An Ordinance To Amend The Provisions Of Article III, Division 8 Of Chapter 119 Of The Code Of Ordinances Of The City Of Porterdale, Georgia, By Text Amendment, To Create A Technology Overlay District, Including Data Centers, On The Approximately 263 +/- Tract Of Property Bearing Tax Parcel Number P044000000050000, The 5+/- Acre Tract Of Property Bearing Tax Parcel Number P43000000056000, And The 1.5 +/- Acre Tract Of Property Bearing Tax Parcel Number P04400000006100, Located At 11240 Brown Bridge Road, North Crowell Road, And 216 North Crowell Road, Respectively; To Establish Use Regulations Within The Technology Overlay District, Including Permitted Uses And Accessory Uses; To Establish Development Standards For The Technology Overlay District, Height Regulations, Setback Regulations, Minimum Lot Frontage, Minimum Lot Width, Minimum Lot Acreage And Maximum Total Building /Coverage, Minimum Buffer Requirements, Security Fencing and Structures, Lighting Requirements, Parking Requirements, And Sound Regulations; To Require Demonstration Of Adequate Sources Of Water And Electrical Supply Resources; To Amend The Definitions Of Section 119-2 Of The Code Of Ordinances; To Amend The Tables Of Sections 119-156 And 119-410 Of The Code Of Ordinances; To Provide For Submission Of Development Plans Subject To City Council Approval; And To Provide For Other Purposes Related Thereto.

BE IT ORDAINED:

WHEREAS, the City of Porterdale has had zoning in place for many years, and the Staff of the City of Porterdale from time-to-time has made recommendations to make amendments to address matters not properly regulated in the Zoning Ordinance;

WHEREAS, over the decades since the adoption of the main provisions of the Zoning Ordinances, new uses of properties have developed, particularly in connection with the development of information technology systems serving digital needs relating to complex processes such as cloud computing, cybersecurity, ecommerce, communications, data processing, and artificial intelligence driven uses;

WHEREAS, pursuant to the authority granted by Article IX, Section 2, Paragraph 4 of the Constitution of the State of Georgia, Chapter 66, Title 36 of the Official Code of Georgia, and Section 1.13(x) of the City Charter, and for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and the general welfare of the City, the City Council desires to amend the provisions of Chapter 119 of the Zoning Ordinance for Porterdale, Georgia, to allow for the siting of "Data Centers";

NOW, THEREFORE, the Mayor and City Council of the City of Porterdale hereby **ORDAIN** to amend the provisions of Chapter 119 of the Code of Ordinances of the City of Porterdale, as follows:

Section 1. The Mayor and City Council hereby amend the provisions of Article III, Division 8 , of Chapter 119 of the Code of Ordinances of the City of Porterdale, entitled "Overlay Districts",

by adding thereto a new section, to be designed Section 119-345 and entitled "Technology Overlay District", in the form attached hereto as Exhibit 1, which Exhibit hereby is incorporated herein by this reference.

Section 2. The Mayor and City Council of the City of Porterdale, Georgia, hereby amend the provision of Section 119-2 of the Code of Ordinances of the City of Porterdale, Georgia, by inserting therein a new definition of "Data Center", to appear following the definition of the word "County" and before the definition of "Daycare Center", which definition shall provide as follows:

> *Data Center* means physical facilities used to house and operate computing machines and related hardware, including information technology systems infrastructure such as servers, data storage drives, and equipment, serving digital needs relating to complex processes such as cloud computing, cybersecurity, ecommerce, communications, data processing, and artificial intelligence driven uses. Principal and accessory uses shall be as allowed under the provisions of Sec. 119-345 of this Code of Ordinances.

Section 3. The Mayor and City Council if the City of Porterdale, Georgia, hereby amend the provision of Section 119-156 of the Code of Ordinances of the City of Porterdale, Georgia, by amending the Table of Uses by adding a new column thereto following the "OS" column, which column shall be the "Technology Overlay (T)" district.

Section 4. The Mayor and City Council if the City of Porterdale, Georgia, hereby amend the provision of Section 119-156 of the Code of Ordinances of the City of Porterdale, Georgia, by amending the Table of Uses by adding a new row to the Table, entitled "Data Center", which row shall appear between the entries "Convenience Stores/Gas Stations/Fast Food Restaurant" and "Daycare", and which use shall be only permitted in the Technology Overlay (T) district.

Section 5. The Mayor and City Council if the City of Porterdale, Georgia, hereby amend the provision of Section 119-410 of the Code of Ordinances of the City of Porterdale, Georgia, by amending the Table to add a row, entitled Technology Overlay (T), to appear below the entry "LI", and which row shall appear as follows:

T	50 acres	-	-	50	75	-	[3]	[3]	65

and by adding a footnote 3 thereto, which footnote shall provide "Minimum buffers shall be set based upon an approved development plan".

Section 6. The underlying zoning of the property shall remain unaffected, absent approval of a plan of development for a Data Center meeting the requirements of Section 119-345 and other requirements as may be imposed by the City on a plan of development for a Data Center on the property made the subject of the Technology Overlay District.

