

Here are the most successful ordinance strategies local governments have used:

1. Temporary Moratoriums

Most common and legally defensible first step.

Purpose:

- pause approvals
- study impacts
- rewrite zoning code
- hold hearings

Typical duration:

- 90 days
- 180 days
- 6 months
- 1 year

Strong ordinance language:

“No applications for data centers, hyperscale computing facilities, or similar high-density digital infrastructure uses shall be accepted, reviewed, approved, or permitted during the moratorium period.”

Why this works:

- delays financing
- creates uncertainty
- allows code rewrites
- buys organizing time

2. Restricting Data Centers to Heavy Industrial Zones Only

One of the most effective long-term tools.

Common provision:

- only allowed in “Heavy Industrial (I-3)” districts
- prohibited in agricultural, mixed-use, commercial, or residential-adjacent zones

Athens-Clarke County used zoning interpretation to require industrial zoning only.

Strong ordinance model:

“Data centers shall only be permitted within Heavy Industrial zoning districts and shall require Special Use Permit approval.”

Why it works:

- dramatically reduces eligible land
- avoids speculative rezoning
- pushes projects away from neighborhoods

3. Special Use Permit (SUP) Requirements

This forces discretionary approval instead of automatic by-right development.

Covington, Georgia moved toward requiring special use permits.

Effective SUP requirements include:

- public hearings
- annual review
- infrastructure analysis
- utility certification
- environmental studies

This is powerful because:

- elected officials retain leverage
- conditions can be imposed
- denial becomes easier

4. Mandatory Buffer & Setback Ordinances

Very effective politically.

Common standards:

- 1,000–2,500 ft from homes
- landscaped berms
- tree buffers
- sound walls

Coweta County draft standards reportedly focused on:

- buffering
- design
- lighting
- utility capacity

This can quietly eliminate many parcels.

5. Water Restrictions

A growing strategy in Georgia.

Forsyth County ordinance:

cooling systems cannot use county water systems

Other approaches:

- water-use caps
- mandatory recycled water
- drought shutdown provisions

Why effective:

- cooling is mission-critical
 - water uncertainty scares investors
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6. Noise Ordinances Targeting Industrial Cooling Equipment

Common requirements:

- max nighttime decibel limits
- property-line sound testing
- independent acoustic engineering
- generator testing restrictions

Why this works:

- cooling infrastructure is difficult to silence cheaply
- enforcement risk affects financing

7. Defining “Data Center” Broadly

A major lesson from Georgia counties:
developers exploit undefined uses.

Successful ordinances define:

- hyperscale facilities
- crypto mining
- AI compute campuses
- server farms
- colocation facilities

Georgia counties started adopting “compute center” definitions.

Without definitions:

developers may claim they fit under generic “office” or “technology” uses.

8. Energy & Utility Capacity Standards

Emerging but increasingly important.

Typical language:

“Applicants must demonstrate available utility capacity without adverse impact on existing ratepayers or residential reliability.”

Some counties require:

- utility certification letters
 - transmission studies
 - grid impact reports
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9. Overlay District Exclusions

Atlanta restricted data centers within Beltline overlay areas.

Overlay districts can prohibit:

- large industrial uses
- high-energy uses
- utility-intensive development

Especially effective near:

- tourism areas
 - historic districts
 - residential corridors
 - conservation areas
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10. Full Prohibitions

Hardest legally and politically — but some communities are attempting them.

Examples:

- Fayetteville reportedly enacted a full ban
- Bulloch County discussed prohibition ordinances

These must be drafted carefully to avoid:

- arbitrary discrimination claims
 - commerce clause challenges
 - procedural defects
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VERY Important Lesson: Procedure Matters

Jones County had to rescind ordinances because notice procedures were flawed.

Common mistakes:

- improper notice timing
- vague definitions
- selective enforcement
- inconsistent zoning treatment

Developers often challenge ordinances procedurally before arguing substance.

Ordinance Features That Have Worked Best Together

The strongest anti-data center frameworks usually combine:

- temporary moratorium
 - special use permits
 - industrial-only zoning
 - large setbacks
 - strict noise rules
 - water-use restrictions
 - utility-capacity certification
 - mandatory public hearings
 - broad definitions of compute facilities
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Politically Effective Framing

Successful counties usually frame ordinances as:

- “responsible growth”
- “infrastructure protection”
- “land-use compatibility”
- “ratepayer protection”
- “water conservation”

STEP 1: LAND CONTROL (PRIVATE PROPERTY LEVEL)

Who has power?

- Private landowner
- Developer

What happens

- Developer buys or options land
- Often before public knows

Can government stop it here?

✗ No
(Unless zoning already prohibits the use)

STEP 2: ZONING COMPATIBILITY (COUNTY COMMISSION + PLANNING)

Who has power?

