

**CITY OF FAIRFIELD, ALABAMA
ORDINANCE NO. 1174**

AN ORDINANCE ESTABLISHING A TEMPORARY, PROSPECTIVE MORATORIUM ON NEW DATA CENTERS AND DATA CENTER SUPPORT FACILITIES THROUGHOUT THE CITY AND EXCEPTIONS THERETO; ESTABLISHING A TEMPORARY, PROSPECTIVE MORATORIUM WITHIN THE MIXED-USE DISTRICT ON NEW PLACES OF WORSHIP AND COMPARABLE ASSEMBLY USES, REGARDLESS OF THE OWNER'S OR OPERATOR'S NONPROFIT, FOR-PROFIT, RELIGIOUS, OR TAX-EXEMPT STATUS; CLARIFYING THAT THE MORATORIUM REGULATES THE ESTABLISHMENT AND USE OF PROPERTY AND DOES NOT PROHIBIT THE PURCHASE, OWNERSHIP, OR LAWFUL NON-ASSEMBLY USE OF PROPERTY BY A NONPROFIT OR RELIGIOUS ORGANIZATION; DIRECTING EXPEDITED STUDY OF PERMANENT LAND-USE REGULATIONS; PRESERVING EXISTING LAWFUL OPERATIONS AND LAWFULLY VESTED RIGHTS; AND PROVIDING FOR ADMINISTRATIVE RELIEF, SEVERABILITY, EXPIRATION, AND AN EFFECTIVE DATE

WHEREAS, the City possesses zoning authority under Ala. Code §§ 11-52-70 through 11-52-84 and police powers to protect public health, safety, and welfare;

WHEREAS, on July 6, 2026, the City Council adopted an amendment to Ordinance No. 931 creating the Mixed-Use District (MXD), including provisions broad enough to permit certain advanced-technology and digital-infrastructure uses and provisions allowing places of worship through the special-exception process;

WHEREAS, new data centers may require extraordinary electrical, water, cooling, emergency-generation, fire-protection, security, stormwater, and other public and private infrastructure;

WHEREAS, the establishment or concentration of new churches and other places of worship in commercial buildings within the Mixed-Use District may affect parking, traffic, occupancy, fire and life safety, emergency response, municipal services, surrounding property, commercial-space availability, and the City's redevelopment objectives;

WHEREAS, a church or place of worship frequently operates through a nonprofit organization, and the Council intends that nonprofit ownership or operation neither evade nor independently trigger this land-use regulation;

WHEREAS, the Council intends to regulate land use and operational impacts—not religious belief, denomination, nonprofit status, or organizational identity—and to treat religious assemblies on terms equal to comparable nonreligious assemblies;

WHEREAS, Fairfield previously adopted Ordinance Nos. 981 and 1002 to establish temporary land-use moratoria while studying zoning needs, including the effects of places of religious worship and other identified uses;

WHEREAS, a temporary, reasonably limited pause is necessary to preserve the status quo while the City studies permanent definitions, siting criteria, infrastructure requirements, special-exception standards, and other safeguards;

WHEREAS, before consideration of this Ordinance, the City engaged in planning, infrastructure coordination, and economic-development discussions concerning a proposed data-center project on the properties identified in this Ordinance as the Excepted Property, and the Council finds that a limited property-specific exception will preserve those prior municipal efforts without making the exception dependent upon the identity of a particular owner, developer, operator, or affiliated entity; and

WHEREAS, the Council intends prospective application, protection of existing lawful operations and lawfully vested rights, and compliance with the United States Constitution, the Alabama

Constitution, the Religious Land Use and Institutionalized Persons Act, and all other applicable law.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
FAIRFIELD, ALABAMA, AS FOLLOWS:**

Section 1. Findings and Purpose.

The recitals are adopted as legislative findings. This Ordinance temporarily preserves the status quo while the City studies and, if appropriate, adopts objective permanent standards governing new data centers and new churches or other places of worship. The moratorium is intended as a limited planning measure and not as a permanent prohibition.

Section 2. Definitions.

