

ORDINANCE NO. 2026 – 42
AMENDING THE ZONING ORDINANCE TO PROHIBIT THE DEVELOPMENT AND OPERATION OF DATA CENTERS WITHIN THE CORPORATE LIMITS OF THE CITY OF CULLMAN

WHEREAS, the City of Cullman, Alabama, is committed to protecting the public health, safety, morals, and general welfare of its residents and preserving the City’s unique character as a community with rich German heritage founded in 1873 by Col. John G. Cullmann; and

WHEREAS, the City Council previously adopted a Resolution imposing a temporary moratorium on the acceptance, processing, and approval of applications for data centers to allow time for comprehensive study of their potential impacts on infrastructure, environment, noise, traffic, water resources, residential quality of life, and the City’s long-term development goals; and

WHEREAS, during the moratorium period, the Planning Commission, City staff, and consultants have reviewed the unique characteristics of data centers—including significant energy consumption, water usage for cooling, noise from cooling systems and generators, increased traffic, and strain on municipal electrical, water, and wastewater systems—and determined that such facilities are incompatible with the City’s existing zoning districts and comprehensive plan; and

WHEREAS, pursuant to the authority granted by Title 11 of the Code of Alabama 1975, particularly Sections 11-52-70 et seq., municipalities have broad power to regulate land use through zoning to promote the health, safety, and general welfare of the community; and

WHEREAS, the City Council finds that prohibiting data centers will help preserve residential quality of life, protect local resources, maintain adequate infrastructure capacity for existing and planned uses, conserve property values, and support sustainable economic development aligned with the City’s priorities; and

WHEREAS, this Ordinance constitutes a comprehensive amendment to the Zoning Ordinance and applies uniformly; and

WHEREAS, the Planning Commission has reviewed this amendment and recommended its adoption following required public notice and hearing.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cullman, Alabama, as follows:

Section 1. Amendment to Zoning Ordinance. The Zoning Ordinance of the City of Cullman, Alabama (Ordinance No. O2020-16, as amended; Chapter 62 of the Cullman Code of Ordinances), is hereby amended by adding the following prohibition as a new section (to be inserted in the appropriate Article, such as Article on Prohibited Uses):

Data Centers Prohibited.

Data Centers, as defined herein, are prohibited in all zoning districts within the corporate limits of the City of Cullman, Alabama. No building permit, site plan approval, rezoning, variance, or other land use approval shall be granted for the development, construction, expansion, or operation of any Data Center.

Definition: “Data Center” means any facility, building, structure, or portion thereof used primarily for the storage, management, processing, and transmission of digital data, including but not limited to server farms, computer data centers, hyperscale data centers, colocation facilities, AI training facilities, or any similar use involving large-scale computer systems, networking equipment, backup power generators, and associated cooling infrastructure. This definition includes accessory uses integral to the primary function, such as on-site power generation or large-scale cooling systems.

Section 2. Nonconforming Uses. Any Data Center lawfully existing and operating within the City limits on the effective date of this Ordinance may continue as a legal nonconforming use, subject to the provisions of the Zoning Ordinance governing nonconformities (including restrictions on expansion, reconstruction after damage, and abandonment). No new Data Centers shall be permitted, and no expansions or modifications that increase capacity or footprint shall be allowed.

Section 3. Relation to Prior Moratorium. This Ordinance supersedes and terminates the temporary moratorium imposed by the prior Resolution upon its effective date. Any applications pending or submitted during the moratorium shall be denied consistent with this prohibition.

Section 4. Enforcement. Violations of this Ordinance shall be subject to the penalties and remedies provided in the Zoning Ordinance, including fines (up to the maximum allowed by law), injunctive relief, and abatement as a public nuisance. Each day a violation continues shall constitute a separate offense.

Section 5. Severability. If any provision of this Ordinance is held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions.

Section 6. Repealer. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 7. Effective Date. This Ordinance shall take effect upon its passage, approval, and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the ____ day of _____, 2026.

President of the City Council

ATTEST:

City Clerk

APPROVED BY THE MAYOR this the ____ day of _____, 2026.

Mayor

COUNCIL AGENDA REQUEST

Date: 06/15/2026

Department: Building Name: Pam Leslie

Phone: 256-775-7104 Email: pleslie@cullmanal.gov

Type of request (select all that apply):

- Alcohol License
- Budget Amendment
- Contract Approval
- Public Comment
- Special Event
- Other
- Annexation
- Change Order
- Petition
- Resolution
- Tax Abatement
- Bid Award
- Codification Change
- Proclamations
- Rezoning
- Variance

Reason for Request:

To refer to the Planning Commission to amend the zoning ordinance to prohibit data centers

Supporting Documentation:

Attach supporting documentation.

Signature:  

Signed by: D3C06856441E4DB...

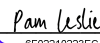
Approval Sequence:

1. Administration – City Clerk’s Office

Verifies form is completed and proper documentation is attached.

Approved to Move Forward Rejected Return to Requestor

Comments:

Signature:  Date: June 17, 2026 | 10:46 AM CDT


Signed by: 8F02210223EC457...

2. Council Committee Chairperson - Jason Willoughby

Ensures necessity of the request.

Approved to Move Forward Rejected Return to Admin

Comments:

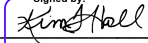
Signature:  Date: June 17, 2026 | 4:09 PM CDT

Signed by: 39E651DFA5B245D...

3. Council President

Approved for Council Agenda Rejected Return to Committee

Comments:

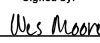
Signature:  Date: June 17, 2026 | 7:46 PM CDT

Signed by: 373F5C72C0C944B...

4. Administration – City Clerk’s Office

Added to Council Agenda Date of Meeting: 06/22/2026

Comments:

Signature:  Date: 06/18/2026

Signed by: 8F02210223EC457...