

6.5.26 HOGANSVILLE UDO DATA CENTER UPDATES

Overview of City Council Input

1. SETBACKS

Proposed revisions based on City Council feedback:

- 750' setback from any residential or public/institutional principal structures.
- 1000' buffer from any wetland or stream buffer.

Further discussion needed:

- Need to consider scenarios where residential properties build structures after the approval of a data center project
- Make sure wetlands and streams are clearly defined to reflect how they are defined already in the code
- Request for 1000' for other scenarios like increased topography – recommend doing this through zoning conditions as a way to respond to unique site conditions

2. NOISE

Proposed revisions based on City Council feedback:

- Revise to the proposed 45 decibels at night and 55 decibels during the day.
- Add language that requires testing by qualified professionals selected and paid for by the applicant and approved by the City and that the City shall have the authority to require independent peer review at the applicant's expense.
- Make sure sound level measurements are not blended or averaged around the perimeter of the property.
- Low-frequency, tonal, or pulsing noise shall not be audible or perceptible at sensitive protected areas – this is d(B)c – the current draft limits this to 60 at night / 70 during the day

3. BUFFERS

Proposed revisions based on City Council feedback:

- All recommendations for buffering are already in our draft or in the UDO.

4. INFRASTRUCTURE

Proposed revisions based on City Council feedback:

- The developer will fund or construct all necessary upgrades to water, sewer, electrical, roadway, and stormwater infrastructure directly or indirectly caused by the project;
- Infrastructure improvements should be completed prior to or in conjunction with each phase of development, as determined by the City;

- Required financial guarantees, bonds, or other security to ensure completion of required improvements.

5. CONSTRUCTION PLANS

Proposed revisions based on City Council feedback:

- Require limits to be placed on construction hours near residential areas.
- Require a plan to control dust, erosion, and sediment control.
- Require a plan for noise and vibration mitigation during construction.
- City-approved construction traffic routes.
- Ongoing site maintenance and environmental compliance.
- Required financial guarantees, bonds, or other security for repairing and restoring any public roads damaged by construction.
- All repairs should meet City standards and be completed to the satisfaction of the City Engineer or designated official. The City may require financial security to ensure completion of required repairs.

6. DATA CENTER EXPANSION THRESHOLD

- Allow data center campuses to be approved with a master plan of up to 100 MW of utility power demand.
- However, no campus should be permitted to operate above 50 MW without:
 - o Approval of a Conditional Use Permit;
 - o A public hearing before the Mayor and Council; and
 - o Updated studies addressing water, sewer, power, traffic, noise, environmental, and emergency service impacts.
- The ordinance should state that approval of a 100 MW master plan does not allow operation above 50 MW without additional City approval.
- Any expansion beyond 50 MW must go back through City review.
- Turn this into language that says that all permits, zoning conditions, etc cannot be changed without coming back to be re-approved through the normal processes for rezonings

Proposed revisions based on City Council feedback:

- All data center development will require a development agreement and will require a rezoning to Heavy Industrial which will further bring the ability to add zoning conditions. But we can add language that further makes it clear that data centers can only build buildings and structures that have been approved by City Council and as reflected in an approved site plan.

7. ENHANCED PUBLIC REPORTING REQUIREMENTS

Proposed revisions based on City Council feedback:

- Re-insert the previously drafted provisions for required reporting based on various stages of permit requests – as provided below.

Power	
Rezoning	- A letter of intent to serve the proposed project from the applicable utility provider(s), confirming that preliminary coordination has occurred and that service to the proposed project is feasible subject to final engineering.
Preliminary Plat	- All reporting elements required for the rezoning. - A proposed power line route plan reflecting the applicable utility provider's plans for all electric lines serving the project.
During Construction	- Confirmation of compliance with all city, state, and federal codes and ordinances related to this element.
Post Certificate of Occupancy	- Confirmation of compliance with all city, state, and federal codes and ordinances related to this element.