- (a) **“Data Center”** means a building, portion of a building, group of buildings, or premises principally used to house computer servers, data-storage systems, networking equipment, digital-processing equipment, or similar technology used primarily for remote storage, management, processing, transmission, mining, hosting, or distribution of digital data, together with associated cooling, power, security, and backup-generation systems. The term includes hyperscale, enterprise, colocation, cloud-computing, artificial-intelligence computing, cryptocurrency mining, and substantially similar facilities, regardless of terminology or ownership status.
- (b) **“Data Center Support Facility”** means an electrical substation, switching station, battery energy storage system, backup generation plant, dedicated cooling or water-treatment facility, or similar infrastructure proposed principally to serve one or more Data Centers.
- (c) **“City Approval Item”** means a zoning approval, rezoning, special exception, variance, site plan, subdivision approval, development agreement, incentive agreement, utility commitment, land-disturbance permit, building or trade permit, certificate of occupancy, business license, change-of-use approval, or other municipal authorization.
- (d) **“Church or Place of Worship”** means a principal use of property for religious worship, religious assembly, religious instruction customarily incidental to worship, or congregational activities, including a church, synagogue, mosque, temple, religious assembly, or substantially similar religious institution, regardless of denomination, belief, organizational form, tax status, or whether the property is owned, leased, occupied, or operated by a nonprofit organization.
- (e) **“Comparable Assembly Use”** means a nonreligious principal assembly or institutional use that is similarly situated to a Church or Place of Worship with respect to accepted zoning criteria such as parking, traffic, occupancy, hours, building intensity, fire and life safety, and effects on surrounding property. The term may include a meeting hall, community assembly center, cultural assembly facility, or substantially similar use when comparable under those criteria.
- (f) **“Material Expansion”** means an enlargement, change, or intensification that materially increases floor area, seating or occupancy capacity, service frequency, parking demand, electrical or water demand, generator capacity, or other operational impacts.
- (g) **Exclusions.** “Data Center” does not include an ordinary server or telecommunications room accessory and subordinate to another lawful principal use. “Church or Place of Worship” does not include incidental religious meetings in a private residence or in an accessory meeting room subordinate to another lawful principal use, where otherwise permitted by law and not operated as the principal use of the property.
- (h) **“Excepted Property”** means, collectively, the following properties located in the City of Fairfield: (i) *Parcel No. 30 00 13 3 003 017.0010*, commonly identified as **7199 Aaron Aronov Drive**; and (ii) *Parcel No. 30 00 13 3 003 017.0020*, commonly identified as **7160 Aaron Aronov Drive**. The exception established for the Excepted Property is based upon the identified land and is not dependent upon the identity, organizational form, affiliation, or continued participation of any particular owner, developer, operator, tenant, contract purchaser, or other entity.

Section 3. Temporary Moratorium—Data Centers.

Except as expressly provided in this Section 3, throughout the corporate limits, no City department, official, board, commission, or agency shall accept as complete, process, approve, or issue a City Approval Item for a new Data Center or Data Center Support Facility or for a Material Expansion of such a facility. Notwithstanding the foregoing or any other provision of this Ordinance, the temporary moratorium on Data Centers and Data Center Support Facilities shall not apply to the development, establishment, operation, or Material Expansion of a Data Center or Data Center Support Facility located on the **“Excepted Property”**. A lawful owner, lessee, contract purchaser, developer, operator, or other applicant having written authorization from the property owner may submit, and City departments, officials, boards, commissions, and agencies may accept, process,

consider, approve, conditionally approve, or deny, any City Approval Item concerning such use on the **“Excepted Property”** under the laws, ordinances, standards, procedures, and discretionary authority that would apply in the absence of this moratorium. The exception created by this Section runs with the **“Excepted Property”** during the term of this Ordinance and is not personal to, or conditioned upon the continued involvement of, any named or particular entity. Nothing in this exception limits the City’s authority to impose lawful conditions or to deny an application that does not satisfy applicable requirements.

Section 4. Temporary Moratorium—Churches and Places of Worship.

Within the Mixed-Use District, no City department, official, board, commission, or agency shall accept as complete, process, approve, or issue a new special exception, variance, site plan, change-of-use approval, building or trade permit, certificate of occupancy, business license, or other municipal authorization to establish a new Church or Place of Worship or materially expand such a use. This restriction is based on the actual or proposed use of the property and applies without regard to the owner’s or operator’s organizational form or tax status.

Section 5. Neutral Application Based on Land Use.

