

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