

7.8.26 HOGANSVILLE UDO UPDATES

SUBCHAPTER 102-B

- Yellow highlights indicate proposed revisions
- Red ~~crossed-out~~ text indicates proposed deleted text
- **Bold** text indicates proposed new text

Sec. 102-B-2-12. **G-HI, general heavy industrial district.**

Purpose and intent. This zoning district is intended primarily for large-site development of heavy industrial uses and businesses.

Sec. 102-B-2-1 ~~23~~ **23**. PUD, planned unit development special zoning district.

Purpose and intent. This zoning district is an overlay district intended primarily for facilitating development that is located on property containing abnormal topographical or environmental constraints.

Sec. 102-B-2-1 ~~34~~ **34**. - Historic district special zoning district overlay.

Purpose and intent. This zoning district is an overlay district intended primarily as the historic district for the downtown of the city.

Sec. 102-B-2-1 ~~45~~ **45**. - Downtown business special district overlay.

Purpose and intent. This zoning district is an overlay district intended primarily as the entertainment district for the downtown of the city.

Sec. 102-B-4-1. Dimensional standards of zoning districts.

Space Dimensions Table

SPACE DIMENSION S	ES- R ¹²	SU- R ¹²	TN- R ¹²	TN- MX ^{1,10}	CR-MR	CR- MX ¹⁰	DT-MX	G- RL	G- B	G- LI	G- HI
Maximum number of primary dwellings (per lot)	1	1	1	N/A	N/A	N/A	N/A	1	N/A	N/A	N/A
Building Coverage (Maximum, % of lot area)	50% ²	50% ²	70% ²	80% ²	60% ²	80% ²	100%	50%	80%	80%	80%

Lot Size (Minimum, square feet)	14,000	8,000	5,000 ^{2,3}	None	None	None	None	1 acre	10,000	1 acre	1 acre
Lot Frontage (Minimum)	75' ¹¹	60' ¹¹	50' ^{2,11}	50' ²	50' ²	50' ²	None	100'	100'	100'	100'
Building Height ^{4,2} (Maximum)	35'	35'	40'	40'	40' ⁹	40' ⁹	40' ⁶	35'	40' ⁹	75' ⁹	75' ⁹
Side Yard (Minimum) ⁵	15' ²	10' ²	5' ²	None	10' ²	10' ²	None	20'	15'	15'	15'
Street Side Yard (Minimum)	10' ²	10' ²	5' ²	None	10' ²	10' ²	None	15'	10'	10'	10'
Rear Yard (Minimum)	25' ^{2,7}	25' ^{2,7}	20' ^{2,7}	25' ²	25' ²	15' ²	None	40'	15'	15'	15'
Front Yard - Arterials and Collectors (Minimum) ^{8,1} ₃	35' ²	35' ²	30' ²	25' ²	25' ²	25' ²	None	40'	40'	40'	40'
Front Yard - All other street types (Minimum) ^{8,1} ₃	20' ²	20' ²	20' ²	25' ²	25' ²	25' ²	None	25'	25'	25'	25'
Front Yard (Maximum) ^{8,} ₁₃	None	None	None	40' ²	None	None	40' ²	None	None	None	None

Sec. 102-B-4-5. Fences and retaining walls.

(2) General conditions.

- (e) Barbed wire shall be permitted on fences and walls on properties within G-RL, **and G-LI,**
and G-HI zoning districts. Fences and walls for all other uses are prohibited from utilizing
barbed wire.

Sec. 102-B-4-5. Fences and retaining walls.

(3) Fences, general.

- (a) Fences in the front yard:

(i) Maximum height. Fences shall not exceed four feet in height and shall not extend into the public right-of-way. See section 102-B-4-6 for corner lot restrictions. Properties within G-R, **and G-LI, and G-HI** zoning districts are allowed fences up to six feet in height. Fence posts and pillars shall be permitted to be located an additional one foot higher than the maximum height allowed for the remaining fencing elements.

(ii) Materials. Fences shall not be made of wire, woven metal, or chain link, unless located on property within G-RL, **and G-LI, and G-HI** zoning districts. All other fences shall be ornamental or decorative fences constructed of brick, stone, stucco, split rail, wood, aluminum, or wrought iron. The fence shall be a minimum of 50 percent transparent. Exposed block, tires, junk or other discarded material shall be prohibited fence materials. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area, street or thoroughfare, or public right-of-way.

Sec. 102-B-5-2. Building typology.

BUILDING TYPE	ES-R	SU-R	TN-R	TN-MX	CR-MR	CR-MX	DT-MX	G-RL	G-B	G-LI	G-HI
Garage Apartment	P	P	P	P	P	P		P			
Backyard Cottage	P	P	P	P	P	P		P			
Cottage House			P	P ¹	P ¹	P ¹					
Detached House	P	P	P	P	P	P		P			
Cottage Court			P	P	P	P					
Two-Family Dwelling			P	P	P	P					
Attached House				P	P	P					
Townhouse				P	P	P					
Walk-up Flat				P	P	P					
Stacked Flat				P	P	P					
Single-Story Shopfront				P		P	P		P	P	P
Mixed Use Building				P		P	P				
General Building				P		P			P	P	P
Civic Building				P		P	P		P		

Manufactured Home											
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Sec. 102-B-5-3. Building architecture.