Environmental Impact	
Rezoning	- An environmental impact assessment for the proposed project to determine and quantify the potential impacts of the proposed project and to identify steps to mitigate such impacts. - The environmental impact assessment shall be based upon research, site visits, and accepted environmental sampling and investigative practices for water resources, air quality, ecology, archaeology, stormwater management, and cultural/historical resources.
Preliminary Plat	- All reporting elements required for the rezoning. - A 10-year plan for how the development will mitigate any identified environmental impacts.
During Construction	- Confirmation of compliance with all city, state, and federal codes and ordinances related to this element.
Post Certificate of Occupancy (Industrial only)	- Progress report and reporting on the implementation of the 10-year plan required as part of the land disturbance permit application. - Confirmation of compliance with all city, state, and federal codes and ordinances related to this element.

Cooling and Ventilation	
Rezoning	- Specifications on the proposed cooling and ventilation equipment for the development.
Preliminary Plat	- All reporting elements required for the rezoning.
During Construction	- Confirmation of compliance with all city, state, and federal codes and ordinances related to this element.
Post Certificate of Occupancy (Industrial only)	- Confirmation of compliance with all city, state, and federal codes and ordinances related to this element.

Emergency Response	
Rezoning	- Reporting not required
Preliminary Plat	<ul style="list-style-type: none"> - The development shall coordinate with the City's Fire and Emergency Services provider to conduct specialized emergency response training at least once per year. Such training shall include all applicable public safety agencies that may respond to the facility. The City's Fire and Emergency Services provider shall coordinate the training with the 911/EMA Director and other responding agencies, as needed. - The development shall reimburse the City's Fire and Emergency Services provider for all costs associated with conducting the training, including personnel, materials, and any necessary equipment related to emergency response at the data center facility. - A BESS Thermal Runaway Management Plan for responding to lithium-ion battery emergencies (when lithium-ion batteries are utilized).
During Construction	- Confirmation of compliance with all city, state, and federal codes and ordinances related to this element.
Post Certificate of Occupancy (Industrial only)	<ul style="list-style-type: none"> - Documentation of all emergency responses for the development over the prior calendar year. - Reporting on annual training which shall occur annually with all applicable public safety agencies. Training processes, dates, and outcomes shall be included in the annual report. - Confirmation of compliance with all city, state, and federal codes and ordinances related to this element.

Traffic and Transportation	
Rezoning	- A Transportation Management Plan (TMP) to be approved by the city. The plan shall delineate strategies for ensuring the traffic generated by the project is able to be accommodated without creating adverse impacts on the city transportation network.

	Plans should also include strategies for promoting the use of alternative forms of transportation such as walking and biking.
Preliminary Plat	<ul style="list-style-type: none"> - Updated Transportation Management Plan (TMP) materials. - A Construction Traffic Management Plan (CTMP) to be approved by the city. A surety bond shall be required to cover costs related to potential damage to public roads and right-of-way. Transportation improvements that are determined to be necessary to serve the development must be designed in conjunction with the site development plans and must be under construction prior to the issuance of any building permits for permanent structures on the property.
During Construction	<ul style="list-style-type: none"> - Confirmation of compliance with all city, state, and federal codes and ordinances related to this element.
Post Certificate of Occupancy (Industrial only)	<ul style="list-style-type: none"> - Progress report and reporting on the implementation of the TMP and CTMP required as part of the land disturbance permit application. - Confirmation of compliance with all city, state, and federal codes and ordinances related to this element.

Noise Impact

Rezoning	<ul style="list-style-type: none"> - Proposed actions that will be taken to ensure the project complies with all city ordinances and regulations for noise.
Preliminary Plat	<ul style="list-style-type: none"> - All reporting elements required for the rezoning. - The daytime and nighttime base-line noise level at a point on the property line closest to the primary residential dwelling on an adjoining parcel, and the estimated noise level generated by the proposed project. - A map depicting the noise study area radius, project boundaries, sound level monitoring locations, and the nearest receptor locations. - The projected maximum levels of high and low frequencies.
During Construction	<ul style="list-style-type: none"> - Confirmation of compliance with all city, state, and federal codes and ordinances related to this element.
Post Certificate of Occupancy (Industrial only)	<ul style="list-style-type: none"> - Newly submitted reporting on all elements required in for the Preliminary Plat. - Confirmation of compliance with all city, state, and federal codes and ordinances related to this element.

