



City of Fayetteville

433 Hay Street
Fayetteville, NC
28301-5537
(910) 433-1FAY (1329)

Meeting Agenda - Final Planning Commission

Tuesday, February 17, 2026

6:00 PM

City Hall, Lafayette Conference Room

1.0 CALL TO ORDER

2.0 APPROVAL OF AGENDA

3.0 CONSENT

3.01 [26-0115](#) **Approval of Meeting Minutes: January 20, 2026**

4.0 LEGISLATIVE HEARINGS

4.01 [26-0106](#) **TA26-01 - Unified Development Ordinance (UDO) Text
Amendments: Telecommunications and Data Storage Facilities
(Data Centers)**

5.0 OTHER ITEMS OF BUSINESS

6.0 ADJOURNMENT



Five Council Strategic Priorities

Ongoing commitment to a comprehensive approach to community safety

Continue the City's commitment to revitalization efforts and housing needs

Increase Parks and Recreation opportunities for youth engagement and interaction

Enhance economic growth throughout the City

Evaluate and expand transportation and other connectivity for residents



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City Council Action Memo

File Number: 26-0115

Agenda Date: 2/17/2026

Version: 1

Status: Agenda Ready

In Control: Planning Commission

File Type: Consent

Agenda Number: 3.01

TO: Mayor and Members of City Council

THRU: Planning Commission

FROM: Catina Evans - Office Assistant II

DATE: February 17, 2026

RE:

Approval of Meeting Minutes: January 20, 2026

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Strategic Operating Plan FY 2021

Goals 2026

Goal 6: Collaborative Citizen & Business Engagement

- Objective 6.2 - Ensure trust and confidence in City government through transparency & high-quality customer service.

Executive Summary:

The City of Fayetteville Planning Commission conducted a meeting on the referenced date during which they considered items of business as presented in the draft.

Background:

NA

Issues/Analysis:

NA

Budget Impact:

NA

Options:

1. Approve draft minutes;
2. Amend draft minutes and approve draft minutes as amended; or
3. Do not approve the draft minutes and provide direction to Staff.

Recommended Action:

Option 1: Approve the draft minutes.

Attachments:

- Draft Meeting Minutes: January 20, 2026

**MINUTES
CITY OF FAYETTEVILLE
PLANNING COMMISSION MEETING
LAFAYETTE ROOM, CITY HALL
JANUARY 20, 2026 @ 6:00 PM**

Members Present

Larry Marshall, Chair *
Alex Keith, Vice-Chair
Austin Joseph
Ernest Logan
Joe Connor
Keith Reid
Raymond Makar

Staff Present

Scott Walters, Senior Planner
Craig Harmon, Senior Planner
Victoria Curtis, Assistant City Attorney
Catina Evans, Office Assistant II

Members Absent

Heather Holmes
Maybelyn Rodriguez Laureano

I. CALL TO ORDER

Alex Keith called the January 20, 2026, Planning Commission meeting to order at 6:05 p.m. The members introduced themselves.

II. APPROVAL OF THE AGENDA

MOTION: Joe Connor made a motion to approve the agenda.
SECOND: Austin Joseph
VOTE: Unanimous (6-0)

III. APPROVAL OF CONSENT ITEMS TO INCLUDE THE OCTOBER 21, 2025, MEETING MINUTES

MOTION: Joe Connor made a motion to approve the consent items to include the minutes from the October 20, 2025, meeting, with the amendment to revise his first name from Eric to Joe and to revise Austin Joseph's last name from Hadley to Joseph.
SECOND: Austin Joseph
VOTE: Unanimous (6-0)

❖ Larry Marshall entered the meeting at 6:08 p.m.

IV. LEGISLATIVE HEARING:

TA26-01: Proposed Amendments to Chapter 30 Sign Regulations

Scott Walters presented information about this text amendment. Chair Larry Marshall opened the hearing for speakers. There were no speakers, so he closed the hearing, and the board members deliberated. Alex Keith made an initial motion and the board unanimously approved it as follows:

MOTION: Alex Keith made a motion to approve option 2 of number 9, which is 30-5.L.8.B.2.a.1.

SECOND:

VOTE: Unanimous (7-0)

The final vote was initiated by Joe Connor as follows:

MOTION: Joe Connor made a motion to approve the proposed text amendment with the acceptance of option number 2 for item number 9 as Mr. Keith suggested, with the understanding that UC (zoning district) would be removed from that option.

SECOND: Alex Keith

VOTE: Unanimous (7-0)

ALTA24-01: Revision of the Alternative Sign Plan as Presented by Fayetteville State University

Scott Walters presented information about this text amendment. Larry Marshall opened and closed the hearing because no speakers were present, and the board deliberated.

MOTION: Alex Keith made a motion to approve the Master Plan for FSU as it is.

SECOND: Joe Connor

VOTE: Unanimous (7-0)

IV. ADJOURNMENT

MOTION: Larry Marshall made a motion to adjourn the Tuesday, January 20, 2026, meeting.

SECOND: Joe Connor

VOTE: Unanimous (7-0)

The meeting adjourned at 7:21 p.m.

Respectfully Submitted by Catina Evans



City of Fayetteville

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City Council Action Memo

File Number: 26-0106

Agenda Date: 2/17/2026

Version: 1

Status: Agenda Ready

In Control: Planning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 4.01

TO: Zoning Commission

THRU: Craig Harmon, CZO - Senior Planner

FROM: Demetrios Moutos, AICP - Planner II

DATE: February 17, 2026

RE:

**TA26-01 - Unified Development Ordinance (UDO) Text Amendments:
Telecommunications and Data Storage Facilities (Data Centers)**

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

The FY2025 Strategic Plan frames the City's efforts around providing quality, sustainable public services that help communities thrive, and businesses grow, while promoting a vision of a city that is safe, prosperous, innovative, and unified. The TA26-01 data center amendments support this framework by establishing clear, manageable rules for an emerging, infrastructure-heavy land use, while maintaining a focus on measurable impacts and predictable, transparent review. The package reduces ambiguity in the UDO, aligns entitlements with suitable locations, and adds standards designed to be enforceable over time - exactly the kind of "forward-thinking" and data-informed governance described in the Strategic Plan.

Under Goal I (Safety & Security), the amendments enhance the City's ability to prevent and respond to operational issues that could become public safety concerns if unregulated. Data centers can incorporate high-voltage electrical systems, fuel storage, generator equipment, and other specialized components that operate continuously. By clearly defining their use and applying use-specific standards based on actual impacts - especially noise and operational controls - the ordinance package reduces nuisance conditions that lead to complaints and repeated enforcement actions. It also helps ensure the city can hold operators to objective, verifiable requirements. In short, the amendments promote a safer and more secure community by establishing clearer expectations upfront

and more dependable compliance tools after construction.

Under Goal II (Diverse & Viable Economy), the amendments promote a stable development environment while protecting the community from unnecessary conflicts. A key economic development concern for any emerging use is certainty: applicants and residents need to understand what the use is, where it may be located, and what performance expectations apply. TA26-01 advances the Strategic Plan's goals related to maintaining a diverse tax base, leveraging partnerships for job creation and retention, and fostering a positive development climate by (1) defining and clearly naming the use to prevent ad hoc regulation, (2) placing it in the Use Table with explicit approval pathways, and (3) reserving discretionary review for higher-impact external proposals (such as facilities with an on-site Energy Center). This approach enhances predictability for responsible projects in suitable employment zones while allowing the City to address site-specific compatibility concerns where impacts are more likely.

Under Goal III (City Investment Planning), the relationship is straightforward. The Strategic Plan highlights managing future growth and strategic land use, ensuring timely and precise development review, strengthening code enforcement, and expanding "smart city" capabilities. Data centers, being dependent on utilities and infrastructure, can impose substantial demands on electric capacity, water/sewer systems, and transportation logistics during construction. TA26-01 aligns with this goal by combining land use directives (entitlements) with submission and operational standards that encourage early coordination and clearer documentation. This approach helps the City plan infrastructure proactively, minimizes surprises late in the review process, and promotes more consistent enforcement because the required documentation and performance standards are codified in the ordinance rather than negotiated informally.

Under Goal IV (Live, Work, & Recreate), the amendments enhance the Strategic Plan's focus on improving quality of life by increasing compatibility at neighboring edges and addressing airport-related issues. The use-specific standards aim to reduce common sources of long-term friction - such as noise, outdoor equipment placement, and screening - to ensure that growth in employment areas does not negatively impact nearby residential communities. Additionally, the airport overlay amendment directly supports the Strategic Plan's objective to maintain high-quality transit and airport services by requiring development features related to large industrial campuses to undergo compatibility reviews. This approach improves safety, minimizes avoidable conflicts with airport operations, and aligns with the City's broader mobility and connectivity goals.

Under Goal V (Financially Sound City), TA26-01 promotes fiduciary accountability and service excellence by making the development review and enforcement process more efficient and defensible. Clear definitions decrease staff time spent on interpretive disputes. Use-table clarity reduces uncertainty for applicants and the City. Objective, enforceable standards lower repeated complaint cycles and help staff focus on measurable compliance rather than subjective judgement calls. The tailored parking and loading standards also support efficient land use and prevent unnecessary overbuilding, which can lead to long-term maintenance and stormwater issues. Overall, the amendments help the City deliver consistent, high-quality service with fewer avoidable administrative costs.

Under Goal VI (Collaborative Government), the amendments align with the Strategic Plan's focus on trust, transparency, and productive engagement with residents, businesses, and partner agencies. A key source of public mistrust in land use regulation

is inconsistency - when outcomes depend on interpretation rather than clear rules. TA26-01 reduces that risk by clarifying the City's expectations and structuring decisions around predictable triggers and submittals. Equally important, the package promotes collaborative implementation: it emphasizes clear coordination points with utilities and airport-related reviews, and it reinforces accountability by requiring designated points of contact and documented compliance processes. This approach supports informed public discussion, boosts confidence in City procedures, and makes it easier for stakeholders to understand how and why decisions are made.

Executive Summary:

TA26-01 is a package of UDO text amendments that establishes a clear, enforceable framework for Telecommunications and Data Storage Facilities (data centers). The amendments do three things: define the use precisely (including principal versus accessory forms), place it in the Use Table with clear entitlements by zoning district, and add targeted, use-specific standards that address the impacts most likely to affect nearby properties and City operations. The package also adjusts parking/loading expectations to reflect the operational realities of data centers and updates the Airport Overlay District to ensure early compatibility review where height, lighting, cranes, and related features could impact airport operations.

