

Committee Referral	:	Planning Commission
Committee Consideration Date	:	August 7, 2026
Committee Recommendation	:	Approval
First Reading	:	August 10, 2026
Second Reading	:	September 4, 2026
Public Hearing	:	September 14, 2026
Third Reading	:	September 14, 2026
Effective Date	:	Immediately

I, Martha Thompson, Clerk to Council,
certify that this Ordinance was advertised for
Public Hearing on August 13, 2026.

ORDINANCE NO. 26-O-08

AN ORDINANCE (1) AMENDING THE TEXT OF THE ZONING ORDINANCE AND LAND DEVELOPMENT REGULATIONS OF COLLETON COUNTY, SOUTH CAROLINA TO AUTHORIZE THE ESTABLISHMENT OF A DIGITAL INFRASTRUCTURE OVERLAY DISTRICT AND ESTABLISHING CONDITIONS FOR THE DEVELOPMENT OF DIGITAL INFRASTRUCTURE FACILITIES; (2) REPEALING AND REPLACING THE PROVISIONS OF ORDINANCE NO. 25-O-10 PERTAINING TO DATA CENTERS; AND (3) OTHER MATTERS RELATING THERETO.

NOW THEREFORE, be it ordained by the County Council of Colleton County (the “**Council**”), the governing body of the Colleton County, South Carolina (the “**County**”), as follows:

Section 1 Findings. The Council hereby makes the following findings of fact in connection with the enactment of this ordinance (this “**Ordinance**”):

(a) The Council is empowered pursuant to Title 6, Chapter 29, Article 5 of the Code of Laws of South Carolina 1976, as amended (the “**Act**”), to regulate land use within the County. Pursuant to the Act, the Council has enacted the Land Development Regulations of Colleton County, South Carolina, codified at Title 14, Chapter 14.04 of the Colleton County Code of Ordinances (the “**Land Development Regulations**”), and the Zoning Ordinance of Colleton County, South Carolina, codified at Title 14, Chapter 14.08 of the Colleton County Code of Ordinances (the “**Zoning Ordinance**” and, together with the Land Development Regulations, the “**Land Use Code**”), which collectively regulate development and land use within the County. Capitalized terms used in this Ordinance and not otherwise defined shall have the meaning or usage given to such term in the Land Use Code.

(b) Pursuant to Ordinance No. 25-O-10, dated November 10, 2025 (the “**2025 Ordinance**”), the Council enacted certain amendments to the Zoning Ordinance defining Data Centers for the purposes of the Land Use Code, allowing Data Centers as a Special Exception or Conditional Use in certain Zoning Districts within the County, and establishing certain conditions and standards for the development of Data Centers within such Zoning Districts.

(c) Pursuant to Ordinance No. 26-O-04, dated July 6, 2026 (the “**Moratorium Ordinance**”), the Council imposed a moratorium on the consideration applications for Special Exceptions and Conditional Uses for Data Centers, the issuance of approvals for Special Exceptions or Conditional Uses for Data Centers, and the issuance or approval of other land use

applications or approvals, as applicable, for the development of Data Centers within the County for a period of six months from the date of the enactment of the Moratorium Ordinance (the “**Moratorium**”). The Council further directed the County’s staff and the Colleton County Planning Commission (the “**Planning Commission**”) to study the areas of the County where Data Centers may be an appropriate land use and the conditions under which Data Centers may appropriately be developed within such areas, and prepare and recommend appropriate amendments to the Colleton County Comprehensive Plan 2030 and the Land Use Code concerning Data Centers.

(d) Pursuant to Ordinance No. ___, dated September 14, 2026 (the “**Comprehensive Plan Ordinance**”), the Council has adopted certain amendments to the Colleton County Comprehensive Plan 2030 (the “**Comprehensive Plan**”) concerning areas of the County where, with proper regulation and under appropriate conditions (i) facilities used primarily for the storage, management, processing, routing, and/or transmission of digital data, including Data Centers, and (ii) facilities used for the storing and discharge of electricity (generally, “**Digital Infrastructure Facilities**”), are compatible with the County’s existing land use patterns and its desired future outcomes for growth and development.