- (1) Additional standards for G-LI **and G-HI** zoning districts. No building shall be constructed with a wooden frame. The exterior finish of all buildings shall be common brick, concrete blocks, tile bricks, enamel metal siding, their equivalent or better, but no building thereon shall be covered with asbestos siding or galvanized sheet metal. If the exterior walls are constructed of concrete or concrete blocks, unless the exterior finish is stucco, gunite or their equivalent, the joints shall be rubbed down and the walls covered sufficiently with standard waterproofing paint.

Sec. 102-B-5-4. Transitional heights.

(1) Transitional heights.

(a) Transitional height planes. A transitional height plane is an imaginary plane having a vertical component and angular component specifically designed to restrict the maximum height of all parts of buildings or structures within CR-MR, CR-MX, DT-MX, G-B, **and G-LI, and G-HI** zoning districts and their relationship to adjoining ES-R, SU-R, TN-R, TN-MX, and G-RL districts.

Transitional height planes shall comply with the following components and regulations:

- (i) A vertical component measured at the required yard or buffer setback adjoining the common property line by a 40-foot vertical distance above the finished grade;
 - (ii) An angular component extending inward over an adjoining CR-MR, CR-MX, DT-MX, G-B, **and G-LI, and G-HI** district at an angle of 45 degree;
 - (iii) Such vertical and angular component calculations shall be made on a point-by-point basis and not average grade; and
 - (iv) No portion of any structure shall protrude through the transitional height planes specified in subsection (1)(b) below.
- (b) Where CR-MR, CR-MX, DT-MX, G-B, **and G-LI, and G-HI** zoning districts adjoin ES-R, SU-R, TN-R, TN-MX, and G-RL districts without an intervening public street, height within this district shall be limited by the transitional height plane requirements.

Sec. 102-B-6-1. Table of permitted and prohibited uses.

TABLE OF PERMITTED AND PROHIBITED USES	SUPPLEMENTAL	R	R	R	MX	MR	MX	MX	RL	B	LI	HI
		ES	SU	TN	TN	CR	CR	DT	G	G	G	G
ACCESSORY USES												
Accessory Dwelling, Attached	Y	A	A	A	A	A	A	A	A			
Accessory Dwelling, Detached	Y	A	A	A	A	A	A	A	A			

Cafeteria							A	A		A	A	A
Car Wash							A			A	A	A
Cargo Containers	Y	A	A	A			P		A		P	P
Club Houses, Recreation associated with Residential Subdivisions		A	A	A	A	A	A		A			
Day Care - Adult Day Care Center, After School Program, Day Care Center, Nursery School (As Accessory Uses for Places of Worship Only)	Y	A	A	A	A	A	A	A	A	A		
Donation Bin	Y						A			A	A	A
Drive-Thru Facility							A			A	A	A
Farmers' Market					A		A	A	A	A		
Garden, Hobby		A	A	A	A	A	A	A	A	A	A	A
Greenhouse, Non-Commercial		A	A	A	A	A	A	A	A	A	A	A
Helicopter Landing Area							A		A	A	A	A
Home Occupation	Y	A	A	A	A	A	A	A	A			
Horse Stables	Y								A			
Ice Vending							A			A		
Kennel and Animal Boarding, Hobby	Y	A	A						A		A	A
Live Outdoor Entertainment	Y				A		A	A				
Livestock Raising	Y								A		A	A
Outdoor Dining	Y				A		A	A		A		
Outdoor Display and Sales	Y				A		A	A		A	A	A
Outdoor Storage	Y						A			A	A	A
Parking Lots, Parking Decks					A	A	A	A		A	A	A
Poultry Raising	Y	A	A	A					A			
Recreational Vehicle and Boat Parking (for Single-Family Dwelling uses only)	Y	A	A	A					A			
Solar Panels, Wind Turbines, Rainwater Collection Systems		A	A	A	A	A	A	A	A	A	A	A
Swimming Pools and Tennis Courts		A	A	A	A	A	A	A	A			

AGRICULTURAL USES												
Camping, Campgrounds, Glamping	Y	SUP	SUP	SUP					p			
Commercial Agriculture, Forestry, Fishing	Y									P	P	P
Commercial Community Garden	Y	SUP	SUP	SUP	P		P	P	P			
Farmers markets, Roadside markets, Roadside stands	Y						SUP		SUP	P		
Non-commercial Agriculture, Forestry, Fishing		P	P	P		SUP			P		P	P
Timber Harvesting	Y								P			
COMMERCIAL USES												
Alcoholic Beverages, Packaged and Retail Sales							P	P				
Amusement and Recreation Industries							SUP	SUP		P		
Automobile Dealers							P			P	P	P
Automotive Parts, Accessories, Tire Stores							P			P	P	P
Automotive Repair, Maintenance	Y						P			P	P	P
Bars, Taverns					P		P	P				
Bed-and-Breakfast Inns	Y	SUP	SUP		P		P	P	SUP			
Brewpubs, Microbreweries					SUP		P	P		P		
Building Material, Garden Equipment, Supplies Dealers					SUP		P			P	P	P
Car Washes (Commercial)							P			P	P	P
Cemeteries (Private)	Y	SUP	SUP						SUP	P	P	P
Cemeteries (Religious, Institutional)	Y	SUP	SUP									
Civic and Social Organizations					SUP		P	P		P	P	P
Commercial and Industrial Machinery and Equipment, Including Sales and Rental					SUP		P			P	P	
Commercial Banking					P		P	P		P		
Commercial Parking Lots, Parking Decks	Y				SUP		P	P		P	P	P