Section 7. The official zoning map of the City of Porterdale is hereby amended to show that the Technology Overlay District shall be comprised of and apply to parcels P044000000050000, P043000000056000 and P044000000061000.

Read and adopted in the _____ meeting of the City Council held on this 24th day of April, 2025.

ATTEST:

David Jahns City Clerk

Michael Patterson, Mayor

Timothy D. Chambers, City Attorney

Bekah Sue Sewell, Council Member Post 1

Halima Muhammad, Council Member Post 2

Leigh Canada, Council Member Post 3

Jill Minnoia, Council Member Post 4

Lowell Chambers, Council Member Post 5

EXHIBIT 1

Section 119-345 Technology Overlay District

(a). *Purpose.* The purpose of this section is to create a Technology Overlay District (T) that allows the siting of "Data Centers" in designated areas of fifty (50) acres or greater in size, which Data Centers may include computers and data center equipment, data storage and hosting technologies, and other new technologies, under certain conditions set by the City. The Technology Overlay District (T) is intended to provide land areas for commercial activities associated with technology, information systems, data infrastructure, data hosting and management activities and similar new information age uses.

The conditions of this Technology Overlay District are established to ensure the availability of adequate water and electrical utility resources, set-backs, buffer areas, noise levels and noise attenuation methods, screening, security, and protection of adjacent and nearby uses from adverse impacts.

(b) *Use regulations.* Within the Technology Overlay District, in addition to the uses permitted in the underlying zoning district, the following uses shall be permitted in accordance with the standards established herein:

A. *Permitted uses.* Structures and land to be used for Data Centers within the Technology Overlay District may be used for only the following purposes:

Computer systems and facilities design, programming, operation, and management;

Data processing, storage, hosting and related services;

Information product research and development;

Internet website design and hosting;

Public utility facilities;

Software design and development;

Solar, renewable and alternative energy facilities;

Technology consulting and management;

Telecommunications infrastructure and connectivity facilities; provided, however, that the construction and siting of data broadcasting, receiving, or relaying towers, satellite dishes, or similar equipment must be approved by the City.

B. *Accessory uses.* Accessory uses allowed for Data Centers include utilities, utility lines, pump stations, electrical substations, water towers, mechanical equipment and environmental controls (e.g., air conditioning or cooling towers, fire suppression), redundant/backup power supplies, redundant data communications connections, and high security.

(c) *Development standards.*

A. *Height regulations.* Buildings shall not exceed a height of sixty-five (65) feet, measured from structure pad level. A height limitation of sixty-five (65) feet shall not apply to accessory structures such as water towers, conveyer belts, HVAC equipment, generators and other incidental and uninhabited parts of the structure. The City Manager may allow taller elements upon demonstration of a technical or mechanical necessity.

B. *Front yard setback:* seventy-five (75) feet.

C. *Side yard setback:* seventy-five (75) feet; see however, subsection 119-345(c)H for minimum buffer requirements along property lines which abut a residential district or use.

D. *Rear yard setback:* seventy-five (75) feet; see however, subsection 119-345(c)H for minimum buffer requirements along property lines which abut a residential district or use.

E. *Minimum lot frontage:* One hundred fifty (150) feet adjoining a street.

F. *Minimum lot width at the building line:* One hundred ten (110) feet.

G. *Minimum lot acreage and Maximum Total Building Coverage as a Percent of Total Lot Area:* Fifty (50) acres minimum lot acreage; Fifty percent (50%) maximum total building coverage as a percent of total lot area.

H. *Minimum buffer requirements.* In addition to required setbacks, a minimum 100-foot-wide buffer, which shall include and not be in addition to required setbacks, shall be required along all property lines which abut a residential district or use in order to provide a visual screen.

I. *Air conditioning units, HVAC systems, and Electrical Generators.* Air conditioning units, HVAC systems, and electrical generators shall be thoroughly screened from view and noise impact from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping, and shall be located not less than one hundred (100) feet from adjacent property lines.

J. *Front building facade.* The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts. This requirement shall not apply if the front of the building is greater than 500 feet from the public right-of-way or not visible from the public right-of-way.

K. *Security fencing and structures.* Security fencing and walls shall not be located within the required buffer. Fences and walls outside the required setback and buffer provided above shall not be subject to height limitations. Guard houses and secured entry features shall be permitted at public road entrances. If chain link fencing is used, it shall not be visible from adjoining rights-of-way. Barbed and razor wire fencing shall not be permitted. Decorative fencing is encouraged.

L. *Exception for internal lots.* Required setbacks and buffers otherwise applicable to the underlying zoning district shall only apply to external property boundaries

with other properties not within a Technology Overlay District development. Likewise, minimum lot frontages, width and acreage otherwise applicable to the underlying zoning district shall not apply to subdivided lots within the Technology Overlay District so long as the entirety of the contiguous Technology overlay district complies with the requirements of this ordinance, and so long as the subdivided lot has adequate frontage on public or private roads to allow service.

M. *Private roads.* Private roads are permitted within the Technology Overlay District. They shall be designed and built subject to the design guidelines for City public roads, unless otherwise approved by the City.