The overall approach is impact-based and designed to improve predictability, fairness, and enforceability. Lower-impact forms of use have a clearer pathway in suitable employment and industrial districts, while proposals with higher external impact potential - especially those including an on-site Energy Center - are structured for discretionary review and conditions when necessary. By reducing interpretive ambiguity and linking requirements to objective standards (such as compatibility at residential edges, equipment placement and screening, noise compliance and verification, utility coordination documentation, and operational points of contact), TA26-01 promotes responsible economic development, protect neighborhood livability, and enhances the City's ability to administer and enforce the ordinance over time.

Background:

The City's data center work has been organized as a deliberate "production-ready" effort: to treat data centers as a distinct land use, to resolve open policy questions (such as their proper placement and applicable entitlement tools), and to convert known operational impacts into enforceable development standards that can be reviewed consistently during site plan and permit reviews. A working group was convened as a cross-department, cross-stakeholder forum - including Planning, Zoning, Airport, PWC Electric, Fire Marshal, Development Services, Public Services, IT, and FCEDC, with Planning Commission representation - to test the framework and identify specific edits that staff could incorporate into the final ordinance package. The goals were practical: confirm the entitlement approach, define what a complete Utility Impact Statement should include and how it should be routed, and establish a unified method for addressing campus scale, phasing, aggregation, and impact-based triggers.

The need for these amendments stems from a simple code gap: "data center" is not currently a clear, defined, enforceable use category in the UDO. Without that clarity, the use can shift into whatever classification is most convenient with each case. This results in inconsistent entitlements, uncertain standards, and weak enforcement power - exactly

the conditions that lead to disputes during plan review and complaints after occupancy. Staff's goal has been to establish a predictable pathway for suitable locations while directly regulating the off-site externalities that actually occur: the placement and screening of large outdoor mechanical and electrical yards, the timing and noise levels of generator testing, utility demand levels, and operational features (like on-site power generation) that significantly alter a project's impact.

This end product results from an iterative process that started with an initial five-part draft ordinance package presented to the Planning Commission in October 2025. During the January 2026 working group session, staff explicitly referred to that earlier package as the "current draft ordinance package," noting it had already gone through the Planning Commission and served as the baseline for focused refinement. Instead of proceeding directly on a Council schedule, the approach shifted to deliberate rework - using the October draft as a starting point, then integrating feedback from the working group, departmental review, and enforceability edits to produce a final version that is more streamlined and defensible.

A major theme driving the rewrite is scope discipline: the working group stressed that "data center" covers everything from smaller facilities and adaptive reuse to hyperscale campuses, and warned against regulating every facility as if it were the largest national headline example. This focus led to amendments that emphasize precision - distinguishing incidental IT rooms inside ordinary buildings from data centers as the main use, and further separating the elements that truly create neighborhood impacts (dedicated exterior plant, generator operations, and utility behavior). The definitions were revised to establish clear boundaries so the code regulates externalities without unintentionally including hospitals, offices, or other uses that contain server rooms.

The entitlement structure was also refined to match impact. The Use Table amendment labels the use as "Telecommunications and Data Storage Facility" and divides it into two main variants: a standard principal facility and a principal facility "with Energy Center." This division reflects a key point from the working group: on-site power generation alters operational aspects such as generator operation frequency, fuel logistics, and the likelihood of nuisance and enforcement issues. Therefore, the "with Energy Center" version is intentionally subject to Special Use Permit review in districts where it is permitted. Meanwhile, the standards package was rewritten to address questions the Use Table cannot answer: where equipment can be located relative to residential edges, what must be demonstrated acoustically (and when), how mitigation becomes part of the approved plan, and how post-construction verification closes the loop between modeling and real-world operations.

Finally, the rewrite included a "no surprises" set of calibration fixes based on operational experience and interdepartmental review. Parking and loading standards were adjusted to suit a use that is infrastructure-heavy but people-light, avoiding oversized parking fields driven solely by floor area while still maintaining adequate visitor and service capacity. The package now also addresses airport-compatibility review more directly through an Airport Overlay amendment, recognizing that modern industrial projects (including data centers) can proceed by right through site plan and permitting processes, even though the aviation risks - such as height/appurtenances, lighting, plume/visibility issues, fuel, and generator components - remain the same whether or not a rezoning takes place. These revisions result in a clearer, more enforceable framework: more precise definitions, a Use Table that prevents classification drift, standards targeting actual impacts, and review

mechanisms that ensure the right information reaches the appropriate reviewers early enough to avoid late-stage redesigns and neighborhood conflicts.

Peer Communities

Peer communities are learning the same key lesson: you cannot regulate “data centers” like warehouses or generic industrial tenants because the impacts people actually feel are caused by external plant (cooling equipment, generator yards, substations/switchgear), operating patterns (especially routine generator testing), and the scale and timing of utility commitments. This is the same reason for naming the use and defining its parts - to regulate what creates externalities without affecting typical “server rooms” incidental to hospitals, offices, or other permitted uses. The difference between internal accessory IT rooms and accessory installations with dedicated external plant, as well as the separation between a standard principal facility and a principal facility “with Energy Center,” reflects the clarity that peer jurisdictions have had to adopt after trying to manage modern facilities through broad categories. This approach aligns with national best practices: distinguish data centers from warehouse type uses, keep approvals predictable where impacts are manageable, and apply targeted performance standards near sensitive areas.

Northern Virginia remains the clearest high-growth example of what happens when data centers expand faster than the zoning laws can adapt. Fairfax County’s adopted Data Centers Zoning Ordinance Amendment (approved on September 10, 2024; effective September 11, 2024) emphasizes noise compliance and proximity to residential areas as key concerns. For by-right data centers, Fairfax requires (1) a pre-construction noise study submitted before site plan approval and (2) a post-construction noise study submitted before issuing a Nonresidential Use Permit, both showing compliance with the County Noise Ordinance to the Zoning Administrator’s satisfaction. Fairfax also pairs these noise-study requirements with separation and design standards near residential zones, including minimum setbacks for buildings and certain equipment (with relief available through a special exception process), along with a general requirement that equipment be enclosed or screened. Loudoun County went further in its Phase 1 action (Board approval March 18, 2025): The zoning ordinance amendment mandates Special Exception (SPEX) approval for data center uses in the Industrial Park (IP), General Industry (GI), and Mineral Resources-Heavy Industry (MR-HI) districts, where they had previously been permitted by right. It also includes a grandfathering resolution and a County-issued application pathway guide for projects accepted on or before February 12, 2025, which includes a 500-foot buffer from existing residential structures that plays a role in the grandfathering decision process for certain administrative applications.

That Northern Virginia trajectory aligns closely with the direction of these amendments, even though the mechanisms are customized to Fayetteville’s code structure. Instead of requiring a full acoustical study for every proposal, the ordinance adopts a proportional approach: it applies a uniform noise compliance standard to all facilities and then mandates technical acoustical documentation and post-construction verification when the site context or project features suggest a higher potential for off-site impacts - especially near residential areas and for facilities with an on-site Energy Center. The compatibility framework is the same as Fairfax’s: regulate to the property boundary, require competent modeling and enforceable mitigation, and ensure that real-world operations align with what was promised.

Regionally, Charlotte is a useful comparison because it shows how a major North

Carolina peer has already moved to explicitly name and define the use in its UDO instead of regulating it through similar categories. Charlotte defines a “Telecommunications and Data Storage Facility” as an employee-access-only facility that houses computer systems and related components for transmitting and receiving information, including cloud storage systems and server farms. Fayetteville’s approach matches that core idea and terminology, but it goes further by addressing specific enforcement issues flagged during our process: it clearly separates accessory IT functions that remain internal from data-center-like installations that include dedicated exterior equipment. In TA26-01, the ordinance creates two accessory definitions (“Internal Plant Only” versus “with Dedicated Exterior Plant”) and defines “Dedicated Exterior Plant” as the external mechanical and electrical equipment mainly supporting the facility, such as cooling towers, chiller/condenser yards, large fan arrays, generator yards, switchgear yards, and substations. The practical reason for this distinction is simple: neighbors do not experience “server racks”; they notice outdoor equipment-noise, visuals, screening, and placement-so the ordinance makes those components clear to ensure setbacks, screening, and noise requirements are applied consistently and enforced effectively. Raleigh is useful in a different way. Its UDO is built around broad use categories, and it places the responsibility on the Zoning Administrator to classify uses; if a proposed use is not listed, it can be treated as part of a similar listed category. This structure can work in markets where proposals are smaller, infrequent, or easier to compare. Fayetteville’s approach is intentionally different because the policy issue we are trying to address is not just “what do we call this use,” but “how do we ensure predictable review and enforceable mitigation for the specific externalities the public reacts to.” Naming the use, defining its components, and linking standards to those components reduces classification disputes and avoids case-by-case analogies at the moment when scale, complexity, and public sensitivity make ambiguity costly.

Beyond entitlement and noise, peer research also explains why Fayetteville’s package remains focused on land-use externalities rather than trying to embed broader economic development “asks” within zoning text. Many communities pursue wider public benefits through parallel channels-tax and revenue policies, workforce pipelines, infrastructure agreements, and utility partnerships-rather than through the core zoning ordinance, because zoning is most effective when it regulates siting, compatibility, and measurable impacts. Peer examples often cited include communities using data-center-driven revenues to support schools and public safety, operators pairing investments with job training and clean-energy commitments, and major companies collaborating on water and reuse strategies to reduce demand on potable systems. These examples help clarify a key design choice here: keeping the UDO focused on what it can regulate and enforce (where the use can locate, how it interacts with nearby properties, what standards apply to noise and equipment, and what documentation is required), while utilizing other tools-utility coordination processes, incentives, development agreements, and programmatic partnerships-when the goal is to secure broader community benefits that are better achieved through means other than zoning text.

Finally, two Fayetteville-specific differences are best understood as “local context” rather than a philosophical divergence from peer cities. First is the entitlement map. The Use Table structure-by-right in the primary employment and industrial districts, Special Use Permit in edge districts, and prohibited in neighborhood districts-aligns with a common peer pattern: predictable pathways in areas designed for higher-intensity employment

use, with discretionary review reserved for locations where compatibility issues are more likely and where conditions may be needed to protect nearby neighborhoods. The second is the Airport Overlay component. Many peer ordinances do not need to incorporate aviation-safety considerations into the same package, but Fayetteville does because modern data center campuses can include features relevant in an airport approach environment-taller structures and rooftop appurtenances, extensive lighting, temporary cranes, and operational factors that impact visibility or interfere with navigation and communications systems. The overlay amendment is a “no late surprises” strategy: it requires early identification of height and appurtenance limits, mandates timely FAA notice and documentation, and clarifies referral and resolution procedures so compatibility issues are identified early enough to allow redesign without delaying a project late in the site plan review.