Consumer Fireworks Retail Sales Facility, Retail Sales Stands	Y										P	P
Convenience Stores					P		P	P		P	P	P
Data Processing, Hosting, Related Services							P			P	P	
Distilleries, Microdistilleries							P	P		P	P	P
Drive-In Motion Picture Theaters							P			P		
Dry Cleaning, Laundry Services					SUP		P	P		P	P	P
Farm Wineries							P	P		P	P	P
Flea Market							P			P	P	P
Funeral Homes, Funeral Services, Crematoriums					P		P			P	P	P
Furniture and Home Furnishings Stores					P		P	P		P	P	P
Gasoline Stations	Y						P			P	P	P
General Merchandise Stores, including Warehouse Clubs and Supercenters							P	P		P		
General Rental Centers							P			P		
Grocery Stores					P		P	P		P		
Hotels, Motels	Y				P		P	P		P	P	P
Kennels and Animal Boarding (Commercial)							P		SUP	P	P	P
Libraries, Archives							P	P		P		
Massage and Spa Establishments	Y				SUP		SUP	SUP		SUP	P	P
Mobile Food Vendors	Y				P		P	P		P	P	P
Motion Picture Theaters (except Drive-Ins)							P	P				
Motor Vehicle Dealers (Sales and Rental), including Recreational Vehicles, Boats, and Utility Trailers							P			P	P	P
Museums, Similar Institutions					P		P	P				
Non-traditional Tobacco Paraphernalia							SUP					
Open Yard Sales	Y						P			P	P	P

Other Professional and Business Offices					P		P	P		P	P	P
Pawn, Title Services							P			P	P	P
Spectator Sports, Related Industries							P	P		P		
Personal Care Services					P		P	P		P		
Pet Care, Veterinary Services	Y				P		P		SUP	P	P	P
Radio and Television Broadcasting							P	P		P	P	P
Restaurants					P		P	P				
Retail Stores					P		P	P		P		
Sexually Oriented Businesses											P	P
Short Term Vacation Rental	Y	P	P	P	P	P	P	P	P			
Special Event Centers, Commercial Entertainment, Performing Arts							SUP	SUP		P	P	P
Taxidermy Services					P		P	P	SUP	P	P	P
Telephone Call Centers							P			P	P	P
Used Merchandise Stores					P		P	P		P		
LIGHT INDUSTRIAL USES												
Commissary Kitchens							SUP			P	P	P
Cryptocurrency Processing, Related Services												
Data Centers												P
Distribution Centers										P	P	P
Junkyard, Salvage Yard	Y										SUP	SUP
Light Manufacturing										P	P	P
Motor Vehicle Towing	Y										P	P
Personal Storage	Y						P			P	P	P
Recreational Vehicle and Boat Storage	Y						P			P	P	P
Recycling Centers											SUP	P
Recycling Collection							SUP			SUP	SUP	P
Remediation, Other Waste Management Services											SUP	SUP

Sewage Treatment Facilities					P		P	P		P	SUP P	P
Support Activities for Transportation Services							P			P	P	P
Truck Stop										P	P	P
Truck Terminals										P	P	P
Warehousing	Y						SUP			P	P	P
Waste Collection											SUP	SUP
Wreckage, Inoperable Vehicle Storage											SUP	P
PUBLIC/INSTITUTIONAL USES												
Child and Youth Services							SUP			P		
Colleges, Universities, Professional Schools							SUP			P	P	
Day Care - Adult Day Care Center	Y				SUP		P	P				
Day Care - After School Program	Y				SUP		P	P				
Day Care - Day Care Center	Y				SUP		P	P				
Day Care - Family Day Care Home	Y	SUP	SUP	SUP					SUP			
Day Care - Nursery School	Y				SUP		P	P				
Elementary and Secondary Schools	Y	P	P	P	P	P	P	P	P	P		
Hospitals					P		P			P		
Individual and Family Services					P		P	P		P		
Medical and Diagnostic Laboratories							P	P		P	P	P
Offices of Health Practitioners					P		P	P		P		
Places of Worship	Y	SUP	SUP	SUP	SUP	SUP	P	P	SUP	P	P	P
Services for the Elderly and Persons with Disabilities							P	P		P		
RESIDENTIAL DWELLING USES												
Dwellings, Manufactured Home	Y								P			
Dwellings, Multi-family	Y				P	P	P	P				

Dwellings, Single-family attached	Y				P	P	P	P				
Dwellings, Single-family detached	Y	P	P	P	P	P	P	P	P			
Dwellings, Townhome	Y				P	P	P	P				
Dwellings, Two-family	Y			P	P	P	P	P				
RESIDENTIAL GROUP LIVING USES												
Social Service Facility, including Halfway House, Drug Rehabilitation Centers, Drug Dependency Treatment Facilities	Y						SUP			SUP		
Assisted Living Facility, Nursing Home	Y					SUP	P			P		
Continuing Care Retirement Communities, Assisted Living Facilities for the Elderly						SUP	P			P		
Dormitories, Fraternities, Sororities										SUP		
Monastery, Convent						SUP	P			P		
Personal Care Home (2-4 residents)	Y	P	P	P	P	P	P		P	SUP		
Personal Care Home (5-15 residents)	Y	SUP	SUP	SUP		P				SUP		
Personal Care Home (16-24 residents)	Y	SUP	SUP	SUP	SUP	P	SUP	SUP		SUP		
Roominghouse, Boardinghouse	Y	SUP	SUP	SUP	P	SUP	P	P		P		
TEMPORARY USES												
Construction Field Office	Y	P	P	P	P	P	P	P	P	P	P	P
Open Air Seasonal Sales	Y				P		P	P	P	P	P	P
Real Estate Sales Offices, Model Homes	Y	P	P	P	P	P	P	P	P	P	P	P
Special Events and Festivals	Y	P	P	P	P	P	P	P	P	P	P	P
Temporary Portable Storage Container	Y	P	P	P	P	P	P	P	P	P	P	P
Warming Center	Y				P			P		P	P	P
Yard/Garage Sales	Y	P	P	P	P	P	P	P	P	P	P	P

Sec. 102-B-7-3. Accessory uses.