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

i. all fixtures shall be full cut-off type fixtures,
ii. light poles shall be no taller than 25 feet in height,
iii. all light poles must be set back a minimum of 10 feet from any exterior property line; provided, however, that light poles should not be located in any required buffer area,
iv. maximum foot-candles at the property line shall be 0.5. All exterior lighting shall be positioned so as to not create glare to any residential property or public street.

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

O. *Parking.* Data centers must provide minimum parking of three spaces per thousand gross square feet of employee occupied office space (not including server storage areas) within the development. For any number of parking spaces greater or lesser than the minimum number of spaces required in this subparagraph 119-345(b)(O), the Data Center must demonstrate the need for the greater or lesser number of parking spaces based upon the expected number of employees and visitors to the Data Center.

P. *Signs.* Developments within the Technology Overlay District shall comply with the city of Porterdale sign ordinance. Freestanding signs shall be of a ground-mounted monument type and shall not be larger than thirty-two (32) square feet nor erected to a height greater than twelve (12) feet. Roofs, water tanks, tower structures, and mechanical equipment shall not be used for advertising.

Q. *Technology Overlay Sound Ordinance.* In order to ensure that data centers in the technology overlay do not contribute to noise pollution within the City, all data centers will be subject to the following standards:

i. Data center operations shall not produce continuous sound over a fifteen (15) minute period that exceeds an average of 65 dBA or higher during the hours of 8 AM to 8 PM, measured at any adjacent property boundary between the data center site and adjoining properties. Nor shall data center operations produce sound that exceeds an average of 55 dBA from 8 PM to 8 AM, measured at any adjacent property boundary between the site and adjoining properties. Notwithstanding the foregoing, if the existing sound levels in the area of the development exceed the decibel levels above prior to the development of data center structures, they shall be designed so that the existing sound levels are not increased at the external boundaries of the property. Sound levels shall be determined by a third-party acoustic engineer. Violations of these sound levels may be prosecuted in the same manner as other zoning ordinance violations.

ii. An acoustic barrier (e.g., an exterior solid or louvered wall containing soundproofing materials) shall surround all exterior mechanical equipment, whether located on a roof top, on ground level, or elsewhere on the exterior of the property where necessary to achieve the sound level requirements in paragraph (i) above. Such acoustic barrier must be shown on the approved site plan and shall be maintained on the premises of the Data Center for the operational life of the facility.

iii. Data Centers shall not engage in on-site generator testing for more than two hours per day, and generator testing is limited to Monday through Friday between the hours of 11:00 AM and 5 PM.

iv. With the exception of testing activities, generator use is limited to emergency backup use only.

v. After issuance of the certificate of occupancy for each data center building, the City may obtain sound studies or require the data center operator to provide a sound study to verify that the operation is in compliance with the requirements of paragraph (i) above. If a data center is found to be in violation of the requirements of paragraph (i) above, or there is a history of complaints and, in the opinion of the City Manager after consultation with qualified professional acoustic engineers, even though there may be technical compliance with the details of this section 119-345P of this ordinance, the City may issue a notice of violation, which may direct that the data center take appropriate steps to operate within the requirements of paragraph (i) above, or mitigate the operations causing complaints. The City manager may require the data center operator to propose a solution, and a time period for implementation. If the City manager approves such solution, and the data center fails to successfully implement that solution within the time approved, the violator shall be subject to a fine up to one thousand dollars ($1,000) for each day that the violation exists until full compliance is obtained.

vi. The data center operator shall continue to bear the costs of any sound test or study required to monitor violations in paragraph (v).

R. *Water and Sewer Capacity.* Prior to approval of a site plan for a Data Center project, the applicant shall submit to the City and to the Newton Water and Sewer Authority, an analysis of raw water needs, indicating the quantity of water required. The applicant shall provide the City with a letter from the public water purveyor indicating sufficient capacity to serve the proposed Data Center.

S. *Electric Supply.* Prior to the City's approval of the site plan for a Data Center project, the applicant for a Data Center development shall provide to the City a letter from the electric power supplier confirming capacity and willingness to serve the project.

T. *Site Design Compatibility with City's Greenway Vision.* The City of Porterdale envisions and is working toward a Greenway along the Yelow River through the entirety of the city limits and beyond, which would allow for access to the Yellow River, and the construction of trails and other passive recreation areas. Toward that goal, any project approved under the Technology Overlay District should allow for public access to areas along the Yellow River by way of permanent easements or dedication. Areas necessary to be operated or managed by the owners/operators of an allowed project, such as artificial wetlands constructed for mitigations purposes, stormwater management areas, or access and security areas, may be excluded from public access.

U. *Application and Approval.* No Data Center operation may be developed without site plan review, approval, and verification by the City that all requirements within this ordinance are met, as well as compliance with applicable fire, safety and building codes, and state and federal rules and regulations. If a development of regional impact review is required for the proposed development, such review shall be accomplished prior to site plan approval.

V. *Procedural requirements.* Applications for development of property meeting the requirements of the Technology Overlay District shall follow the requirements and procedures set forth in the City of Porterdale Development Regulations.