Issues/Analysis:

Taken together, these amendments create a comprehensive regulatory “chain” for a use that the UDO previously did not identify or regulate as its own land use. The package begins by clarifying what the use is (and is not), then designates where it can be located and what entitlements are required. It also establishes the performance and design standards that directly influence the impacts on residents - especially at residential edges. The overall approach is to regulate the actual externalities of data centers (such as outdoor equipment yards, generator operations, noise, lighting, utility coordination, and complaint response) without unintentionally covering regular development that contains IT rooms. This framework offers predictability and protection: a clear pathway for investment in suitable districts, with well-defined, enforceable guardrails where conflicts are most likely to occur.

The Definitions amendment (Ordinance 1) forms the basis for everything that follows because it sets the boundary lines necessary for the rest of the code to be enforceable and fair. It considers “data center” as a spectrum, distinguishing incidental IT rooms within ordinary buildings from a true principal facility. It then further isolates the parts of the facility that generate neighborhood impacts, such as outdoor mechanical yards and generator operations, so the UDO can concentrate on the factors that create land-use externalities. It also establishes a practical distinction between accessory installations that are genuinely internal and those that add dedicated exterior plant, because simply labeling something as “accessory” is too broad to manage impact risk adequately. The goal is to prevent both overreach-such as capturing hospitals, offices, or industrial users with server rooms-and underreach-allowing a data-center-like impact profile to slip through as just “accessory” in name only.

The Use Table amendment (Ordinance 2) fulfills the necessary zoning task of turning those definitions into clear entitlements. It establishes the use rows that show where the principal use can be located and whether it is permitted by right or requires a Special Use Permit. It also separately acknowledges the higher-impact “with Energy Center” configuration by placing it in a more discretionary category. The planning approach is simple: by-right placement is designated for districts meant to handle higher-intensity employment uses, while discretionary review remains for cases where context sensitivity is greater (or where an energy-center operating model increases the likelihood and significance of off-site impacts). This also keeps review focused: once the entitlement is set, the use-specific standards provide the measurable tools that effectively prevent and

resolve conflicts.

The Use-Specific Standards amendment (Ordinance 3) marks when the package becomes operational and enforceable, rather than just classificatory. It clearly states its purpose: The Use Table can tell you “where” and “what entitlement,” but it cannot answer the questions that lead to complaints, compliance issues, and daily enforcement—such as equipment placement, separation from homes, which noise limits apply at the property line, when generator testing can happen, what must be shown on the site plan, and what occurs if actual operations differ from modeling. This ordinance addresses those gaps with a tailored framework designed to be enforceable during plan review and after occupancy, with particular focus on residential edges and other noise-sensitive areas. Substantively, Ordinance 3 adopts a layered compatibility approach instead of relying on a single method. First, it enhances protections along residential edges through separation, buffering, and screening/enclosure requirements that focus on equipment yards and the operational “active side” of the facility. When equipment is close enough to matter, the ordinance mandates a solid, opaque enclosure and rejects “screened chain link” as a substitute for effective screening, while maintaining consistency with the broader fence and screening standards in the UDO.

Second, Ordinance 3 clarifies the City’s noise authority by explicitly defining a noise category and measurement location for data center operations. It mandates all operations and equipment—including generators, cooling systems, transformers, switchgear, and mechanical yards—to adhere to the “Commercial or Business” sound level limits and limited-audibility distance standards in Chapter 17, measured at or beyond the property boundary. Exceedances are assessed under the City’s duration standard. This choice is intentional: it avoids creating a unique noise regulation while applying a standard that offers more protection than typical industrial expectations, which is especially important at mixed-use edges.

Third, the ordinance addresses the most predictable and common disputes by regulating routine generator testing, maintenance, and other high-intrusion outdoor activities. Routine generator testing and maintenance are limited to Monday through Friday, 9:00 a.m. to 5:00 p.m., excluding City-observed holidays (unless a Special Use Permit has been approved), while true emergencies are not restricted. Outdoor amplified sound is prohibited except for emergency life-safety communications, and routine outdoor maintenance with powered equipment is limited to the same weekday hours with a similar emergency exception. The rationale is straightforward and defensible: to prevent the most disruptive recurring events from occurring in early mornings, evenings, weekends, and holidays - when residents are most affected by intrusion - without compromising reliability or emergency response.

Fourth - and this is the enforcement backbone - Ordinance 3 makes acoustical compliance a documented, reviewable, and verifiable requirement rather than an assumption. For higher-risk projects, it mandates an Acoustical Compliance Memorandum at the site plan stage and considers completeness a key factor for plan approval. The triggers are intentionally risk-based: The Memorandum is needed when the use requires SUP approval, when a lot line adjoins a residential base district, when a lot line is within 500 feet of a residential district, or when major equipment yards are proposed within 250 feet of any lot line. The required content is concrete (not vague): source maps, manufacturer data, a site-specific boundary analysis, demonstration of compliance with the adopted noise standard, and identification of mitigation measures

that are actually integrated into the site plan. Importantly, the ordinance links mitigation to the approved plans, mandates installation before the Certificate of Occupancy for the relevant phase, and requires ongoing maintenance. Therefore, "mitigation later" is not considered compliant.

The post-construction verification requirement ensures that the acoustical framework remains honest after occupancy. When the Memorandum is required, the owner or operator must submit a boundary sound test report within 60 days after continuous operations start, under representative worst-case conditions, including at least one scheduled generator test event where generator testing is part of routine operations. If noncompliance is documented, mitigation and follow-up testing are necessary. This creates a practical accountability loop: it acknowledges that modeling can be accurate, but field conditions and substitutions happen, and it guarantees that compliance is demonstrated in the environment where neighbors actually experience the impacts. Beyond noise, Ordinance 3 addresses common operational gaps without attempting to rewrite state or federal regulations. It clarifies that air quality obligations are still governed by applicable federal and state requirements. It links site and security lighting to the City's exterior lighting standards, including full cut-off fixtures and Fort Bragg light-spill protections where relevant. It mandates documentation of utility coordination with PWC and other utility providers during the site plan stage. It also requires 24-hour contact information for a responsible individual who can respond to operational complaints and serve as a direct enforcement contact. These provisions are not mere formalities; they help the City reduce delays and unclear responsibilities during complaints and prevent late-stage utility conflicts that could lead to public infrastructure costs and service interruptions.

Ordinance 3 also classifies the "with Energy Center" configuration as a higher-risk operating model and indicates this through more stringent acoustical expectations. For this category, an Acoustical Study is required-not just trigger-based-it must be submitted and deemed complete at the site plan stage before approval. The study must include key elements such as source mapping, manufacturer data, boundary predictions, compliance demonstration, and plan-incorporated mitigation, all prepared by a qualified professional. The ordinance then enforces the same "make it real" requirements: mitigation shown on approved plans, installed before the Certificate of Occupancy (CO) for the relevant phase, maintained throughout the life of the use, and verified through post-construction boundary testing. The planning approach aligns with the broader framework: when the likelihood and impact of an issue increase, the burden of proof becomes universal rather than conditional.

The Parking and Loading amendment (Ordinance 4) aligns the parking code with how these facilities operate instead of treating them like typical industrial buildings. It sets a minimum parking requirement based on the parts of the facility that actually generate parking demand-such as accessory office/support areas and the largest employee shift-and then includes a modest, capped visitor component that reflects real-world visitation patterns without encouraging overbuilding parking. The visitor component is structured as three spaces per site plus one per principal building, capped at ten per site, with the maximum parking set at twice the minimum unless an Alternative Parking Plan is approved. For loading, it requires one loading space per principal building, which meets the steady need for deliveries and service access without requiring an oversized standard.

Finally, the Airport Overlay amendment (Ordinance 5) addresses a key structural weakness in the current functioning of the APO by applying important compatibility requirements to development activities, not just rezonings. The ordinance explicitly extends these requirements in the relevant subsection

Consistency and Reasonableness Statement

Text Amendments

Pursuant to N.C.G.S. §§ 160D-604 and -605, the Planning Commission finds that the proposed text amendments in TA26-01 are consistent with the City’s Comprehensive Plan and Future Land Use Map because they create a targeted, modernized regulatory framework for an emerging industrial use that supports economic development goals and enhances neighborhood and public safety protections.

Case Summary (Recommendation Basis):

TA26-01 is a coordinated set of Unified Development Ordinance text amendments designed to regulate Telecommunications and Data Storage Facilities (data centers) as a distinct land use with clear entitlements and enforceable, impact-focused standards.

Collectively, the ordinances:

- Revise the Use Table to specify where the two main data center use types are permitted and identify the applicable approval process, with a cross-reference to the new use-specific standards.
- Add use-specific standards that address the most common factors influencing compatibility issues and enforcement requirements, such as equipment placement, operational noise, generator testing windows, post-construction verification, lighting, and utility coordination.
- Add customized parking and loading standards that are proportional to a “people-light/infrastructure-heavy” use, while avoiding unnecessary overpaving.
- Enhance enforceability of the Airport Overlay District (APO) by applying key airport-compatibility standards to all development activities, not just rezonings, requiring earlier FAA documentation when relevant, and introducing a targeted referral process to the Airport Director for features typically linked to aviation risk, such as generators, fuel storage, cooling plumes or steam, tall lighting, and Part 77 notice items.