- County Planning Department
- Planning & Zoning Board (recommendation)
- County Commissioners (final vote)

What they control

- Rezoning (e.g., agricultural → industrial)
- Special Use Permit (SUP)
- Land-use classification

This is the MOST important local gate

Can they stop it?

- ✓ YES — this is the strongest local veto point

Key reality

If zoning says “not allowed,” the project is dead unless rezoned.

STEP 3: COMPREHENSIVE PLAN ALIGNMENT

Who has power?

- County Commission (with planning staff input)

What it controls

- Long-term land-use map
- Growth policy direction

Why it matters

If a data center conflicts with the comp plan:

- rezoning becomes harder
- legal vulnerability increases

Can it stop a project?

- ⚠ Indirectly yes (strong legal basis for denial)
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STEP 4: UTILITIES (POWER GRID APPROVAL)

Who has power?

- Georgia Power (or local utility provider)

- Georgia Public Service Commission (PSC)

What they control

- Substations
- Transmission lines
- Capacity allocation
- Rate impacts

Critical fact

Even if county approves zoning, **no power = no data center**

Can they stop it?

✅ YES — absolutely critical veto layer

STEP 5: WATER APPROVALS

Who has power?

- County water authority OR municipal utility
- Georgia Environmental Protection Division (EPD)

What they control

- Water withdrawal permits
- wastewater discharge
- cooling system approvals

Can they stop it?

✅ YES — especially in drought-sensitive areas

STEP 6: ENVIRONMENTAL PERMITS

Who has power?

- Georgia EPD
- EPA (federal, in some cases)

What they regulate

- Air emissions (diesel generators)
- stormwater runoff
- wetlands disturbance
- environmental impact assessments

Can they stop it?

⚠ Yes, but usually by delay or conditioning, not outright bans

STEP 7: STATE TRANSPORT / INFRASTRUCTURE

Who has power?

- Georgia Department of Transportation (GDOT)

What they control

- road access
- traffic impact approvals
- highway access permits

Can they stop it?

⚠ Sometimes — especially if infrastructure upgrades are required

STEP 8: TAX INCENTIVES / ECONOMIC DEVELOPMENT

Who has power?

- County Development Authority
- State economic development agency

What they control

- tax abatements
- infrastructure subsidies
- PILOT agreements

Why it matters

If incentives fail:

- projects may become financially unviable

Can they stop it?

⚠ Indirectly yes (by refusing subsidies)

STEP 9: STATE-LEVEL OVERSIGHT (LIMITED OVERRIDE LAYER)

Who has power?

- Governor (limited via executive authority)
- Georgia legislature (major power)
- State agencies (EPD, PSC, DNR)

What they can do

- preempt local zoning in rare cases
- prioritize energy infrastructure

- fast-track permits

Can they override county commissioners?

- ⚠ Not directly via EO
 - ✅ Only if state law or permitting overrides local control
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STEP 10: COURTS (FINAL BACKSTOP)

Who has power?

- State courts
- Federal courts (rare)

What they review

- zoning legality
- due process
- procedural compliance
- environmental law compliance

Can they stop it?

- ✅ YES — by injunction or overturning approvals
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THE REAL “POWER MAP” (SIMPLIFIED)

1. COUNTY COMMISSION

- 👉 Controls land use (most important local veto)