(3) Cargo containers.

(c) Cargo containers utilized for an accessory use shall be permitted without restriction in G-LI **and G-HI** districts.

(d) Cargo containers utilized for an accessory use shall have the following additional requirements:

(i) Cargo containers for storage purposes only shall be allowed on a permanent basis. Such cargo containers shall be permanently and fully screened from view from all adjacent properties, with either opaque fencing material one foot higher than the height of the cargo container or planted landscape material that within six months of installation is one foot higher than the height of the cargo container and which is opaque.

(ii) Placement of cargo containers shall comply with all applicable building and setback lines. No more than one permanent cargo container shall be allowed per lot, regardless of lot size.

(iii) Cargo containers within the CR-MX, **and** G-LI, **and G-HI** districts shall be allowed on a temporary basis on lots of less than one acre, but not for greater than 90 days. Neither a permit nor screening shall be required for the placement of a temporary cargo container.

(e) Cargo containers utilized for a principal use within CR-MX, **and** G-LI, **and G-HI** districts shall be permitted and shall be classified as a single story shopfront building type (section 102-B-5-2).

Sec. 102-B-7-6. Industrial uses.

(1) Data Center standards.

(a) Additional conditions imposed by the city council. As established in Sec. 102-B-12-14, the city council may impose reasonable conditions, safeguards, and restrictions upon the approval of any rezoning or other development approval for a data center when such conditions are determined to be necessary to protect the public health, safety, and welfare and to promote the purposes of this UDO. In evaluating a proposed data center, the city council may consider site-specific characteristics, including but not limited to: existing topography; the location of streams, wetlands, floodplains, groundwater recharge areas, and other environmentally sensitive features; the relationship of the proposed use to adjoining properties and surrounding land uses; the adequacy of existing and proposed roads, utilities, and other public infrastructure; the need for transportation, water, sewer, stormwater, or utility improvements; emergency vehicle access; building orientation and site design; buffering, landscaping, screening, lighting, and noise mitigation; and other factors reasonably related to the proposed development and its anticipated impacts. Any conditions imposed shall be reasonably related to the characteristics of the site and the anticipated impacts of the proposed data center and shall be designed to ensure compatibility with surrounding development and the orderly growth of the city.

(b) Lot area. Minimum of 50 acres.

(c) Lot coverage. Maximum of 50 percent.

(d) Buffers and setbacks.

- (i) An undisturbed buffer a minimum depth of three hundred feet (300) shall be required along all property lines. See Sec. 102-C-8-21 for requirements and standards related to undisturbed buffers.
 - (ii) Buffer planting requirements shall be provided at 400% the minimum number of planting rows required in Sec. 102-C-8-21(4).
 - (iii) Structures shall be setback a minimum distance of 750 feet from the property line of any residential or public/institutional principal use. Additional setback stipulations may be required by the city council based on topographic conditions.
- (e) Building design.
- (i) All buildings must be designed to minimize adverse visual impacts on surrounding development as demonstrated by the submission of elevations, architectural sketches, or sight lines studies.
 - (ii) All accessory structures shall be screened to prevent visibility of such structures from any public right-of-way.
 - (iii) Exterior building materials shall include at least two of the following for any elevations viewable from a public right-of-way:
 - (A) Brick, stone, or architectural precast concrete panels.
 - (B) Architectural metal panels with non-reflective finish.
 - (C) High-quality fiber cement panels.
 - (iv) Portions of buildings visible from a public right-of-way shall incorporate at least two of the following design features to break up the building mass:
 - (A) Vertical or horizontal articulation of the façade at intervals not exceeding 50 feet.
 - (B) Variation in building height of at least 10% across the facade, or stepped rooflines.
 - (C) Use of architectural projections or recesses at least 2 feet in depth.
 - (D) Changes in facade materials or colors with a minimum of two types of materials.
- (f) Equipment.
- (i) All HVAC and mechanical equipment shall be screened to prevent visibility of such equipment from any public right-of-way.
 - (ii) HVAC and mechanical equipment shall not be permitted within the required buffer.
 - (iii) Generators shall only be allowed as a backup energy source and not as a primary source.
 - (iv) Generators shall be classified as stationary sources and shall meet Tier 4 Final standards.
 - (v) The developer and the city shall assess the feasibility of requiring the utilization of city natural gas to power any on-site generators. This assessment will evaluate the feasibility of accessing an available gas line and the potential impact on neighboring properties that may result.
 - (vi) Open-loop water cooling systems are prohibited for all liquid cooling and ventilation equipment. Periodic refilling shall be permitted to maintain proper

system operation. Only closed-loop water systems and direct-to-chip cooling capabilities operating in a sealed, recirculating loop shall be permitted.

(vii) Water cooling systems shall achieve a Water Usage Effectiveness (WUE) rating of 0.2 L/kWh or less.

(viii) Electrical power substations shall be located a minimum of 750 feet from any ES-R, SU-R, G-RL, TN-R, or TN-MX zoning district.