This Ordinance applies according to the actual or proposed principal use of the property, regardless of whether the property is purchased, owned, leased, occupied, sponsored, or operated by a nonprofit, for-profit, religious, charitable, civic, or tax-exempt organization. No person or entity may avoid the requirements of this Ordinance by acquiring or holding property through a nonprofit, affiliated, subsidiary, or other organizational form when the actual or proposed principal use is a use covered by this Ordinance. Nothing in this Ordinance prohibits a nonprofit or religious organization from purchasing, owning, leasing, or maintaining property within the Mixed-Use District, or from conducting an otherwise lawful non-assembly use, solely because of the organization’s identity, nonprofit status, religious character, or tax-exempt status. The temporary restriction applies only when municipal approval is requested to establish or materially expand a Church or Place of Worship or a Comparable Assembly Use covered by this Ordinance.

Section 6. Equal Treatment of Comparable Assembly Uses.

This Ordinance shall be administered so that a Church or Place of Worship is not treated less favorably than a Comparable Assembly Use. If the City determines that a nonreligious assembly or institutional use is similarly situated to a proposed Church or Place of Worship under the criteria in Section 2(e), the same temporary processing restriction shall apply to that comparable use during the moratorium. The Building Official shall refer disputed comparability questions to the City Attorney for written review.

Section 7. Existing Lawful Operations and Routine Work.

A Data Center, Church or Place of Worship, or Comparable Assembly Use lawfully operating before the effective date may continue within its lawfully approved scope. Routine maintenance, repair, code compliance, and interior work that does not establish, enlarge, or materially intensify a covered principal use is exempt. Nothing in this Ordinance authorizes the expansion or reestablishment of a nonconforming use beyond what existing law permits.

Section 8. Vested Rights.

This Ordinance does not revoke or suspend a final, unexpired permit or approval lawfully issued before the effective date when the holder has acquired a vested right under Alabama law. A person claiming vested rights shall submit supporting documents to the City Clerk. The City Attorney shall determine the claim in writing after considering finality of approvals, good-faith reliance, substantial expenditures, and applicable law. Ownership, negotiations, preliminary review, or an incomplete application do not by themselves establish a vested right.

Section 9. Expedited Study and Permanent Regulations.

The Planning and Zoning Commission, Building Official, Fire Department, City Attorney, and other appropriate officials shall conduct an expedited review addressing definitions, locations, utility capacity, water and electrical demand, generators, parking, traffic, occupancy, fire and life safety, emergency response, setbacks, buffering, noise, environmental effects, municipal-service demands, commercial-space preservation, cumulative impacts, and permanent approval standards. Recommendations shall use objective criteria and comply with constitutional and statutory protections.

Section 10. Duration.

The moratorium shall begin on the effective date and expire one hundred eighty (180) days thereafter unless earlier terminated by ordinance. Any extension must be supported by additional findings, limited to the time reasonably necessary to complete the stated work, and adopted through all procedures required by applicable law.

Section 11. Religious-Land-Use and Constitutional Savings; Administrative Relief.

This Ordinance shall not be construed or administered to discriminate on the basis of religion, treat a religious assembly or institution less favorably than a comparable nonreligious assembly or institution, totally exclude or unreasonably limit religious assemblies within the City, impose an unlawful substantial burden on religious exercise, or effect an unconstitutional taking. A person alleging that application of the moratorium violates a protected right may submit a written request for administrative relief to the City Clerk with supporting evidence. After receiving advice from the City Attorney, the Council may grant the minimum relief legally required while preserving the Ordinance's purposes.

Section 12. Administration and Enforcement.

City officials shall administer this Ordinance consistently and refer disputed classifications, comparability questions, vested-rights claims, and protected-rights questions to the City Attorney. The City may use any lawful remedy to prevent or stop development undertaken in violation of this Ordinance.

Section 13. Severability and Conflicts.

If any provision or application of this Ordinance is held invalid, the remaining provisions and applications shall remain effective. Conflicting ordinances are temporarily superseded only to the extent necessary to enforce this Ordinance.

Section 14. Notice, Hearing, and Effective Date.

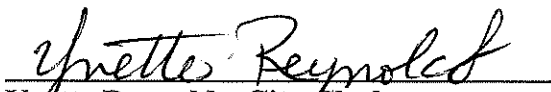
This Ordinance shall not be presented for final passage until the City completes all notice, publication or posting, referral, hearing, and other procedures required by Ala. Code §§ 11-52-77 and 11-52-78, Ordinance No. 931, and other applicable law. If notice previously described only a data-center moratorium, the City shall issue new notice describing this data-center-and-church proposal. Following lawful adoption, this Ordinance shall become effective upon publication or posting as required by law.

ADOPTED AND APPROVED this 27 day of July, 2026.



Herman Carnes, Jr., Mayor

ATTEST:


Yvette Reynolds, City Clerk