Consistency

1. GOALS

The amendments align with the goals of the Comprehensive Plan, highlighting:

GOAL(S)	CONSISTENT	INCONSISTENT
<ul style="list-style-type: none"> • Promote economic growth and development by establishing a predictable entitlement and operating framework for major employment and technology-supportive investments, while maintaining clear review pathways. 	X	
<ul style="list-style-type: none"> • Safe and Stable Neighborhoods/Compatibility by addressing externalities that directly impact nearby residents – especially noise, equipment siting, generator testing, service-yard activity, and lighting – through 	X	

enforceable, use-specific standards rather than ad hoc negotiations.		
<ul style="list-style-type: none"> Resiliency and infrastructure planning involve requiring early utility coordination documentation and defining the information needed to assess serviceability and the implications for downstream infrastructure. 	X	
<ul style="list-style-type: none"> Major institutions and public safety assets can be protected by strengthening airport-compatibility protections in the APO, ensuring hazards are reviewed consistently and early enough to prevent redesigns, delays, and avoidable safety risks. 	X	

2. LAND USE POLICES AND STRATEGIES:

The amendments are **consistent** with land use policies and implementation strategies that support:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
<ul style="list-style-type: none"> Targeted code updates to resolve emerging issues with clear, enforceable standards instead of case-by-case ambiguity. 	X	
<ul style="list-style-type: none"> Implement appropriate siting and proportional regulation by differentiating principal data center uses from incidental or accessory IT functions. This approach prevents overreach while effectively regulating components that create external impacts, such as outdoor plant, generator operations, and utility demands. 	X	
<ul style="list-style-type: none"> Ensure compatibility at sensitive edges through clear operational limits and verification (weekday generator testing windows, boundary measurement and compliance, post-construction testing and corrective actions), along with basic site-operational tools that support enforcement (24-hour contact). 	X	
<ul style="list-style-type: none"> Enhance airport safety and coordination by applying APO standards to development pathways that do not involve rezonings, clarifying what constitutes height and structure risks (including rooftop mechanical and similar appurtenances), and requiring early disclosure and referral for features commonly linked to aviation hazards. 	X	

3. Future Land Use Map Consistency

- Text Consistency:** The proposed text amendments align with the Comprehensive Plan because they establish predictable, impact-based development standards for an emerging use while guiding compatibility tools to the areas and conditions where conflicts are most likely.

- **Map Consistency:** Not applicable. TA26-01 is a text amendment and does not modify the Future Land Use Map.

Reasonableness

The proposed amendments are sensible and serve the public interest because they support the Comprehensive Plan goals outlined above and promote City priorities related to economic growth, infrastructure collaboration, neighborhood harmony, and public safety.

It is also justified and serves the public interest because:

1. It aligns the rules with actual land use. The framework clearly distinguishes incidental IT rooms from data centers as a primary use, then targets regulation on the specific components that cause off-site impacts (generator operations, exterior mechanical yards, utility intensity).
2. It enhances predictability and enforceability. The use table sets clear permissions based on zoning districts and links the use to specific standards, reducing arbitrary interpretations and promoting consistent management.
3. It directly addresses the most common public complaints and enforcement challenges – noise. The use-specific standards establish a clear compliance approach, limit routine generator testing and other high-disturbance activities to specific weekday hours, and require post-construction verification with mitigation and retesting if noncompliance is detected.
4. It adjusts review effort based on risk. The acoustical submittal structure is designed to require technical proof when proximity and context indicate a higher chance of impact, while still applying stricter standards to higher-intensity operational models (energy center).
5. It prevents secondary impacts from excessive parking. The parking/loading standards match actual operational demand and include a maximum (unless an alternative parking plan is approved), reducing unnecessary impervious surfaces, runoff, heat, and visual impacts.
6. It addresses an APO review gap that can cause late-stage risks and delays. Many modern industrial projects can move forward through site plan and building permit pathways without rezoning; the APO amendment applies key compatibility standards to development overall and adds early documentation and referral steps for aviation risk features (generators, fuel, cooling plumes, tall lighting, Part 77 items).
7. It reflects the working group’s core approach: neither “pro” nor “anti,” but predictable and compatible. The package is built around externalities and enforcement realities rather than headlines, aiming to enable investment while reducing avoidable impacts.

The amendment also benefits the public interest because it:

- Establishes a clear, defensible framework that minimizes uncertainty for applicants, staff, and nearby residents.
- Protects public safety assets, including the airport environment, through earlier, more consistent review triggers and enforceable standards.
- Balances economic development value with compatibility and infrastructure realities by focusing regulation on measurable impacts and manageable standards.

Additional comments:

February 17, 2026

Date

Chair Signature

Print

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-9, DEFINITIONS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

Be it ordained by the City Council of Fayetteville, North Carolina, that:

Section 1.

Subsection 30-9. D, Definitions, is amended by adding the following new definitions in alphabetical order:

Accessory Telecommunications and Data Storage Facility, Internal Plant Only. A Telecommunications and Data Storage Facility (Data Center) that is accessory to a permitted principal use and does not include a Dedicated Exterior Plant (as defined herein) serving the Telecommunications and Data Storage Facility.

Accessory Telecommunications and Data Storage Facility, with Dedicated Exterior Plant. A Telecommunications and Data Storage Facility (Data Center) that is accessory to a permitted principal use and includes Dedicated Exterior Plant (as defined herein) serving the Telecommunications and Data Storage Facility.

Adjacent to a Noise-Sensitive Land Use. For the purposes of Telecommunications and Data Storage Facility standards, “adjacent” includes abutting a Noise-Sensitive Land Use and being separated from it only by a public street or right-of-way.

Data Hall. The secured rooms or floors within a Telecommunications and Data Storage Facility (Data Center) that house server racks and related IT equipment. Office and support areas are excluded from the Data Hall.

Dedicated Exterior Plant. External mechanical and/or electrical equipment mainly supporting a Telecommunications and Data Storage Facility (Data Center), including but not limited to cooling towers,

chiller yards, condenser yards, large fan arrays, generator yards, primary switchgear yards, substations, and similar outdoor utility or mechanical installations that support the facility's operation.

Emergency Backup Generator. An internal combustion engine generator set used to supply electrical power during utility outages and for necessary testing/maintenance. It is not intended for routine or continuous operation and complies with applicable federal and state air regulations.

Energy Center. A set of on-site power generation equipment and associated infrastructure designed to operate beyond emergency standby conditions, including prime or continuous operation, peak shaving, microgrid operation, load management during regular utility service, or export of electricity. Energy Center does not include Emergency Backup Generators that run only during utility interruptions and limited testing or maintenance.

Generator Testing / Maintenance Operation. Scheduled operation of an Emergency Backup Generator for maintenance, exercising, commissioning, or reliability testing.

Noise-Sensitive Land Use / Noise-Sensitive Receptor. A property that includes residential units, public parks or open spaces accessible to the public, schools, day care centers, hospitals, nursing or assisted living facilities, or similar uses where people regularly sleep, study, receive care, or engage in outdoor recreation.

Telecommunications and Data Storage Facility (Data Center). A facility primarily used to house computer servers, storage equipment, networking devices, and related mechanical and electrical infrastructure for processing, storing, and transmitting digital information. The use may include equipment yards, cooling systems, electrical gear, uninterruptible power supply systems, energy storage, emergency backup generators, and a limited number of accessory offices, security, and support areas. "Telecommunications and Data Storage Facility (Data Center)" can comprise multiple buildings

operating as a single campus. This term does not include broadcast studios, call centers, general office buildings, or accessory server/IT rooms that are incidental to another permitted use.

Telecommunications and Data Storage Facility, Principal Use. This refers to a Telecommunications and Data Storage Facility (Data Center) that serves as the main purpose of a building, tenant space, or development site.

Telecommunications and Data Storage Facility, Principal Use, with Energy Center. A Telecommunications and Data Storage Facility, Principal Use, that includes an Energy Center (as defined herein).

Typical Building Mechanical/Electrical Equipment. Mechanical and electrical equipment that serves a general building purpose and is customary for similar developments (e.g., standard rooftop HVAC units serving office, retail, or industrial tenant areas), which should not be considered Dedicated Exterior Plant solely because it is located outdoors.

Utility Impact Statement (Data Center). A submittal prepared for a Telecommunications and Data Storage Facility (Data Center) site plan documenting projected peak electrical demand (MVA/MW), anticipated water consumption and wastewater flows by process (potable, cooling, fire reserve), cooling method, number and rating of backup generators, on-site fuel storage type and volume, and any energy storage proposed, with confirmation of coordination with the Public Works Commission or other utility provider.

Section 2.

It is the intention of the City Council, and it is hereby ordained, that the provisions of this ordinance shall become part of the Code of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to achieve this purpose.

ADOPTED this the _____ day of _____, 2026.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

JENNIFER AYRE, City Clerk

TA26-01 Ordinance 1 – Add Definitions (Article 30-9.D)

The core reason these definition inclusions are necessary is simple: “data center” is not one thing, and the UDO needs language that cleanly separates (1) incidental IT rooms inside normal buildings from (2) data centers as a primary land use, and the further separates (3) the parts of a data center that actually drive neighborhood impacts (outdoor mechanical yards, generator operations, on-site power generation, and utility demands). The Working Group explicitly flagged that “data center” spans everything from small facilities and adaptive reuse to hyperscale campuses, and warned against treating every facility like the biggest national headline examples; it also noted that many “data-center-like” functions already exist as accessory components of other uses, while the real policy problem is data centers emerging as a principal use at major scale. The ordinance definitions operationalize that distinction so the City can regulate what actually creates externalities, without accidentally sweeping in hospitals, offices, or other uses that merely have server rooms.

The shift to the term “Telecommunications and Data Storage Facility” is doing two jobs at once. First, it anchors the use in what it physically is (servers plus the specialized mechanical/electrical infrastructure that makes them run). Second, it draws a bright line around what it is not – broadcast studios, call centers, general office buildings, and accessory IT rooms incidental to another permitted use – so applicants can’t “fit” the use into a softer category, and staff aren’t forced into case-by-case analog arguments.

The “Principal Use” definition is the legal hinge that keeps the whole framework from overreaching. It tells everyone when the data center standards are supposed to apply: when the facility is the main purpose of the building, tenant space, or site. Without this, you get constant edge cases where an applicant claims they’re “just an accessory component,” or staff feel pressured to treat a clearly data-center-driven site like a conventional industrial tenant.

The two “Accessory Telecommunications and Data Storage Facility” definitions are there because “accessory” alone is too blunt. An internal server suite inside a hospital is a fundamentally different land-use impact profile than an accessory installation that brings a dedicated chiller yard or generator yard with it. The “Internal Plant Only” accessory definition protects ordinary development by making clear that an accessory facility with no dedicated outdoor plant is not what this ordinance is aiming at. The “Accessory... with Dedicated Exterior Plant” definition captures the opposite: accessory in name, but potentially data-center-like in real-world impacts because it includes the kind of outdoor infrastructure that creates noise, visuals, and screening/setback issues.

“Dedicated Exterior Plant” exists because, in practice, the thing neighbors experience is not “server racks.” It’s cooling towers, chiller/condenser yards, fan arrays, generator yards, switchgear yards, substations, and similar outdoor installations. The definition makes those facilities legible to the code so screening, placement, setbacks, and noise compliance can be applied consistently and enforced cleanly.