(ix) Transmission/power lines that are 18 kV or lower shall be buried underground as part of any future development.

(g) Loading.

(i) All loading areas shall be screened to prevent visibility of such areas from any public right-of-way.

(ii) Such areas shall not be permitted within the required buffer.

(h) Parking.

(i) All surface parking lots shall be screened to prevent visibility of such areas from any public right-of-way.

(ii) Such areas shall not be permitted within the required buffer.

(iii) The applicant shall set aside land area to accommodate 1 space per 2,000 square feet of gross floor area (GFA). The final number of parking spaces actually constructed shall be determined and approved by the zoning administrator.

(i) Lighting.

(i) All lighting shall provide 90 degree cut-off luminaires fixtures to prevent light spillage.

(ii) Lighting poles shall be no taller than twenty-five feet (25) in height.

(iii) The maximum foot-candles within the required buffer shall be .5.

(iv) Lighting shall be permitted within the required buffer but shall not be visible from any public right-of-way.

(v) Lighting shall not be located within 500 feet of any residential dwelling.

(j) Fencing.

(i) Fencing and screening walls shall be permitted within the required buffer, but shall not be visible from any public right-of-way.

(k) Noise.

(i) The applicant shall engage with a noise and acoustical consultant to perform a pre-construction ambient noise survey. Prior to conducting the survey, the scope of the noise survey will be determined in coordination with the zoning administrator and an independent acoustical firm hired by the city (paid for by the applicant). However, as a minimum, 90th-percentile sound levels (L90) and equivalent sound levels (Leq) shall be logged with a Type 1 or Type 2 sound level meter, as defined by ANSI standard S1.4, at least every hour in A-weighted decibels, dB(A), using slow meter response at any noise-sensitive residential property boundary line(s). Measurements should be taken over a minimum period of 72-hours. A report detailing the results of the noise survey and predicted impact of the proposed development must be provided to the zoning administrator to be reviewed by an independent firm hired by the city (paid for by the applicant). Noise levels must be

measured and reported on a point-by-point basis representing all property lines and are not to be presented as a blended or weighted averaging. The report must be approved prior to the issuance of the land disturbance permit.

- (ii) Between 9:00 p.m. and 7:00 a.m., the data center shall not generate noise (as measured at the property line) that is in excess of: 40 dB(A) or 5 dB(A) above the pre-construction ambient noise level, whichever is less; and 60 dB(C).
- (iii) Between 7:00 a.m. and 9:00 p.m., the data center shall not generate noise (as measured at the property line) that is in excess of: 65 dB(A) or 15 dB(A) above the pre-construction ambient noise level, whichever is less; and 70 dB(C).

(iv) Generators.

- (A) Testing of backup generators is limited to twice per month on weekdays during the hours between 9:00 a.m. and 5:00 p.m. and shall not occur on Federal holidays.
- (B) Use of backup generators that exceed the maximum sound levels is permitted during emergency power outages.
- (C) Generators shall utilize acoustic walls and barriers or sound-attenuated enclosures to reduce the noise of generators. Such treatments shall utilize acoustic insulation materials and engineered intake and exhaust silencers.

(l) Construction requirements.

(i) Financial guarantees and assurances.

- (A) The developer shall be required to fund or construct all necessary upgrades to water, sewer, electrical, roadway, and stormwater infrastructure directly or indirectly caused by the project.
- (B) All required infrastructure improvements shall be completed prior to or in conjunction with each phase of development, as determined by the zoning administrator.
- (C) Financial guarantees, bonds, or other security assurances shall be required to ensure completion of all required improvements.
- (D) All required improvements and necessary repairs shall meet city standards and be completed to the satisfaction of the City Engineer or designated official.

(ii) Limitations on activities.

- (A) Weekday construction working hours are limited to between 7:00 AM and 8:00 PM.
- (B) Weekend construction working hours are limited to between 9:00 AM and 8:00 PM.
- (C) Pile driving, jackhammering, and blasting are banned on weekends and federal holidays.

(iii) Prior to the issuance of a land disturbance permit, a construction plan shall be submitted and approved by the zoning administrator, which shall include the following:

- (A) A plan to control dust, erosion, and sediment control.
- (B) A plan for noise and vibration mitigation during construction.
- (C) Information on the blasting/construction techniques that will be utilized.

- (D) A traffic route plan that must be approved by the governing jurisdiction for each roadway
- (E) A plan for ongoing site maintenance and environmental compliance.
- (m) Data Center Decommissioning and Equipment Disposal Plan.
 - (i) Determination of discontinuance.
 - (A) Data centers shall be deemed discontinued when the use is discontinued for more than 12 months. The zoning administrator shall notify the property owner of the determination of discontinued by certified mail. The property owner shall initiate decommissioning within 90 days of the date of the determination of discontinued.
 - (B) Prior to commencement of decommissioning, the property owner and the zoning administrator shall agree to a schedule to complete the decommissioning process. Such decommissioning processes shall be complete a maximum of 2 years from the date of the determination of abandonment.
 - (C) The zoning administrator may revise a determination of discontinuance upon presentation from the property owner of evidence of continued use or of attempts to transfer ownership of the property to another data center operator.
 - (D) The zoning administrator shall be notified of any change of property ownership with contact information of the new owner.
 - (ii) Plans shall include the following elements:
 - (A) Equipment replacement estimate. Description of servers, storage systems, and associated equipment and the estimated quantities and replacement cycles.
 - (B) Data destruction compliance procedures. Procedures for secure destruction or sanitization of data in compliance with all state and federal standards.
 - (C) E-waste and hazardous materials management plan. Identification of all waste sources and procedures for compliance with all state and federal standards.
 - (D) Recycling strategy. Procedures for the recycling of equipment including certified vendors and landfill disposal plans.
 - (E) Facility decommissioning procedures. Procedures for power-down and disconnection, removal of servers and supporting infrastructure, removal of cooling systems and backup power systems, and the identification of responsible parties.
 - (F) Site restoration plan. Plan details for how buildings will be re-used or demolished in compliance with all city, state, and federal codes and ordinances.
 - (G) Financial assurance. The applicant shall provide a financial assurance mechanism, such as a surety bond, letter of credit, or an escrow account in the amount necessary to cover the costs of the removal and disposal of all equipment.
- (n) Compliance reporting. Prior to the approvals noted in the charts provided in this section, the applicant shall submit a compliance report that includes the details provided for in the below charts. Reports shall be made public and a public hearing shall be held prior to any application approvals. Such public hearings shall be advertised according to the Notice of Public Hearings in Sec 102-B-12-4(5).