Community Benefits Agreements

Rezoning	<ul style="list-style-type: none"> - A community benefits agreement process shall be agreed-to by the applicant and the zoning administrator. The process will include proposed dates for public meetings, staff engagement, and elected officials engagement as part of an overarching schedule to create a community benefits agreement proposal.
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	<ul style="list-style-type: none"> - A proposal of community improvements and investments that the developer will implement as part of a future development. - Proposed projects including traffic and intersection improvements; bike-pedestrian improvements such as paths and sidewalks; landscaping improvements; aesthetic improvements such as lighting, signage, fences, screening, and gateway markers; and the utilization of specific architectural and building materials. - Plans, elevations, and cross sections that visually communicate the committed elements of the proposed agreement.
Preliminary Plat	<ul style="list-style-type: none"> - All reporting elements required for the rezoning. - Updated plans, elevations, and cross sections that visually communicate the committed elements of the proposed agreement.
During Construction	<ul style="list-style-type: none"> - Confirmation of compliance with all community benefits agreement commitments through construction.
Post Certificate of Occupancy	<ul style="list-style-type: none"> - No reporting required.

8. INFRASTRUCTURE RE-VERIFICATION

City Council feedback:

- Require additional review if measured operational impacts exceed approved or projected levels by a defined threshold, including:
 - o Water use exceeding approved projections by approximately 10–15%;
 - o Power demand or electrical load exceeding initial approved assumptions; or
 - o Noise levels exceeding baseline or approved compliance thresholds.
- Upon triggering these thresholds, the City may require updated studies and, if necessary, additional review or approval to ensure continued compliance with infrastructure capacity, environmental standards, and surrounding land use compatibility.

Proposed revisions based on City Council feedback:

- All zoning regulations, zoning conditions, data center standards, and all other UDO regulations and standards are not allowed to be exceed or violated in any way. Any such non-conformance can result in the full policing powers of the city which include stop work orders, fines and the revocation of a certificate of occupancy.
- All utility usage agreements and the over-usage of such utilities will be governed by the agreements in place between the utility customer and the utility provider. But utility usage will be required as an annual reporting element for data centers.

9. DECOMMISSIONING

City Council feedback:

- More clarification and understanding of what would be required for decommissioning is needed - as this is a process no one has any experience with at this point - the impact on brown field sites in America because decommissioning of facilities was not an issue until sites were left abandoned and in a circle of who's responsible or potential of taxpayers footing the bill. A bond or escrow account will be needed. But who knows the cost- amount?

Response:

- Discuss the proposed draft language for decommissioning at the June 8 meeting to determine what if any revisions are needed moving forward.

10. OTHER

City Council feedback...

- Ownership and Transfer Continuity. Include a provision requiring that all approved conditions for a data center facility remain in effect regardless of changes in ownership. The new owner or operator should be fully responsible for complying with all previously approved conditions, limitations, and requirements.

Response...

- All zoning conditions are applied to a property – not the property owner. So once zoning conditions are approved for any property it cannot be changed or removed unless done so through a rezoning process.

City Council feedback...

- I am concerned about the amount of time these facilities are under construction- I am concerned with the addition of buildings after initial drawings. Any substantial change in the increase of what is approved should have a process or require approval. Fayette started with 4 buildings and has grown to 9.

Response...

- No buildings or any aspect of the development will be permitted with a permit. No permit will be allowed to be issued without a development agreement and with confirmation of conformance with all zoning conditions, UDO regulations, and the data center standards.

City Council feedback...

- The inspections on these facilities is constant and expensive- somehow we have to make sure that the development fees are covering 100% of the inspection and oversight. The amount of erosion control and inspection alone is exorbitant.

Response...

- Agreed. Data center permitting fees should be adjusted to reflect this.

City Council feedback...

- I believe we have to address capacity at our water treatment plant and the impact of their needs- whatever Turnipseed determines would be required for upgrades would be on the developer- I feel like this is needed on the front end- we can't approve and rezone properties without a full understanding.

Response...

- Agreed. A full understanding of water usage and the ability to service the project should be an up-front part of the proposed re-zoning.

City Council feedback...

- A data center development should be required to use local contractors.

Response...

- Agreed. This type of requirement should be executed through outside contracts or a development agreement and is not appropriate to regulate through zoning regulations.