“Typical Building Mechanical/Electrical Equipment” is the guardrail that prevents the Dedicated Exterior Plant definition from swallowing normal development. It clarifies that standard rooftop HVAC and customary building-serving equipment should not be treated as “Dedicated Exterior Plant” just because it sits outdoors. This is an enforceability and fairness move: it reduces over-application, avoids unnecessary compliance burdens, and limits arguments during plan review about whether ordinary equipment triggers specialized data center standards.

“Data Hall” is a precision tool. Data centers often include office, security, and support areas, but those spaces don’t function (or staff) like the server floors. Defining Data Hall creates a stable way to talk about the core IT area without conflating it with accessory office/support space, which matters whenever standards, ratios, or narratives depend on what portion of a building is actually IT floor versus conventional space.

The three noise-related definitions – “Noise-Sensitive Land Use / Noise-Sensitive Receptor,” “Adjacent to a Noise-Sensitive Land Use,” and “Generator Testing / Maintenance Operation” – exist to eliminate loopholes and “weasel words.” First, Noise-Sensitive Receptor broadens protection to the places where noise is predictably harmful or disruptive (homes, parks/open space, schools, daycare, hospitals, assisted living, and similar uses). Second, “Adjacent” is defined to include separation by a public street or right of way, because acoustics and human experience do not stop at the edge of a right of way; without this, a site could dodge adjacency-triggered standards simply by having a road between the use and a receptor. Third, “Generator Testing / Maintenance Operation” defines the activity the City is trying to manage (exercising, commissioning, reliability testing), so any hour limits or conditions can be enforced against a concrete definition instead of argued into oblivion.

“Emergency Backup Generator” is defined to preserve a clear distinction between true standby equipment and routine power production. The definition ties the generator’s intended use to outages and necessary testing/maintenance and explicitly rejects routine or continuous operation, which matters because the impacts, regulatory expectations, and community tolerance are dramatically different when generators are operating as a normal part of daily operations.

“Energy Center” is the companion definition that captures that “very different animal” the Working Group flagged: on-site power generation designed to operate beyond emergency standby (prime/continuous operation, peak shaving, microgrid operation, load management during regular service, or export). This is the ordinance’s way of acknowledging that size alone is not the only meaningful divider; operational intensity and power behavior can change the impact profile and the review needs. The “Principal Use, with Energy Center” definition then gives the code a clean trigger label for any standards or entitlement differences we attach to that higher-impact operational model.

Finally, the “Utility Impact Statement” definition is there because these projects are utility-forward developments: peak electric demand, cooling method, water consumption, wastewater flows by process, generator inventories, fuel storage, and any energy storage are things the City and PWC need early to evaluate serviceability, sequencing, and downstream infrastructure implications. By defining the UIS in the Definitions article, we hard-wire what “complete”

means so it can be consistently required, reviewed, and routed, rather than reinvented for every application.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING TABLE 30-4. A. 2, USE TABLE, ARTICLE 30-4, USE STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA.

Be it ordained, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Table 30-4. A. 2, Use Table, under the

Use Category	Use Type	O I	N C	L C	C C	M U	DT -1	DT -2	U C	BP -4	L I	H I	PD -R	PD -EC	PD -TN	Additional Requirements
Industrial Services	Telecommunications and Data Storage Facility, Principal Use	S	/	/	S	/	S	S	S	P	P	P	/	MP	MP	
	Telecommunications and Data Storage Facility, Principal Use, with Energy Center	S	/	/	S	/	S	S	S	S	S	S		MP	MP	See 30-4.C.5.[new]

Notes:

1. “S” indicates a Special Use Permit; “P” indicates permitted by right; “/” indicates prohibited; “MP” indicates allowed subject to a Planned Development Master-Plan district, as in Table 30-4. A.2.
2. The permissions listed in Table 30-4.A.2 for Telecommunications and Data Storage Facility, Principal Use, and Telecommunications and Data Storage Facility, Principal Use, with Energy Center, apply only to the zoning districts specifically identified in the respective table rows. In any zoning district not listed, the use is prohibited.

Section 2. It is the intention of the City Council, and it is hereby ordained, that the provisions of this ordinance shall become part of the Code of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish this intention.

ADOPTED this the _____ day of _____, 2026.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

JENNIFER AYRE, City Clerk

TA26-01 Ordinance 2 – Amend Use Table (Article 30-4.A.2)

This Use Table amendment is necessary because, without an explicit row, a “data center” can drift into whatever use category seems most convenient in a given application (telecom, industrial service, office/tech, accessory utility equipment), which creates inconsistent entitlements and weakens enforcement. This ordinance solves that by making “Telecommunications and Data Storage Facility” a named use in the Use Table and by splitting it into two principal-use variants that matter for impacts: a standard principal facility, and a principal facility “with Energy Center.”

The core logic is to make the entitlement match the expected external effects and the City’s tolerance for risk. The “Telecommunications and Data Storage Facility, Principal Use” row is designed to be predictable in the employment/industrial districts where the City can reasonably expect large-format infrastructure, heavy utility demand, and industrial-adjacent operations. That is why it is permitted by right in BP=4, LI, and HI, while still requiring Special Use Permit approval in the more edge-condition districts where compatibility concerns are greater, such as OI, CC, DT-1, DT-2, and UC. The ordinance also makes the exclusion clear: it is prohibited in neighborhood-scale commercial districts (NC and LC), prohibited in MU, and prohibited in PD-R. This is the practical “keep it out of the neighborhood contexts” move. Because once a use is not named and not clearly prohibited, the pressure shifts to interpretation and analogy, which is where these cases get messy.

The second row, “Telecommunications and Data Storage Facility, Principal Use, with Energy Center,” is necessary because an on-site energy component changes the impact profile in ways that matter for neighbors and for City operations. Even if the building footprint looks similar, an energy center increases the likelihood of more frequent generator operation, fuel logistics, utility coordination complexity, and a different noise and emissions posture. The table reflects that by making this version Special Use Permit-only in every conventional district where it is allowed (including BP-4, LI, and HI), rather than allowing it by right in the industrial districts. That is the ordinance’s main policy lever: it keeps the “baseline” data center form predictable in employment districts, but reserves discretionary review for the version that has a materially higher operational intensity and greater potential for nuisance and enforcement workload.

The Planned Development treatment is intentionally consistent with how our Use Table already handles “MP” uses. Both rows are shown as allowed only through the Planned Development Master Plan framework in PD-EC and PD-TN. The logic here is that PD districts are supposed to be negotiated, site-specific entitlement environments; the table preserves that structure rather than creating a parallel by-right pathway inside PD zoning.

Two drafting choices in the Notes are doing quiet but important work for clarity and litigation-proofing. First, the ordinance states that the permissions apply only to the zoning districts explicitly listed in the row and that any district not listed is prohibited. That eliminates the common argument that “if it’s not listed, it must be allowed somewhere else,” and it prevents accidental permissibility through omission. Second, the “Additional Requirements” callout to the

new use-specific standards section ties entitlement to performance regulation, so the Use Table is not acting alone; it's a front door into the standards that address the actual impacts.

Stepping back, the ordinance is essentially balancing two competing goals: giving applicants a clear, investment-grade pathway in the industrial/employment districts for the lower-impact principal form, while keeping a discretionary review tool available where either the setting is more sensitive (downtown/urban core and edge districts), or the operational model is inherently more intense (the Energy Center version).

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 30-4. C., USE-SPECIFIC STANDARDS OF ARTICLE 30-4, USE STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA.

Be it ordained by the City Council of Fayetteville, North Carolina, that:

Section 1. Article 30-4. C.5. (Industrial Uses) is amended by adding new subsections 30-4. C.5.

[new] Telecommunications and Data Storage Facility, Principal Use, and 30-4. C.5. [new+1]

Telecommunications and Data Storage Facility, Principal Use, with Energy Center, to read as follows:

30-4. C.5.i. Telecommunications and Data Storage Facility, Principal Use

a. Applicability. This applies to all principal “Telecommunications and Data Storage Facility, Principal Use” categories, including phases within a multi-building campus. Accessory server rooms located inside an otherwise permitted use are subject to the standards that apply to that principal use.

b. Residential adjacency clarification. For purposes of this subsection, a reference to a lot line that “abuts a residential base district” shall mean the subject property shares a lot line with (i) a property zoned with a residential base district, or (ii) a property containing a lawfully established residential use.

c. District-specific approval. When designated “S” in Table 30-4. A. 2, a Special Use Permit is required according to Article 30-2. C.7. Conditions may be applied to reduce site-specific impacts, such as generator testing hours, extra buffering, equipment placement, or acoustical mitigation.

d. Separation when adjoining a residential area. When any lot line abuts a residential base district (as clarified above), the facility shall:

1. Place all generators and mechanical equipment yards at least 150 feet from the shared lot line;
and

2. Provide a Type D Perimeter buffer (or higher where required) per Section 30-5. B.4.d (may be satisfied under Option 1 or Option 2 per Table 30-5. B.4.d.4).

e. Measurement. Distances referenced in this subsection shall be measured in accordance with Section 30-9. B.1.b (Distance Measurements, Generally). For purposes of the triggers in subsection (h):

1. Distances to a lot line shall be measured from the nearest point of the generator, cooling equipment, mechanical equipment yard, or associated equipment pad/foundation (including any enclosure) to the nearest lot line of the subject property.
2. Distances to a residential base district shall be measured from the nearest lot line of the subject property to the nearest lot line of any property zoned with a residential base district.

f. Equipment location and screening.

1. Ground-mounted mechanical equipment, fuel tanks, switchgear, generators, and similar service equipment shall be located to the side or rear of principal buildings. Fuel tanks shall not be located between a principal building and a public street.
 - All such areas and equipment shall be screened from off-site views in accordance with Section 30-5. B.4.e (Screening), using one or more of the screening methods in Section 30-5. B.4. e.3.
 - Chain link fencing with wooden or plastic slats shall not qualify as screening.
 - Screening shall be installed and maintained so as not to obstruct required sight distance triangles.
2. **Loading and service areas at residential edges.** When any lot line abuts a residential base district (as clarified in this subsection), loading docks, service bays, refuse collection areas, and other loading/service areas shall not be located on, or have primary openings oriented toward, the building elevation facing the shared lot line. Where site constraints make this infeasible,

such areas shall be screened from off-site views in accordance with Section 30-5. B.4.e (Screening) and shall be located and designed to minimize off-site noise impacts.