Water and Sewer Capacity	
Rezoning	- An analysis of raw water needs, including the predicted daily demand, daily wastewater generation, and daily consumptive use for every phase of the project construction. - A letter from the public water purveyor indicating sufficient capacity to serve the proposed development.
Preliminary Plat	- All reporting elements required for the rezoning. - Details on the various measures, strategies, techniques, and technologies that will be utilized to reduce the consumption of water, reduce the loss of water, improve the efficiency in the use of water, and establish use of reclaimed water with rationale explaining which method is chosen for the project. - Plans to reduce water demand and alter operations in the event of a water disruption, significant drought events affecting water supplies for critical facilities, or emergency periods of water shortage. - Confirmation from the public water purveyor that any water treatment chemicals used by the development have been approved by the public water purveyor.
During Construction	- Confirmation of compliance with all city, state, and federal codes and ordinances related to this element. - Confirmation of compliance with the city approved construction plan throughout the construction process
Post Certificate of Occupancy	- Such reports shall be required to be submitted annually prior to January 31 of each year or by a schedule approved by the city council. - Reporting on the amount of water used for the prior calendar year. - Reporting on the mean amount of water used daily for the prior calendar year. - Reporting on the amount of water discharged daily as wastewater for the prior calendar year. - Confirmation of compliance with all city, state, and federal codes and ordinances related to this element.

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. - Confirmation of compliance with the city approved construction plan throughout the construction process
Post Certificate of Occupancy	- Such reports shall be required to be submitted annually prior to January 31 of each year or by a schedule approved by the city council. - 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, wildlife assessment, 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. - Confirmation of compliance with the city approved construction plan throughout the construction process
Post Certificate of Occupancy	- Such reports shall be required to be submitted annually prior to January 31 of each year or by a schedule approved by the city council. - 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.

	- Confirmation of compliance with the city approved construction plan throughout the construction process
Post Certificate of Occupancy	- Such reports shall be required to be submitted annually prior to January 31 of each year or by a schedule approved by the city council. - Confirmation of compliance with all city, state, and federal codes and ordinances related to this element.

Emergency Response

Rezoning	- Reporting not required
Preliminary Plat	- 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. - Confirmation of compliance with the city approved construction plan throughout the construction process
Post Certificate of Occupancy	- Such reports shall be required to be submitted annually prior to January 31 of each year or by a schedule approved by the city council. - 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
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	network. Plans should also include strategies for promoting the use of alternative forms of transportation such as walking and biking.
Preliminary Plat	- 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	- Confirmation of compliance with all city, state, and federal codes and ordinances related to this element. - Confirmation of compliance with the city approved construction plan throughout the construction process
Post Certificate of Occupancy	- Such reports shall be required to be submitted annually prior to January 31 of each year or by a schedule approved by the city council. - 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	- Proposed actions that will be taken to ensure the project complies with all city ordinances and regulations for noise.
Preliminary Plat	- 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	- Confirmation of compliance with all city, state, and federal codes and ordinances related to this element. - Confirmation of compliance with the city approved construction plan throughout the construction process
Post Certificate of Occupancy	- Such reports shall be required to be submitted annually prior to January 31 of each year or by a schedule approved by the city council. - 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	- 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. - 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	- 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	- Confirmation of compliance with all community benefits agreement commitments through construction. - Confirmation of compliance with the city approved construction plan throughout the construction process
Post Certificate of Occupancy	- No reporting required.

(2) Junkyard, salvage yard.

(3) Motor vehicle towing.

(4) Personal storage.

(5) Recreational vehicle and boat storage.

(6) Warehousing.

Sec. 102-B-10-11. Sign standards for CR-MX, G-B, ~~and~~ G-LI, ~~and~~ G-HI zoning districts. In the CR-MX, G-B, ~~and~~ G-LI, ~~and~~ G-HI zoning districts, the following signs are permitted:

- (2) Freestanding signs are permitted on individual parcels subject to the following:
 - (a) One freestanding sign per street frontage.
 - (b) Maximum height. In CR-MX, G-B, ~~and~~ G-LI, ~~and~~ G-HI zoning districts, the maximum height is 15 feet.
 - (c) Maximum freestanding sign face area. In CR-MX, G-B, ~~and~~ G-LI, ~~and~~ G-HI zoning districts, the freestanding sign face area is 100 square feet.
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Sec. 102-B-10-11.