2. UTILITY + POWER GRID

- 👉 Can make project physically impossible

3. WATER + ENVIRONMENTAL AGENCIES

👉 Can delay or block operations

4. STATE (LEGISLATURE > GOVERNOR EO)

👉 Can override local control if it chooses

5. COURTS

👉 Can strike down approvals or enforce compliance

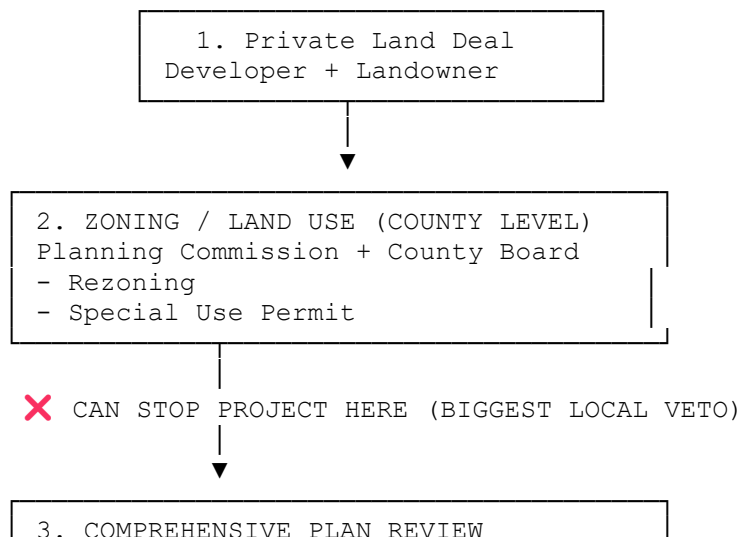
KEY TAKEAWAY

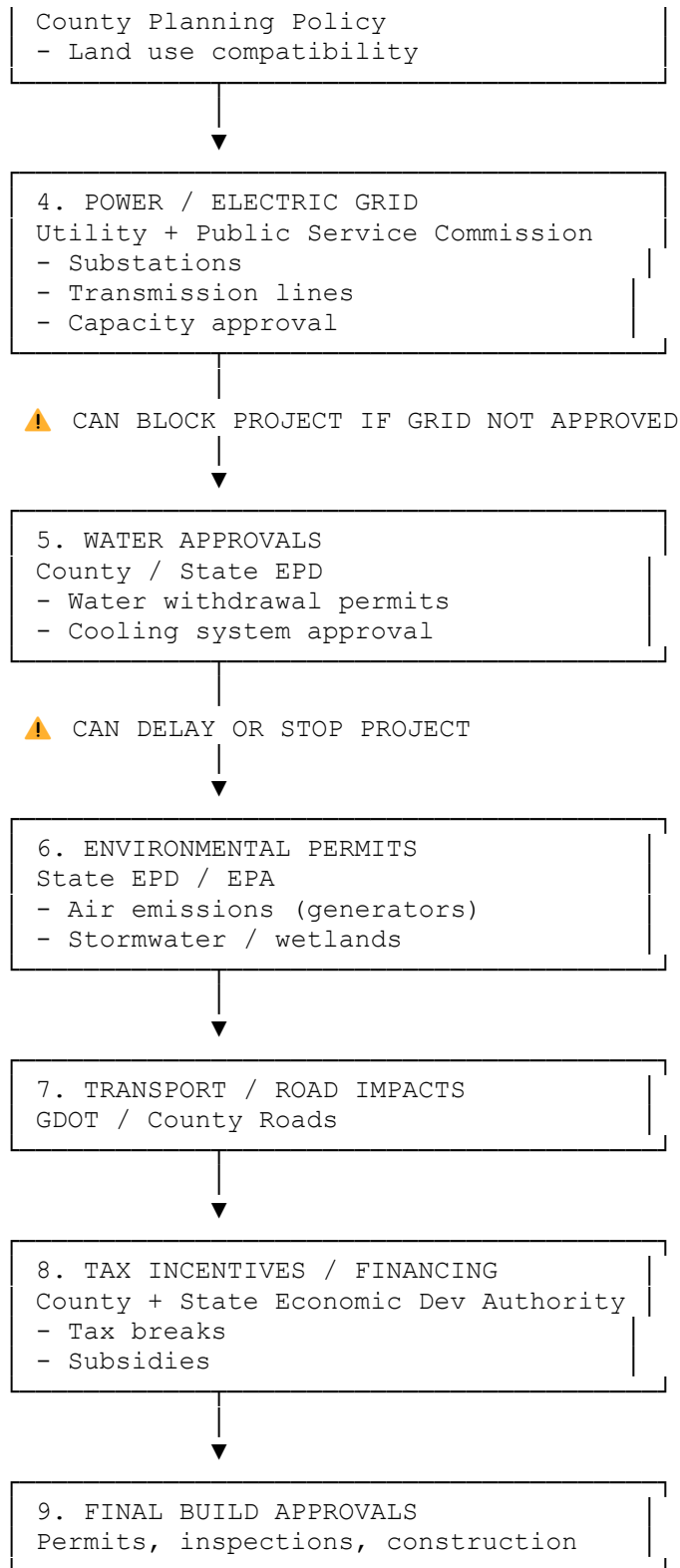
A data center is never controlled by just one vote.

Even if:

- county approves it ❌ it can still fail at utilities or water
Even if:
- utilities approve it ❌ zoning can stop it
Even if:
- zoning approves it ❌ permits or infrastructure can block it

Here's a **visual flow chart** of how a data center project moves through approvals and where it can be stopped or slowed:





KEY “STOP POINTS” (MOST IMPORTANT)

● ZONING (COUNTY COMMISSION)	← STRONGEST LOCAL STOP
● UTILITIES (POWER GRID)	← CAN MAKE PROJECT IMPOSSIBLE
● WATER PERMITS	← CRITICAL IN MANY COUNTIES
● ENVIRONMENTAL PERMITS	← CAN DELAY / RESTRICT
● TAX INCENTIVES	← CAN KILL FINANCIAL VIABILITY

SIMPLE SUMMARY

A data center usually needs **ALL of these aligned**:

- County zoning approval
- Utility grid approval
- Water approval
- Environmental approval
- Financial feasibility

If even **one major layer fails**, the project usually stalls or relocates.