(e) In accordance with the future land use goals articulated in the amendments to the Comprehensive Plan, as amended pursuant to the Comprehensive Plan Ordinance, the Council intends to amend the text of the Land Use Code, as shown in **Exhibit A** to this Ordinance (collectively, the “**Code Amendments**”), to (i) allow for the establishment of a Digital Infrastructure Overlay District (the “**Overlay District**”) in appropriate areas of the County, and (ii) amend the certain provisions of the 2025 Ordinance and the text amendments to the Land Use Code enacted thereby.

(f) In a meeting held on August 7, 2026, the Planning Commission reviewed the Code Amendments and has recommended the approval thereof by the Council.

(g) At a meeting held on September 14, 2026, the Council conducted a public hearing regarding the enactment of the Code Amendments, notice of which was published in accordance with the provisions of Section 6-29-760 and 6-29-1130 of the Act.

Section 2 Enactment of Code Amendments. The Code Amendments, as attached to this Ordinance at **Exhibit A**, are hereby approved and enacted. The Clerk to County Council and County staff are hereby authorized and directed to codify the Code Amendments in the Land Use Code and are further authorized and directed to make such changes to the headings and enumeration of the various sections and subsections of the Code Amendments and the Land Use Code, and cross-references contained therein, as may be necessary to effect such codification. The Land Use Code, as previously enacted by various prior actions of the Council, is hereby amended accordingly.

Section 3 Moratorium Partial Repeal. The Moratorium Ordinance and the Moratorium enacted thereby are hereby partially repealed upon third and final reading of this Ordinance, as further provided in this Section 3:

(a) The Moratorium shall be repealed with respect to (i) areas of the County west of Interstate 95; and (ii) areas of the County that, as of the effective date hereof, are zoned Light Industrial (LID), Industrial (ID), and Heavy Industrial (HID);

(b) The Council hereby directs County staff and the Planning Commission to work cooperatively with the stakeholders to define the areas of the County that should be considered part of the ACE Basin and that are not suitable for Data Centers and other Digital Infrastructure Facilities, and to include terms in the five-year update to the Colleton County Comprehensive Plan 2030 and the future land use map to be adopted thereby that clearly define the areas of the County that, for these reasons, are not suitable for Data Centers and other Digital Infrastructure Facilities and that may not be considered for inclusion within the Digital Infrastructure Overlay District or other zoning designations where Data Centers and other Digital Infrastructure Facilities may be an allowable use. The Moratorium shall remain in effect with respect to all areas of the County east of Interstate 95 (except those areas currently zoned Light Industrial (LID), Industrial (ID), and Heavy Industrial (HID)) until such time as the five-year update to the Colleton County Comprehensive Plan 2030, including the terms described above, have been given final approval by the Council.

Section 4 General Repealer; Effect of Code Amendments.

(a) [Reserved].

(b) For the sake of clarity, all terms and provisions of Ordinance No. 25-O-10 are hereby repealed and replaced, in their entirety, as of the third and final reading of this Ordinance with the amendments set forth in **Exhibit A**.

(c) All other ordinances, resolutions or parts of any ordinances or resolutions inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict or inconsistency. Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired or liability incurred, or any cause of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance, except as expressly set forth herein and as may be permitted under South Carolina law.

Section 5 Severability. If any one or more of the provisions of this Ordinance should be contrary to law, then such provision shall be deemed severable from the remaining provisions and shall in no way affect the validity of the other provisions of this Ordinance.

Section 6 Effect. This Ordinance shall be effective upon third and final reading by the Council.

DONE AND ENACTED IN COUNCIL DULY ASSEMBLED, this 14th day of September 2026.