CR-MX, G-B, ~~and~~ G-LI, ~~and~~ G-HI Districts Signage Table

Sign Type	Maximum Number	Maximum Size	Maximum Height	Minimum Setback
Freestanding signs	1 per street frontage, up to a maximum of 2 per property	Monument = 150 square feet per sign (up to 50% may be changeable copy, or, in the CR-MX, a changing sign)	Monument = 15 feet	15 feet from the edge of the street pavement or 2 feet behind the right-of-way, whichever is greater; 50 feet from all other freestanding signs
		Pole = 100 square feet per sign (up to 50% may be changeable copy, or, in the CR-MX, a changing sign)	G-B, and G-LI, and G-HI Pole = 15 feet	
Building sign (wall, canopy, awning)	N/A	Single tenant: 10% of the area of the wall, up to 200 square feet	N/A	N/A
		Multi-tenant: 10% of the front façade for each individual business		
Projecting Signs	1 per street facing storefront	16 square feet	At least 8' clearance to bottom of sign	N/A
Gas canopy signs	1 sign on each of 3 sides of the canopy	20% of the area of the canopy wall	N/A	N/A
Special interstate signs CR-MX only)	1 sign on a lot at least 0.75 of an acre and within 1,000 feet of the centerline of I-85 and within 1,500 feet of the centerline of Lafayette Parkway,	400 square feet	75 feet	At least 10 feet but not more than 100 feet from I-85 R/W; At least 40 feet from all other property lines; At least 1,000 feet from all other freestanding signs

	Hamilton Road or Whitesville Road			
Miscellaneous signs	2 per driveway	6 square feet	3 feet if within the setback; 6 feet if beyond the setback	N/A

Sec. 102-B-12-4. Amendments, procedures, and standards.

(4) Procedures for review.

(g) Developments of ~~regional~~ impact (~~DRI~~). If the proposed amendment would meet the thresholds of a ~~DRI~~ **development of impact**, as described in section 102-B-12-5 of this article, the city shall follow the procedures outlined in said section 102-B-12-5.

Sec. 102-B-12-5. - Developments of ~~regional~~ impact (~~DRI~~).

(1) Developments of regional impact (DRI).

(a) When an application for a rezoning, special use permit, variance, preliminary plat review or permit includes any proposed development of a use and intensity that meets the definition of a DRI in the most recently published standards of the Three Rivers Regional Commission (TRRC), it shall be deemed to be a DRI.

(2) Developments of local impact (DLI). The following uses and intensities shall be deemed to be a DLI.

(a) Residential development with a minimum of 125 new lots or primary dwellings.

(b) All uses within the HI zoning district.

(c) Industrial uses in all other zoning districts that are greater than 175,000 gross square feet; or employing more than 500 workers; or covering more than 125 acres.

(3) Required development agreements for developments of impact. All developments of impact shall be required to have a development agreement approved by the city council according to the following provisions:

(a) Process.

(i) City council approval. Prior to the approval of zoning map changes, preliminary plat approval, final plat approval, land disturbance permit, variance, or special permit for a development of impact, applicants shall be required to have a development agreement adopted by the city council as part of such requested approvals.

(ii) Public hearings required. Before deciding on any development agreement, the city council shall provide for public notice and a public hearing thereon. No development agreement shall be decided by the city council unless it has first been submitted to the planning commission for review and recommendation pursuant to the requirements of Sec. 102-B-12-4.

- (iii) Amendments. Amendments to previously approved development agreements shall be required to follow the provisions in (i) and (ii) above.
- (b) Contents. Development agreements shall include at a minimum, the following elements:
 - (i) Commitments for public improvements including but not limited to traffic improvements, parks and open space improvements, sidewalks and path improvements, public utility improvements, construction restrictions and conditions;
 - (ii) Utility agreements including but not limited to details related to public utility usage; and
 - (iii) Zoning or development conditions including but not limited to site plans, yards and buffers, building placement, roadway and driveway placement, parks and open spaces, and parking and loading areas.
- (c) Reporting. Development agreements shall include schedules for reporting which will include at a minimum, the following elements:
 - (i) Water and sewer capacity;
 - (ii) Electric consumption;
 - (iii) Environmental impact;
 - (iv) Cooling and ventilation;
 - (v) Emergency response;
 - (vi) Traffic and transportation; and
 - (vii) Noise impact.

SUBCHAPTER 102-C

- Yellow highlights indicate proposed revisions
- Red ~~crossed-out~~ text indicates proposed deleted text
- **Bold** text indicates proposed new text

Sec. 102-C-8-20. Screening.

(6) Storm water detention and retention facilities shall be screened from view from any public right-of-way. The visual screen shall comply with the standards listed below.

(e) Visual screens in all zoning districts except for ~~G-I~~ **G-LI and G-HI** zoning districts shall be prohibited from utilizing fencing elements when located in front or side yards. Fencing, where permitted, shall be regulated by the fencing standards of section 102-B-4-5 in subchapter 102-B.

Sec. 102-C-8-21. Buffers.

Adjacent Parcel Zoning	Zoning of Parcel to be developed, redeveloped or expanded					
	G-B, and G-LI, G-HI	DT-MX	CR-MR, CR-MX	TN-MX	TN-R	ES-SR, SU-R, G-RL
ES-R, SU-R, G-RL	Type D	None	Type C	Type B	Type A	None
TN-R	Type D	None	Type C	Type A	None	Type A
TN-MX	Type D	None	Type C	None	None	Type A
CR-MR, CR-MX	Type B	None	None	Type A	None	Type B
DT-MX, G-B, G-LI, G-HI	None	None	None	None	None	Type A

(7) Disturbance or encroachments.

