

City Council Agenda Item Request

Date of Request: 28 APR 2026 **Requester:** CM McMillan

Agenda Item Title: Direction to Staff - Draft Data Center Moratorium Ordinance

Estimated Cost: N/A **Anticipated Funding Source:** N/A

City Department(s) Support Requested: City Attorney's Office; Development Services; ECD

Estimated Staff Time Required: Moderate; reference existing peer city ordinance templates

Anticipated Date for Future Council Work Session Discussion: 1 June 2026

Which City Council approved Goal(s) within the Strategic Plan does this request directly support?

Goal 3-City investment in today and tomorrow

Goal 5- Financially sound City

Goal 6- Collaborative Citizen and Business Engagement base

What do you envision accomplishing with this agenda item request?

This request asks Council to consider and vote on the following motion at the May 4, 2026 Work Session:

"I move that the City Council direct staff to prepare a draft moratorium ordinance on data center development applications, consistent with applicable City policy and N.C.G.S. § 160D-107, and to return that draft to Council for consideration. The duration, scope, and specific findings of the moratorium will be determined by Council at the time of adoption."

Purpose. This is a procedural directive. It instructs staff to prepare a working draft of a moratorium ordinance for Council's later consideration. It does not adopt a moratorium. It does not commit Council to a duration, a scope, or specific findings. Each of those substantive decisions remains in Council's hands at the adoption vote, where N.C.G.S. § 160D-107(d) requires a full legislative public hearing and four written statements before any moratorium can take effect.

Additional Comments:

Why now. Several North Carolina jurisdictions have adopted twelve-month data center moratoria in the past sixty days: Chatham County (February), Wendell (April 13), Apex (April 14), Rowan County (April 20), and Orange County (April 21). Cumberland County has scheduled its public hearing for May 13. Durham and Harnett are scheduled for May 4th, the same day as this Work Session. Adjacent jurisdictions have produced a settled procedural and substantive template that Fayetteville staff can adapt rather than build from scratch.

What staff would prepare. A draft ordinance suitable for return to Council. The draft would track the four required written statements under N.C.G.S. § 160D-107(d) (problems and alternatives, scope, duration justification, schedule of work), would respect the vested-rights framework under § 160D-108(b), and would be modeled on Chatham County's adopted ordinance and the four subsequent NC adoptions. The draft would set the stage for a § 160D-601 legislative public hearing on a future date in the coming weeks.

Outcome sought. A clean, majority vote in favor of the motion as written, returning the draft ordinance IAW statutory moratorium process.