COLLETON COUNTY, SOUTH CAROLINA





Scott Biering, Chairman, County Council


Martha Thompson, Clerk to Council

Planning Commission	August 7, 2026
First Reading:	August 10, 2026
Second Reading:	September 4, 2026
Public Hearing:	September 14, 2026
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Exhibit A

Code Amendments

Amendments to Land Development Regulations

ARTICLE 14.04-6. - DEFINITIONS

14.04-6.040. - Definitions.

[Amend the list of defined terms to add the following definitions of “Data Center” and “Battery Energy Storage System” to read, in their entirety, as follows]

Battery Energy Storage System or BESS, means one or more devices, assembled, capable of storing and discharging electricity primarily intended to supply electricity to the electrical grid with a nameplate capacity of greater than one megawatt hour (MWh). This may include, but is not limited to, the following: battery cells; enclosures and dedicated-use buildings; thermal, battery, and energy management system components; inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; overhead and underground control, communications and radio relay systems, and telecommunications equipment; utility lines and installations; and other appropriate accessory equipment and structures necessary or convenient for its operation. Uses that generate electricity, including solar farms, are expressly excluded from this definition.

Data Center means a facility, or campus of facilities, that is used primarily for the storage, management, processing, hosting, transmission, or routing of digital data and related services, and which houses computer systems, network equipment, servers, appliances, and other associated components and structures customarily incidental or related to such operations. Cryptocurrency processing facilities are specifically excluded from this definition.

Amendments to Zoning Ordinance

ARTICLE 14.08-2. - ZONING DISTRICT REGULATIONS

14.08-2.050. - Rural Development Zoning District-1 (RD-1).

[Amend the list of Special Exceptions under subsection (B)(3) to delete “Data Centers” from the list of uses allowed as a Special Exception in the RD-1 Zoning District.]

14.08-2.060. - Rural Development Zoning District - 2 (RD-2).

[Amend the list of Special Exceptions under subsection (B)(3) to delete “Data Centers” from the list of uses allowed as a Special Exception in the RD-2 Zoning District.]

14.08-2.125. - Light Industrial Zoning District (LID).

[Amend the list of Special Exceptions under subsection (B)(3) to delete “Data Centers” from the list of uses allowed as a Special Exception in the LID Zoning District.]

[Under subsection (B)(2) add “Data Centers” and “Battery Energy Storage Systems” to the list of uses allowed as a Conditional Use in the LID Zoning District.]

14.08-2.130. - Industrial Zoning District (ID).

[Under subsection (B)(2) add “Data Centers” and “Battery Energy Storage Systems” to the list of uses allowed as a Conditional Use in the ID Zoning District.]

14.08-2.135. – Heavy Industrial Zoning District (HID).

[Under subsection (B)(2) add “Data Centers” and “Battery Energy Storage Systems” to the list of uses allowed as a Conditional Use in the HID Zoning District.]

14.08-2.150. - Overlay Districts.

[14.08-2.150.- Overlay Districts is amended to add subsection “D” which shall read in its entirety as follows.]

D. Digital Infrastructure Overlay District

1. *Purpose.* The intent of the Digital Infrastructure Overlay District is to identify specific areas of the County where large-scale data processing, storage, transmission facilities and infrastructure to support such facilities, including electrical storage facilities, are appropriate as a Conditional Use pursuant to 14.08-3.020, but which may not be suitable for Industrial Zoning Districts where such facilities are otherwise allowed as a Conditional Use. Areas included within the Digital Infrastructure Overlay District have characteristics such as large undeveloped tracts of land, low densities of residential development in surrounding areas, and a substantial distance from areas of the County included within the ACE Basin, which have particular environmental sensitivity.
2. *Allowable Uses.* In addition to uses that are allowed as Permitted Uses, Conditional Uses, and Special Exceptions within the underlying Zoning District, the following uses are allowed as Conditional Uses pursuant to the subsections of 14.08-3.020, as applicable, which are referred to collectively as “Digital Infrastructure Facilities”:
 - a. Data Centers;
 - b. Battery Energy Storage Systems.
3. *Development Standards.* The development standards of the underlying Zoning District shall apply to all uses other than Digital Infrastructure Facilities. Digital Infrastructure Facilities shall be subject to the development standards set forth in the subsections of 14.08-3.020, as applicable. All procedures of 14.04-3.060 of the Land Development Regulations regarding commercial development projects shall apply to Digital Infrastructure Facilities.

