, lighting,

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screening/buffering, perimeter fencing, and all ground-mounted equipment and utility infrastructure;

e. The location and use of internal roads, and any tram or railways;

f. Existing or proposed utilities providing electric, gas, water, and wastewater service the facility;

g. Evidence of compliance with all applicable setback requirements;

h. Location of the 100-year floodplain, wetlands, public rights-of-way, and cultural and historic resources on the proposed Data Center site and within 500 feet of the external perimeter property lines.

ii. An evaluation of the compatibility of the facility with scenic surroundings;

iii. A traffic study assessing the impact of the facility construction and operation on road and rail traffic to and within the facility;

iv. An appraisal of the potential changes in property values and land use for property owners within one (1) mile of the facility resulting from the location, construction, and operation of the proposed facility;

v. Description of potential for fire or explosion, and certification from local fire department and emergency response agencies of the capacity to address and respond to any emergency situation regarding the Data Center and associated energy systems, including fuel delivery and storage;

vi. A Utility and Infrastructure Plan meeting the requirements of Section 5 I;

vii. List all other permits and authorizations needed for construction and operation of the Data Center and include copies or links to the applications;

viii. A Noise Assessment, Monitoring, and Mitigation Plan meeting the requirements of Section 5 H;

ix. Waste Management Plan which shall identify all categories of solid waste, electronic waste, hazardous materials, and other refuse generated by the facility, including packaging, cooling system by-products, and equipment replacement materials, and shall identify the manner in which the wastes will be stored, collected, processed, recycled, and disposed;

x. An assessment of all anticipated emissions from the construction and operation of the facility, including transportation;

xi. An assessment of all water usage (including a calculation of Water Unit Effectiveness) and wastewater generation and characterization, and plans for management of wastewater and stormwater; and

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xii. An assessment of all electrical usage including a calculation of Power Unit Effectiveness.

xiii. A decommissioning plan, prepared by a registered professional engineer, containing the following:

a. The estimated decommissioning timeframe and cost of removal of all structures, foundations, conduit, equipment, and interconnection facilities, and roads;

b. The manner in which the Data Center will be decommissioned, including provision and a timetable for the removal of all structures, foundations, conduit, equipment, and interconnection facilities and for the revegetation and restoration of the property to its original condition or preparation of the site in a condition compatible with the prior zoning of the parcel(s); and

c. A performance bond, letter of credit, or other financial assurance payable to the Commission, sufficient to assure that decommissioning of the site can be achieved by a third party in the event that the applicant defaults in that obligation, which financial assurance shall be provided prior to commencement of construction.

7. Application Criteria

a. All applications for data centers shall adhere to all requirements and procedures set forth in the *Subdivision & Development Regulations*.

b. A Concept Plan for the overall development shall be required at the time of zone change application to the Georgetown – Scott County Planning Commission.

8. Severability

a. If any section, subsection, or other portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, sub-section, or portion thereof shall be deemed a separate provision of this article, and such holding shall not affect the validity of the remaining portions of this chapter.

ARTICLE IV

ZONING DISTRICT REGULATIONS

4.6 HEAVY INDUSTRIAL DISTRICT (I-2)

4.61 PERMITTED USES

1. Extraction, storing and processing of minerals or raw materials.

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2. Those uses as permitted in Light Industrial Districts.

4.62 ACCESSORY STRUCTURES AND USES PERMITTED

1. Signs identifying the industrial activity on the same premises.
2. Dwelling unit (conventional) for caretaker or watchmen employed by the industrial firm.
3. Accessory buildings.

4.63 CONDITIONAL USES

1. As permitted in Light Industrial Districts.
2. Data Centers as defined in 2.5.XX

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