3. **Mechanical and generator yard enclosure near residential.** When any generator, cooling equipment, or mechanical equipment yard is located within 250 feet of a lot line that abuts a residential base district (as clarified in this subsection), the generator/mechanical yard shall be enclosed by a screening fence or wall installed in accordance with Section 30-5. B.4.e (Screening) and Section 30-5. D (Fences and Walls). The fence/wall shall be of solid/opaque construction and shall be the minimum height necessary to achieve the screening function, not to exceed eight (8) feet, unless a greater height is approved in accordance with Section 30-5. D.5 (Security Plan). Chain link fencing with slats or screens shall not qualify as screening. The required fence/wall shall not be located within any required front yard, except where expressly permitted by Section 30-5. D.

g. Noise; commercial-standard limits; generator testing hours.

1. **Commercial-standard limits.** All operations and equipment (including generators, cooling equipment, transformers, switchgear, and mechanical yards) shall comply with the maximum permissible sound levels *and* the limited audibility distance standards for the “Commercial or Business” use occupancy category in Chapter 17, Section 17-10 (Table 1), as measured at or beyond the property boundary of the land use from which the sound emanates. Exceedances shall be evaluated in accordance with Chapter 17, including the standard for duration of exceedance.
2. Routine generator testing and maintenance shall be limited to Monday-Friday, 9:00 a.m. to 5:00 p.m., excluding City-observed holidays, unless otherwise approved through a Special Use Permit. Emergency operations are not limited by this subsection.

3. **Outdoor amplified sound prohibited.** Outdoor amplified sound, including outdoor public address systems and outdoor warning sirens, is prohibited except for emergency life-safety communications.
4. **Routine outdoor maintenance hours.** Routine outdoor maintenance activities using powered equipment (including pressure washing, pavement cutting/sawing, and similar noise-generating maintenance) shall be limited to Monday-Friday, 9:00 a.m. to 5:00 p.m., excluding City-observed holidays. This limitation shall not apply to emergency repair activities necessary to protect life, safety, or critical facility operations.

h. Trigger-based acoustical compliance submittal.

1. **Administrative review; when required.** An Acoustical Compliance Memorandum shall be submitted with the site plan application for administrative review by the Administrator to demonstrate compliance with subsection (g). The site plan shall not be approved until the Administrator determines the Memorandum is complete in accordance with subsection (h)(4).

The Memorandum is required if any of the following apply:

- a. The use is subject to Special Use Permit approval (“S” in Table 30-4.A.2); or
 - b. Any lot line abuts a residential base district (as clarified in subsection (b)); or
 - c. Any lot line is located within 500 feet of a residential base district; or
 - d. Any generator, cooling equipment, or mechanical equipment yard is proposed within 250 feet of any lot line.
2. **Content.** The Acoustical Compliance Memorandum shall:
 - a. Identify and map major on-site noise sources (including generators and cooling/mechanical equipment);

- b.** Provide manufacturer sound data and a site-specific analysis predicting sound levels at the property boundary;
 - c.** Demonstrate compliance with subsection (g) (commercial-standard limits in Chapter 17, Section 17-10 (Table 1)); and
 - d.** Identify any mitigation measures incorporated into the site plan to achieve compliance (e.g., enclosures, barriers, orientation, distance, acoustical treatments).
- 3. **Prepared by a qualified professional.** The Memorandum shall be prepared by a qualified acoustical professional or engineer experienced in environmental noise analysis.
- 4. **Completeness.** The Acoustical Compliance Memorandum shall be deemed complete when it includes each required element in subsection (h)(2)(a) through (d) and is prepared in accordance with subsection (h)(3). If the Memorandum is incomplete, the Administrator shall notify the applicant of the additional information required.
- 5. **Noise mitigation shown on plans; installation; maintenance.** All noise mitigation measures identified in any required Acoustical Compliance Memorandum shall be shown on the approved site plan, shall be installed prior to the issuance of a Certificate of Occupancy for the applicable phase, and shall be maintained for the life of the use. Any modification or removal of required mitigation shall require an approved site plan revision demonstrating continued compliance with the noise standard in this subsection.

i. Post-construction verification when triggered. For any project required to submit an Acoustical Compliance Memorandum under subsection (h), the owner/operator shall submit a post-construction boundary sound test report within 60 days after commencement of continuous operations, demonstrating compliance with subsection (g). If noncompliance is documented, the owner/operator shall implement mitigation and provide follow-up testing demonstrating compliance. Testing shall be

conducted under representative worst-case operating conditions for continuous equipment, and shall include at least one scheduled generator test event where generator testing is part of routine operations.

j. Air quality. Nothing in this section reduces the owner/operator’s obligations under federal and state air quality requirements.

k. Lighting. Site and security lighting shall comply with Section 30-5. E (Design Standards for Exterior Lighting), including full cut-off fixtures and Fort Bragg light-spill protections, as applicable.

l. Utility coordination submission. Site plans must include documentation of utility coordination with PWC and/or other utility providers.

m. On-site contact for complaints. The owner/operator shall maintain 24-hour contact information (name, telephone number, and email address) for a person authorized to respond to operational complaints. Such contact information shall be posted at a primary entrance gate or main building entrance and shall be provided to the City upon request and kept current.

30-4. C.5.j. Telecommunications and Data Storage Facility, Principal Use, with Energy Center

a. Applicability. Applies to all principal “Telecommunications and Data Storage Facility, Principal Use, with Energy Center” uses, including phases in a multi-building campus.

b. Residential adjacency clarification. For purposes of this subsection, a reference to a lot line that “abuts a residential base district” shall mean the subject property shares a lot line with (i) a property zoned with a residential base district, or (ii) a property containing a lawfully established residential use.

c. District-specific approval. Where designated “S” in Table 30-4. A. 2, a Special Use Permit is required pursuant to Article 30-2. C.7. Conditions may be imposed to mitigate site-specific impacts.

d. Separation when abutting residential. When any lot line abuts a residential base district (as clarified above), the facility shall:

1. Place all generators and mechanical equipment yards no closer than 200 feet from the shared lot line; and
2. Provide a Type D perimeter buffer (or higher where required) per Section 30-5. B.4.d (may be satisfied under Option 1 or Option 2 per Table 30-5. B.4.d.4).

e. Measurement. Distances referenced in this subsection shall be measured in accordance with Section 30-9. B.1.b (Distance Measurements, Generally). For purposes of this subsection:

1. Distances to a lot line shall be measured from the nearest point of the generator, cooling equipment, mechanical equipment yard, or associated equipment pad/foundation (including any enclosure) to the nearest lot line of the subject property.
2. Distances to a residential base district shall be measured from the nearest lot line of the subject property to the nearest lot line of any property zoned with a residential base district.

f. Equipment location and screening.

1. Ground-mounted mechanical equipment, fuel tanks, switchgear, generators, and similar service equipment shall be located to the side or rear of principal buildings. Fuel tanks shall not be located between a principal building and a public street.
 - All such areas and equipment shall be screened from off-site views in accordance with Section 30-5. B.4.e (Screening), using one or more of the screening methods in Section 30-5. B.4. e.3.
 - Chain link fencing with wooden or plastic slats shall not qualify as screening.
 - Screening shall be installed and maintained so as not to obstruct required sight distance triangles.
2. **Loading and service areas at residential edges.** When any lot line abuts a residential base district (as clarified in this subsection), loading docks, service bays, refuse collection areas, and

other loading/service areas shall not be located on, or have primary openings oriented toward, the building elevation facing the shared lot line. Where site constraints make this infeasible, such areas shall be screened from off-site views in accordance with Section 30-5. B.4.e (Screening) and shall be located and designed to minimize off-site noise impacts.

3. **Mechanical and generator yard enclosure near residential.** When any generator, cooling equipment, or mechanical equipment yard is located within 250 feet of a lot line that abuts a residential base district (as clarified in this subsection), the generator/mechanical yard shall be enclosed by a screening fence or wall installed in accordance with Section 30-5. B.4.e (Screening) and Section 30-5. D (Fences and Walls). The fence/wall shall be of solid/opaque construction and shall be the minimum height necessary to achieve the screening function, not to exceed eight (8) feet, unless a greater height is approved in accordance with Section 30-5. D.5 (Security Plan). Chain link fencing with slats or screens shall not qualify as screening. The required fence/wall shall not be located within any required front yard, except where expressly permitted by Section 30-5. D.

g. Noise; commercial-standard limits; generator testing hours.

1. **Commercial-standard limits.** All operations and equipment (including generators, cooling equipment, transformers, switchgear, and mechanical yards) shall comply with the maximum permissible sound levels *and* the limited audibility distance standards for the “Commercial or Business” use occupancy category in Chapter 17, Section 17-10 (Table 1), as measured at or beyond the property boundary of the land use from which the sound emanates. Exceedances shall be evaluated in accordance with Chapter 17, including the standard for duration of exceedance.

2. Routine generator testing and maintenance shall be limited to Monday-Friday, 9:00 a.m. to 5:00 p.m., excluding City-observed holidays, unless otherwise approved through a Special Use Permit. Emergency operations are not limited by this subsection.
3. **Outdoor amplified sound prohibited.** Outdoor amplified sound, including outdoor public address systems and outdoor warning sirens, is prohibited except for emergency life-safety communications.
4. **Routine outdoor maintenance hours.** Routine outdoor maintenance activities using powered equipment (including pressure washing, pavement cutting/sawing, and similar noise-generating maintenance) shall be limited to Monday-Friday, 9:00 a.m. to 5:00 p.m., excluding City-observed holidays. This limitation shall not apply to emergency repair activities necessary to protect life, safety, or critical facility operations.

h. Acoustical Study (required)

1. **Administrative review.** An Acoustical Study shall be submitted with the site plan application for administrative review by the Administrator to demonstrate compliance with subsection (g). The site plan shall not be approved until the Administrator determines the Study is complete in accordance with subsection (h)(4).
2. **Content.** The Acoustical Study shall:
 - a. Identify and map major on-site noise sources (including generators and cooling/mechanical equipment);
 - b. Provide manufacturer sound data and a site-specific analysis predicting sound levels at the property boundary;
 - c. Demonstrate compliance with subsection (g) (commercial-standard limits in Chapter 17, Section 17-10 (Table 1)); and

- d.** Identify any mitigation measures incorporated into the site plan to achieve compliance (e.g., enclosures, barriers, orientation, distance, acoustical treatments).
 - 3. Prepared by a qualified professional.** The Study shall be prepared by a qualified acoustical professional or engineer experienced in environmental noise analysis.
 - 4. Completeness.** The Acoustical Study shall be deemed complete when it includes each required element in subsection (h)(2)(a) through (d) and is prepared in accordance with subsection (h)(3). If the Study is incomplete, the Administrator shall notify the applicant of the additional information required.
 - 5. Noise mitigation shown on plans; installation; maintenance.** All noise mitigation measures identified in any required Acoustical Study shall be shown on the approved site plan, shall be installed prior to the issuance of a Certificate of Occupancy for the applicable phase, and shall be maintained for the life of the use. Any modification or removal of required mitigation shall require an approved site plan revision demonstrating continued compliance with the noise standard in this subsection.
- i. Post-construction verification (required).** The owner/operator shall submit a post-construction boundary sound test report within 60 days after commencement of continuous operations, demonstrating compliance with subsection (g). If noncompliance is documented, the owner/operator shall implement mitigation and provide follow-up testing demonstrating compliance. Testing shall be conducted under representative worst-case operating conditions for continuous equipment, and shall include at least one scheduled generator test event where generator testing is part of routine operations.
- j. Air quality.** Nothing in this section reduces the owner/operator's obligations under federal and state air quality requirements.

k. Lighting. Site and security lighting shall comply with Section 30-5. E (Design Standards for Exterior Lighting), including full cut-off fixtures and Fort Bragg light-spill protections, as applicable.

l. Utility coordination submittal. Site plans must include documentation of utility coordination with PWC and/or other utility providers.

m. On-site contact information. The owner/operator shall maintain 24-hour contact information (name, telephone number, and email address) for a person authorized to respond to operational complaints. Such contact information shall be posted at a primary entrance gate or main building entrance and shall be provided to the City upon request and kept current.