4. *Applicability.* The inclusion of areas within the Digital Infrastructure Overlay District shall be done through an amendment to the Zoning Map under the procedures of 14.08-10. Areas of the County with an underlying Zoning District of RC-1 and RC-2 may not be included in the Digital Infrastructure Overlay District.

ARTICLE 14.08-3. - CONDITIONAL USES

14.08-3.020. - Conditional use regulations.

[Section 14.08-3020. – Conditional Uses is amended to add subsections “PP” and “QQ” which shall read in their entirety as follows:]

PP. Data Centers.

1. Data Center Development: A “Data Center Development” shall refer to the entire contiguous tract of land presented for development as a Data Center.
2. Height Regulations: Principal buildings shall not exceed seventy-five (75) feet in height measured from structure pad level. This height limitation shall not apply to accessory structures such as water towers, conveyor belts, or other incidental and uninhabitable structures. Structures proposed to be located within the Airport Compatibility Overlay Zone (AC-O) - Lowcountry Regional Airport shall follow prescriptions for the Airport Overlay Zone (AC-0) 14.08-2.150.
3. Setbacks:
 - a. Data Center Developments in underlying industrial zoning districts shall be subject to the setbacks prescribed by such zoning district.
 - b. Data Center Developments in the Digital Infrastructure Overlay within underlying non-industrial zoning districts shall meet the following prescribed yards as defined in section 14.04-6.040 with specific parameters outlined in 14.08-2.010(D)(2):
 - i. Front yard setback: Two hundred (200) feet
 - ii. Side yard setback: Two hundred (200) feet
 - iii. Rear yard setback: Two hundred (200) feet
4. Lot Dimensions:
 - a. Minimum frontage of one hundred ten (110) feet adjoining a street or road right of way.
 - b. Minimum lot width at building line of four hundred (400) feet.
5. Lot acreage: Minimum of three hundred (300) acres, which may include multiple parcels to the extent that they contain a single Data Center Development.
6. Buffer Requirements:

- a. Data Center Developments in the Digital Infrastructure Overlay within underlying non-industrial zoning districts shall have a minimum one hundred fifty (150) foot-wide vegetated buffer to provide 100% opacity from surrounding thoroughfares and adjoining properties. This buffer may be located within required building setbacks.
 - b. Data Center Developments within industrial zoning districts shall have minimum fifty (50) foot wide forested buffer in addition to prescribed industrial zone buffer requirements to provide 100% opacity from surrounding thoroughfares and adjoining properties not zoned industrial. This buffer may be located within required building setbacks.
7. Front Building Façade: The front building facade of principal structures shall be oriented toward street fronts or adjacent arterial street fronts. This requirement does not apply where the building is more than five hundred (500) feet from the public right-of-way or not visible from it.
8. Security Fencing: Security fencing and walls along the right-of-way shall not be located within the required buffer unless they comply with 14.08-4.030.
9. Accessory Structures: Accessory structures shall comply with applicable Colleton County Code provisions. Guardhouses and secure entry features are expressly permitted at public road entrances.
10. Internal Subdivision Flexibility: Required setbacks and buffers apply only to the external boundaries of the overall Data Center Development. Minimum frontage, lot width, and lot acreage do not apply to subdivided parcels within a single Data Center Development, provided, (i) the overall tract meets the requirements of this section, and (ii) each subdivided lot has adequate access via public or private roads.
11. Private Roads: Private roads within the Data Center Development are permitted and shall be designed and constructed in accordance with County public road standards under the Colleton County Code.
12. Alternative Power Sources:
 - a. Onsite power generation through the use of natural gas, solar or other renewables shall be permitted. All applicable construction permits (air, building, etc.) shall be obtained.
 - b. Any onsite Battery Energy Storage System shall meet all conditions set forth at 14.08-3.020(QQ), but shall be considered part of a Data Center Development for the purpose of the setbacks prescribed by this section.
13. Cooling Systems:
 - a. Data Center Developments in the Digital Infrastructure Overlay within underlying non-industrial zoning districts shall utilize a closed-loop water circulation system or zero-water, air-cooled (dry) systems to cool Data Center equipment. Evaporative cooling systems, including but not limited to cooling towers, wet chillers, and adiabatic pre-