- Buffers shall **not** contain **any** ~~no driveways~~, parking areas, patios, storm water detention facilities, or any other structure or accessory uses except for approved structural buffers.
- Underground utilities, **driveways, vegetated berms, public sidewalks, paths, and trails** may be permitted ~~to cross~~ **within** a buffer if the screening standards of this article will be subsequently achieved to the satisfaction of the zoning administrator.

SUBCHAPTER 102-D

- Yellow highlights indicate proposed revisions
- Red ~~crossed-out~~ text indicates proposed deleted text
- **Bold** text indicates proposed new text

The following definitions should be added in alphabetical order to Sec. 102-D-1-2.

Sec. 102-D-1-2.

Cryptocurrency Mining. The commercial process by which cryptocurrency transactions are verified and added to the public ledger, known as the block chain, and also the means through which new units of cryptocurrencies are released, through the use of server farms or data centers employing data processing equipment.

Cryptocurrency Processing, Related Services. A building or structure whose primary use is operating data processing equipment for Cryptocurrency mining; excludes spaces for commercial offices, storage, shipping and receiving, warehousing, or any other space that is not electronic processing.

Data Centers. A building, structure, complex, or group of buildings and/or structures, facility, or dedicated space within a building, structure, complex or facility that houses information technology related infrastructure, including but not limited to, computer systems, networks, servers, applications, appliances, services, and other associated components or facilities used for the remote storage, processing, or transmission of digital data associated with those computer systems, networks, servers, applications, appliances, service, and other associated components or facilities. Associated components and facilities may also include air handlers, water cooling towers, generators, fuel storage cells, storage facilities, utility substations, and other associated utility infrastructure to support operations. When a building or buildings meets the definition of a data center but is accessory to an otherwise permitted use on the property, such accessory areas are limited to a maximum of 20,000 sq ft or ten (10) percent of the total floor area of the combined property or development, whichever is less.

Setbacks

- 750' setback from any residential or public/institutional principal structures.
- I would like to see 1000' buffer for any wetland or stream buffers (what are your buffers/setbacks today - look at your wetlands/stream setback) because of the unknowns - there is currently a river keeper lawsuit pending in Fayetteville against QTS for the sewer spill they caused.
- Request for 1000' for other scenarios – recommend doing this through zoning conditions – turn this into a reference that council can add requirements based on site conditions

Noise

- Revise to the proposed 45 decibels at night and 55 decibels during the day.
- We can 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.
- Don't know what to do with these:
 - o Low-frequency, tonal, or pulsing noise shall not be audible or perceptible at sensitive protected areas – this is d(B)c – 60 at night / 70 during the day
 - o The most restrictive standard shall apply in all cases of conflict

Buffers

- All recommendations are already in our draft.

Infrastructure

- 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.
- Prior to a rezoning approval.
 - o Water and sewer. A letter from the public water purveyor indicating sufficient capacity to serve the proposed development. An analysis of raw water needs, including the predicted daily demand, daily wastewater generation, and daily consumptive use for every phase of the project.
 - o Electric supply and transmission line impact assessments. A letter of intent to serve the proposed project from the applicable utility provider, specifying the project load and confirming preliminary coordination has occurred and that service to the proposed project is feasible subject to final engineering.
- Prior to preliminary plat approval.
 - o A proposed power line route plan reflecting the applicable utility provider's plans for all electric lines serving the project.

Required Construction Plan

- Limits on construction hours near residential areas.
- Plan to control dust, erosion, and sediment control.
- 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.
- Required study on blasting and its impact on water table levels, land disturbance to adjoining properties, etc

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

Enhanced Public Reporting Requirements

The ordinance should require annual reporting to the City on key operational impacts, including:

Development Agreements are required

PUT DEVELOPMENT AGREEMENT REPORTING CHARTS HERE

- Utility power demand and peak usage;
- Water consumption and wastewater discharge;
- Noise monitoring and compliance results;
- Emergency generator testing and runtime;
- Confirmation of compliance with all applicable City, state, and federal regulations.
- The ordinance should provide that these reports are maintained as public records and made available for public inspection, and presented to the Mayor and Council upon request.
- Include a provision requiring City review if there are material changes to an approved data center facilities even if the approved megawatt (MW) limit is not exceeded. A “material change” should include, but not be limited to:

- Significant increases in generator capacity or backup power systems;
- Changes in cooling systems that increase water demand or operational intensity;
- Construction of additional substations or major electrical infrastructure upgrades;
- Any major expansion or modification that could increase noise, water use, or overall site intensity beyond what was originally approved.
- Any material change should require additional City review and approval to ensure continued consistency with approved plans and infrastructure capacity.

Infrastructure Re-Verification Trigger

I don't think you need to say any of this – if any regulations or usage agreements are not being met you already have the ability to address it

- Require additional review if measured operational impacts exceed approved or projected levels by a defined threshold, including:
 - Water use exceeding approved projections by approximately 10–15%;
 - Power demand or electrical load exceeding initial approved assumptions; or
 - 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.

This does not need to be said – this is already how your zoning works...

- 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.
- 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.

Decommissioning

I would like to request more clarification and understanding of what would be required for decommissioning - 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 (thinking on a small scale the old rec department in town). Like Michael mentioned the other night - a bond or escrow account will be needed. But who knows the cost- amount?

Not for Zoning...

- 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.

- 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.
- Requirement for local contractors.