Section 2. It is the intent of the City Council, and it is hereby ordained, that the provisions of this ordinance shall become part of the Code of Ordinances for the City of Fayetteville, North Carolina. The sections of this ordinance may be renumbered as necessary to accomplish this purpose.

ADOPTED this the _____ day of _____, 2026.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

JENNIFER AYRE, City Clerk

TA26-01 Ordinance 3 - Add Use-Specific Standards for Data Centers (Article 30-4.C.5)

This ordinance is necessary because the Use Table only answers where a data center can go and what entitlement it needs. It does not answer the questions that actually drive public concern and day-to-day enforcement: where the loud equipment sits, how close it can be to homes, what noise standard applies at the property line, when generator testing can happen, what must be proven at the site plan, and what happens if real-world operations don't match the modeling. This ordinance fills that gap by creating a purpose-build, enforceable operating and site-design framework for data centers as a land use, especially around residential edges and other noise-sensitive contexts.

At the top, the ordinance starts by defining applicability in a way that prevents easy workarounds. It makes clear the standards apply to all principal Telecommunications and Data Storage Facilities, including phased build-out within a campus, so an applicant can't argue "this is just Phase 1" to avoid the rules. At the same time, it explicitly excludes ordinary accessory server rooms located inside an otherwise permitted use, which protects hospitals, offices, and industrial users from being unintentionally pulled into a data-center regime just because they have IT rooms. The logic is targeted regulation: catch the use that generates the externalities, don't drag in incidental building functions.

The "residential adjacency clarification" is an enforcement move. Instead of tying triggers only to zoning labels, it treats adjacency as either abutting a residential base district or abutting a property that contains a lawfully established residential use. That closes a predictable loophole where the zoning map and the lived condition don't match (nonconforming homes, split-zoned situations, or transitional areas). The practical logic is: if people live here, it functions like a residential edge and should be treated like one.

The "district-specific approval" subsection doesn't change the Use Table; it explains how to use it. It reinforces that when the table shows "S", a Special Use Permit is required, and it explicitly tees up the kinds of conditions that are most defensible and most useful – generator testing windows, buffering, equipment placement, acoustical mitigation. The logic is to make discretionary review focused on the handful of levers that actually reduce impact, rather than vague compatibility debates.

The separation and buffering rules are the first hard compatibility line. When a site touches a residential edge, the ordinance requires generators/mechanical yards to be set back and requires a Type D perimeter buffer. For the "Principal Use" category, the equipment setback is 150 feet; for the "with Energy Center" category, it increases to 200 feet. That difference is the policy judgement baked into the ordinance: an energy-center model has a higher probability of more intense operations and therefore warrants a wider separation at the most sensitive edge. The buffer requirement is the parallel visual and physical mitigation layer: even if a site can meet noise limits, the code still expects a strong perimeter condition when the use meets a residential area.

The measurement subsection is there because distance standards fail when nobody can agree on what they're measured from. This ordinance removes ambiguity by specifying that the relevant distances are measured from the nearest point of generators, cooling equipment, mechanical yards, or pads/foundations/enclosures to the nearest lot line – and it separately clarifies how to measure “to a residential base district.” The logic is clear administration and reduced appeals: everyone can replicate the measurement and get the same answer.

The equipment location and screening standards are a second compatibility line, and they're written to be enforceable rather than aesthetic. Requiring ground-mounted equipment and tanks to be at the side or rear, prohibiting fuel tanks between the building and a public street, and requiring screening under the existing screening standards pushes the most visually industrial pieces away from primary frontages and into managed service areas. The ordinance then removes a common “cheap screen” workaround by stating chain-link fence with slats does not count as screening. The logic is: if screening is required, it actually needs to screen. It also protects traffic safety by requiring screening not to obstruct sight triangles.

The loading/service orientation rule at residential edges is about preventing a specific, predictable nuisance: truck backing alarms, roll-up door activity, refuse service, and the “active” side of a service yard facing homes. The ordinance doesn't pretend every site can be perfect; it sets a clear default (don't face the residential edge), and if constraints make it infeasible, it still requires screening and design choices that reduce noise spillover. The logic is outcome-oriented: reduce the most common points of conflict without making sites impossible.

The yard enclosure trigger within 250 feet of a residential-abutting lot line is essentially a “last mile” protection. Even with setbacks and buffers, some sites will place equipment relatively near the edge due to geometry or phasing. Requiring an opaque fence or wall (with a defined height cap unless a security plan justifies more) creates a physical barrier that helps with both visibility and, in many cases, line-of-sight sound. Again, the ordinance closes loopholes by rejecting chain-link-with-slats as compliance and by keeping enclosures out of front yards unless the general fence rules allow it. The logic is consistency with the rest of the UDO while still demanding a real barrier where proximity makes it necessary.

The noise section is the centerpiece, because noise is the externality that most often drives complaints and enforcement costs. This ordinance makes a deliberate choice to hold data centers to the City's “Commercial or Business” noise limits and limited-audibility distance standards, measured at or beyond the property boundary. That's a clarity move and an equity move: it avoids inventing a bespoke noise regime in the UDO while still selecting a noise category that is stricter than industrial-style expectations. The ordinance then focuses on the most sensitive recurring event – routine generator testing – and limits it to weekdays during business hours, with holidays excluded, while carving out true emergencies. It also prohibits outdoor amplified sound except for life-safety emergencies and limits routine outdoor maintenance with powered equipment to the same weekday business window. The logic is to prevent the “worst moments” from occurring at the times residents experience as most intrusive (early morning, evenings, weekends) while preserving operational reliability and emergency response.

The acoustical submittal framework is designed to be proportional for the baseline principal-use category and mandatory for the energy-center category. For a standard principal facility, the ordinance uses a trigger-based “Acoustical Compliance Memorandum” that becomes required when risk is higher: when the project needs an SUP, when it touches residential, when it’s within 500 feet of residential zoning, when equipment is within 250 feet of any lot line, or similar proximity conditions. This is a workload-management logic: require technical proof when conditions suggest a higher probability of noncompliance or conflict; don’t force every low-risk site into a full study.

The content requirements for the Memorandum (and the Energy Center “Acoustical Study”) are specific on purpose: map sources, provide manufacturer data, model boundary sound levels, show compliance with the adopted noise standard, and identify mitigation measures that are actually incorporated into the site plan. That last part is critical. The ordinance isn’t satisfied with “we’ll mitigate later”; it ties mitigation to approved plans, requires installation before CO for the applicable phase, and requires maintenance for the life of the use. The completeness standard then gives the Administrator a clean gatekeeping tool: either the required elements are present and prepared by a qualified professional, or the submittal is incomplete, and the applicant is told what’s missing. The logic is enforceable administration: clear submittal expectations, clear approval threshold, and mitigation that becomes inspectable, not aspirational.

The post-construction verification requirement is what makes the whole noise framework real. Modeling can be accurate, but field conditions and vendor substitutions happen. This ordinance requires an actual boundary sound test report after continuous operations begin (and explicitly expects representative worst-case conditions, including at least one scheduled generator test event where generator testing is part of routine operations). If testing shows noncompliance, the owner must implement mitigation and retest. The logic is accountability: The City is not guessing; compliance is demonstrated in the environment where neighbors experience the impacts.

The remaining provisions are “no surprises” clauses that prevent misreadings and close operational gaps. The air quality clause makes clear the UDO isn’t rewriting state/federal emissions rules. The lighting clause ties security lighting to the City’s full cut-off and spill protections, so data center security needs don’t become a perpetual glare issue. The utility coordination submittal forces early documentation that PWC/other utilities have been engaged, which is a practical step to avoid late-stage infrastructure conflicts. And the 24-hour contact requirement is a classic operations-and-enforcement tool: when there is a complaint, the City and residents aren’t stuck chasing a corporate owner through a generic hotline; there is a responsible person who can respond quickly.

The “with Energy Center” section largely mirrors the baseline standards, but the differences are intentional signals about risk. It increases residential-edge separation, and it changes acoustics from “trigger-based memorandum” to a required Acoustical Study, full stop. That is the ordinance’s way of saying: once you add an energy center operational model, the City is not waiting to see whether a trigger happens—technical demonstration and post-construction confirmation are required because the probability and stakes of impact are higher.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5.A, OFF-STREET PARKING, LOADING, AND CIRCULATION, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA.

Be it ordained by the City Council of Fayetteville, North Carolina, that:

Section 1. Table 30-5. A.4.b, Minimum Off-Street Parking Standards, is amended by inserting the following use and parking standard under the Industrial Use Classification:

Telecommunications and Data Storage Facility, Principal Use, With or Without Energy Center:

Minimum: 1 space per 1,000 square feet of accessory office/support areas + 1 space per employee on the largest shift + visitor parking: 3 spaces per site + 1 space per principal building, up to a maximum of 10 visitor spaces per site.

Maximum: Two times the minimum number of spaces required, unless an Alternative Parking Plan is approved pursuant to Section 30-5. A.8.