cooling that consume water through evaporation, are not permitted for Data Center Developments in the Digital Infrastructure Overlay within underlying non-industrial zoning districts.

- b. An applicant may propose an alternative cooling system for any such Data Center Development, provided it operates entirely without intentional water consumption or evaporation. The applicant must provide certified engineering documentation demonstrating that the alternative system uses no more water than a standard closed-loop dry system. The County may have any such proposal reviewed by a qualified independent third-party engineer retained by the County, at the applicant's cost.
14. Lighting: All outdoor lighting shall be downcast and arranged to prevent light trespass onto adjacent properties.
15. Noise: Sound levels at any property line shall not exceed sixty-five (65) decibels, except during emergency generator testing. Such emergency generator testing shall be limited to once per week, conducted only on weekdays between the hours of 11:00 AM and 1:00 PM.
16. Prohibited Use: Cryptocurrency processing is not permitted under the provisions of this Section.
17. Development Agreement. The County may require the applicant for a Data Center or Data Center Development to enter into a development agreement under the South Carolina Local Government Development Agreement Act, codified at Title 6, Chapter 31 of the South Carolina Code of Laws.
18. Conflicting Provisions: In the event of a conflict between this Section and any other provisions of the Colleton County Code, this Section shall govern.

QQ. *Battery Energy Storage Systems.*

1. National Fire Protection Association 855 ("NFPA 855"): All BESS shall comply with the latest edition of NFPA 855, the Standard for the Installation of Stationary Energy Storage Systems published and adopted by the State of South Carolina at the time the Conditional Use application is submitted to the County.
2. Setbacks: BESS in underlying industrial zoning districts shall be subject to the setbacks prescribed by such zoning district. BESS in underlying non-industrial zoning districts shall meet the following prescribed yards as defined in 14.04-6.040 with specific parameters outlined in 14.08-2.010.D.2:
 - a. Front yard setback: Two hundred (200) feet
 - b. Side yard setback: Two hundred (200) feet
 - c. Rear yard setback: Two hundred (200) feet

- d. Required setbacks apply only to the external boundaries of the properties or parcels containing the BESS.
3. Lot acreage: A BESS shall be subject to minimum or maximum lot size requirements or acreage requirements of the applicable zoning district or, for a BESS within the Digital Infrastructure Overlay, the underlying zoning district.
4. Fencing: Perimeter fencing shall be installed with a perimeter fence of at least seven (7) feet in height, consistent with requirements established in the latest edition of the National Electric Code.
5. Lighting: Site lighting, if installed, shall be dark sky-friendly lighting solutions that are designed to minimize the amount of light that escapes upward and in compliance with the latest edition of the NFPA 855.
6. Noise: Except during construction, repair, augmentation, repowering of the BESS facility, sound levels at the external property line of any BESS shall not exceed sixty-five (65) A-weighted decibels (dBA), unless the real property adjacent to such external property line is subject to a participation agreement with the applicable BESS permittee, owner, or operator. Construction activities that exceed sixty-five (65) dBA shall only be conducted Monday through Friday, except for any State-recognized holidays, between the hours of 8:00 AM and 5:00 PM.
7. Wiring: All on-site utility lines for a BESS shall be placed underground to the extent feasible, except for the main service connection at the utility company right-of-way and any new interconnection equipment, including without limitation, any electrical substations and poles, with new easements and right-of-way.
8. Signage: Safety signage shall comply with the latest edition of the NFPA 855 or other applicable safety codes.
9. Buffering: Required buffers apply only to the external boundaries of the properties or parcels containing the BESS.
10. Emergency Response Plan: The applicant will develop an Emergency Response Plan in consultation with the chief official of the County Emergency Management Division. The applicant shall submit a draft Emergency Response Plan to the County during the permitting process, with the final Emergency Response Plan to be provided prior to the issuance of a building permit. Copies of the Emergency Response Plan and updates thereto shall be provided to the County Emergency Management Division, the County Fire and Rescue, and the South Carolina Emergency Management Division, and must be maintained at an approved on-site location accessible to facility personnel, the local fire department, and emergency responders, which must be outside the BESS perimeter fence. At the discretion of the County, the Emergency Response Plan shall be subject to review by an independent qualified third-party consultant selected and retained by the County, at the cost of the applicant. The Emergency Response Plan shall contain the following:
 - a. An identification of contingencies that would constitute a safety or security emergency;

- b. Emergency response measures and community notification measures by contingency;
 - c. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles;
 - d. A commitment to review the Emergency Response Plan annually and provide refresh training to the local fire department, first responders, and county emergency managers upon the County's request, and to update the Emergency Response Plan if there are significant changes to the applicable BESS;
 - e. A binding commitment to conduct, or provide funding to conduct, site-specific training drills before commencing operation, at the expense of the project owner. Training should familiarize the emergency departments with the project, hazards, procedures, and current best practices; and
 - f. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity.
11. Decommissioning: Prior to the issuance of a certificate of occupancy or certificate of completion, as applicable, for a BESS, the permit holder must submit to the County a Decommissioning Plan signed by the party responsible for decommissioning and the landowner (if different from the permittee). At the discretion of the County, the Decommissioning Plan shall be subject to review by an independent qualified third-party consultant selected and retained by the County, at the cost of the applicant.
- a. The Decommissioning Plan shall include the following:
 - i. The anticipated life of the facility;
 - ii. The anticipated manner in which the project will be decommissioned;
 - iii. A description of which above-grade and below-grade improvements will be removed, retained, or restored to substantially the same condition as the property was in prior to construction of the BESS; and
 - iv. A calculation of the estimated net removal cost of the BESS, consisting of the amount (if any) by which the cost of removing the BESS at the end of its useful life exceeds the salvage value of the BESS system at the end of its useful life.
 - b. Prior to the issuance of a certificate of occupancy or certificate of completion, as applicable, for a BESS, the permit holder, owner, or operator shall present evidence that security in the amount of the net removal cost specified in the Decommissioning Plan will be in place prior to the commencement of construction. The security may be in the form of a surety bond, letter of credit, parent/ corporate guarantee, or other financial instrument of the applicant's choosing. The security shall be payable to Colleton County, South Carolina, and conditioned upon the faithful performance of the Decommissioning Plan.

12. Repair, Augmentation, and Repowering: The permit holder must notify the County in writing of any augmentation, repowering, or other changes to a BESS so that the County may determine whether the Emergency Response Plan and Decommissioning Plan remain adequate. To the extent that any such augmentation, repowering, or other change renders the existing Emergency Response Plan or Decommissioning Plan inadequate, the County may require updates to such plans, which shall be subject to third-party review in the same manner as the original plans.
13. Development Agreement. The County may require the permit holder for a BESS to enter into a development agreement under the South Carolina Local Government Development Agreement Act, codified at Title 6, Chapter 31 of the South Carolina Code of Laws, if the County determines that a development agreement may be necessary to memorialize the permit holder's binding obligations concerning its emergency response plans, decommissioning plans, or other obligations.
14. Conflicting Provisions. In the event of a conflict between this Section and any other provisions of the Colleton County Code, this Section shall govern.