Section 2. Table 30-5. A.10, Required Off-Street Loading Spaces, is amended by inserting the following use and loading standard under “All other Commercial and Industrial Uses”:

Telecommunications and Data Storage Facility, Principal Use, With or Without Energy Center:

Minimum: 1 loading space per principal building.

Section 3. It is the intention of the City Council, and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2026.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

JENNIFER AYRE, City Clerk

TA26-01 Ordinance 4 - Add Parking & Loading Standards (Article 30-5.A)

This ordinance is necessary because the UDO's standard parking and loading ratios don't fit how data centers actually function. If you apply typical industrial or commercial ratios to a use that has a very large floor plate but comparatively low routine staffing, you either overbuild parking (creating unnecessary pavement, stormwater, heat, and visual impacts) or you get inconsistent, negotiated outcomes case-by-case. The point here is to make the requirement predictable and proportional for a use that is infrastructure-heavy but people-light.

The parking minimum is structured around what actually generates demand. Tying parking to "accessory office/support areas" captures the only portion of a data center that behaves like a conventional workplace, where square footage correlates with people and visitors. Adding "one space per employee on the largest shift" then covers the core operations reality—security, facilities staff, network operations, and on-call presence—without letting the overall building size force a parking field that will sit empty. The visitor requirement (a small baseline plus a per-building component with a site cap) is a practical recognition that these facilities still get periodic site visits: inspectors, utility coordination, vendors, clients, auditors, and corporate staff. It ensures there is always some visitor capacity on-site, but the cap prevents visitor parking from ballooning into a de facto second parking standard.

The parking maximum—two times the minimum unless an Alternative Parking Plan is approved—is doing the land-use management work. It stops "just in case" overpaving that can undermine adjacent compatibility, increase runoff, and lock in a suburban parking footprint even in districts where the City is trying to manage impervious surface and site form. At the same time, it leaves a clear escape valve for unusual operational needs, phased build-out, or unique tenant patterns through the Alternative Parking Plan process, so the ordinance is firm by default but not rigid when facts justify flexibility.

The loading standard—one loading space per principal building—reflects the delivery pattern you can reasonably expect without over-prescribing. Data centers need regular but not constant freight activity: equipment swaps, parts deliveries, palletized IT hardware, mechanical replacements, and periodic contractor mobilizations. Requiring one space per building guarantees functional logistics capacity and keeps loading from spilling into drive aisles or fire lanes, while avoiding a higher ratio that would force unnecessary paved area for a use that is not a high-turnover distribution operation.

Overall, the ordinance is a calibration move: require enough parking and loading to run the use and support inspections and visitors, but prevent the code from accidentally incentivizing oversized asphalt that creates secondary impacts unrelated to the actual operation of a data center.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, DISTRICTS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA, TO AMEND SECTION 30-3.H.6, AIRPORT OVERLAY (APO) DISTRICT.

Be it ordained by the City Council of Fayetteville, North Carolina, that:

Section 1. Amendments to Section 30-3.H.6 (Airport Overlay District)

A. 30-3.H.6.c. District Standards (introductory paragraph only)

The introductory paragraph of subsection **30-3.H.6.c** is hereby amended as follows:

*The land uses allowed under the terms of this Ordinance shall continue to be allowed in the same manner as established by this Ordinance; however, upon the consideration of any petition for the rezoning of property within the APO, the City Manager, the Zoning Commission, and the City Council shall give considerable weight to the following factors when formulating their recommendations or decisions. **Notwithstanding the foregoing, the requirements in subsections (c)(3) through (c)(5) below shall apply to all new development within the APO as provided in subsection (b).***

B. 30-3.H.6.c.3. Structures

Subsection **30-3.H.6.c.3** is hereby amended as follows:

3. Structures

*Structures shall not be erected, altered or maintained and no tree shall be allowed to grow to a height in excess of the applicable height limits established and regulated by the Federal Aviation Administration (FAA), **including rooftop mechanical equipment and screens, antennas, exhaust stacks, light poles, and similar appurtenances, and prior to application for any Building Permit for any development subject to Site Plan approval, prior to Site Plan approval, and prior to application for any Building Permit the developer shall provide the City***

a copy of the FAA's acknowledgement of receipt of FAA Form 7460-1, Notice of Proposed Construction or Alteration, as required by Part 77 of the Federal Aviation Regulations (14 C.F.R Part 77). In the event the FAA's acknowledgement indicates the proposed development would provide an obstruction and/or a hazard to air navigation, the developer must provide either written consent from the Airport Director as related to the proposed development or seek a Variance under the provisions of this Ordinance. Notwithstanding the provisions of this section, height limitations shall not apply to any structure or any vegetation that is 35 feet or less in height, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limits of the FAA. The FAA height limitations generally include the following:

- a. Approach Zone...*
- b. Transitional Zone...*
- c. Conical Zone...*
- d. Horizontal Zone...*

Temporary construction cranes and other temporary structures shall comply with applicable FAA notice requirements.

C. 30-3.H.6.c.4. Notice Required

Subsection **30-3.H.6.c.4** is hereby amended as follows:

4. Notice Required

Any site plan, Subdivision Plan, or Final Plat for land located within the APO that is submitted for review and approval under the terms of this Ordinance shall contain the following notice:

"Property shown on this plan/plat is within the City of Fayetteville Airport Overlay District".

In addition, any Site Plan for land located within the APO shall identify the maximum height

above grade for all proposed buildings and structures, including rooftop mechanical equipment and screens, antennas, exhaust stacks, light poles, and similar appurtenances, as applicable. Prior to approval of a Site Plan within the APO, the Administrator shall transmit the application materials to the Fayetteville Airport Director for review and comment when the proposed development includes one or more of the following features:

- a. One (1) or more stationary emergency/standby generators;*
- b. On-site fuel storage with an aggregate capacity of 1,320 gallons or greater;*
- c. Cooling towers, evaporative cooling, or other cooling systems reasonably expected to generate visible plumes/steam under typical operating conditions;*
- d. Outdoor lighting mounted greater than twenty-five (25) feet above grade; and/or*
- e. Any structure or appurtenance that requires FAA notice under 14 C.F.R. Part 77.*

D. 30-3.H.6.C.5. Lighting

Subsection **30-3.H.6.c.5** is hereby amended as follows:

5. Lighting

Any allowed use, subdivision, or other development located within the APO shall not include outdoor lighting or illumination arranged and/or operated in such a manner as to be misleading or pose a danger to aircraft operations, shall not create glare or other illumination that could be confused with airport lighting or that otherwise impairs pilot vision, and in no case shall lighting be in contradiction to the provisions of this Ordinance. Further, no use or development within the APO shall be established, operated, or maintained in a manner that (a) emits smoke, steam, dust, particulates, or other substances that impair aircraft visibility or interfere with aircraft operations; (b) creates electrical, electronic, or electromagnetic interference that

disrupts or degrades airport communications, radar, or navigation aids; or (c) attracts birds and water fowl in a manner that increases wildlife strike risk.

Section 2. It is the intention of the City Council, and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Fayetteville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2026.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

JENNIFER AYRE, City Clerk

TA26-01 Ordinance 5 – Airport Overlay (APO) Amendment

The Airport Overlay District already identifies the right airport-compatibility concerns – height and obstructions, lighting, visibility, electrical interference, and bird/waterfowl attraction – but the code largely treats those issues as things to weigh during rezonings. The practical problem is that many modern industrial projects can be permitted through site plan and building permit pathways without a rezoning, which means airport-compatibility review can occur late, or inconsistently, even though the underlying hazards are the same. This amendment closes that gap by making the key APO requirements operate as enforceable, location-based development standards, so projects in the overlay are reviewed for airport impacts early enough to avoid redesigns, delays, and avoidable hazards.

First, the ordinance clarifies that the APO requirements tied to structures and lighting apply to all new development in the overlay, not just rezonings. The logic is simple: an airport hazard is a physical condition created on a site within an approach environment. It does not depend on whether the entitlement was discretionary or by right. By making the core standards apply to development generally, the City avoids a loophole where a project in the APO can advance without the same level of compatibility screening simply because it did not require a rezoning petition.

Second, the ordinance tightens the “structures” language to reflect how contemporary facilities are actually built and operated. Airport-relevant height is often driven by rooftop mechanical units and screens, antennas, exhaust stacks, and tall poles, not only the primary building roofline. By explicitly including those appurtenances, the code becomes enforceable against the elements that most commonly create airspace conflicts. The ordinance also moves FAA notice documentation earlier in the process by requiring proof of FAA Form 7460-1 acknowledgement prior to site plan approval when a project is subject to site plan review, while still preserving the building-permit timing requirement. The purpose is to avoid approving a site plan that later cannot be built as designed because the FAA or airport identifies an obstruction or hazard. In the same spirit, the ordinance adds a clear statement that temporary construction cranes and similar temporary structures must comply with applicable FAA notice requirements, recognizing that cranes can be the tallest objects on a site and can present short-term but serious airspace and safety issues during construction.

Third, the ordinance improves the usefulness of APO review by requiring site plans in the overlay to disclose maximum heights above grade for buildings and related appurtenances. Without that information, neither staff nor the airport can reliably evaluate whether a proposal may affect protected airspace or trigger FAA notice. The ordinance then establishes a targeted referral process to the Airport Director for projects that include specific features commonly associated with aviation risk: standby generators, substantial fuel storage, cooling systems that may generate visible plumes or steam, tall outdoor lighting, or any structure or appurtenance that requires FAA notice under Part 77. This is not a prohibition. It is an early coordination step

designed to surface aviation concerns when the plan can still be adjusted through notes, placement, shielding, operational commitments, or other mitigation.

Finally, the ordinance strengthens the lighting standard to make it more concrete and operationally meaningful. It explicitly addresses glare and the risk of lighting that could be confused with airport lighting or that impairs pilot vision, which is one of the most direct ways off-airport development can create safety concerns. It also makes explicit that development in the APO cannot be operated in a way that impairs visibility through smoke, steam, dust, or particulates; cannot create electrical or electromagnetic interference with airport communications, radar, or navigation aids; and cannot create conditions that attract birds and waterfowl in ways that increase strike risk. The logic is performance-based: The City is not trying to regulate a particular industry by name inside the overlay. It is setting clear, enforceable expectations that any development in the APO must avoid creating the specific hazard types that airports are known to be vulnerable to.

Taken together, these changes make the APO function the way it is intended to function in practice: predictable standards tied to location, earlier identification of airspace and operational hazards, and a clean review path that helps projects move forward without late-stage surprises – especially for facilities like data centers that can be by-right yet include generators, fuel, cooling equipment, and security lighting that can matter a lot in an airport environment.