



City of Birmingham
Proposed Data Center
Regulations
June 9, 2026

City of Birmingham
Department of Planning, Engineering and Permits
Mayor's Office of Resilience and Sustainability



Background

- Due to the explosive growth of Data Centers nationally the City has recognized the need to develop definitions and ordinance modifications to ensure all scales of Data Centers are compatible with surrounding uses.
 - City adopted a 6-month temporary suspension on new Data Center Development on March 3, 2026 while this ordinance is being developed.
-

Why do this now?

Data Center development has evolved rapidly in scale and intensity.

Emerging Facilities differ significantly from what the existing ordinance and plans anticipated.

Birmingham is an attractive destination for Data Centers due to grid reliability, industrial infrastructure, cost of land and other factors.

Enterprise style data center



Hyperscale style data center



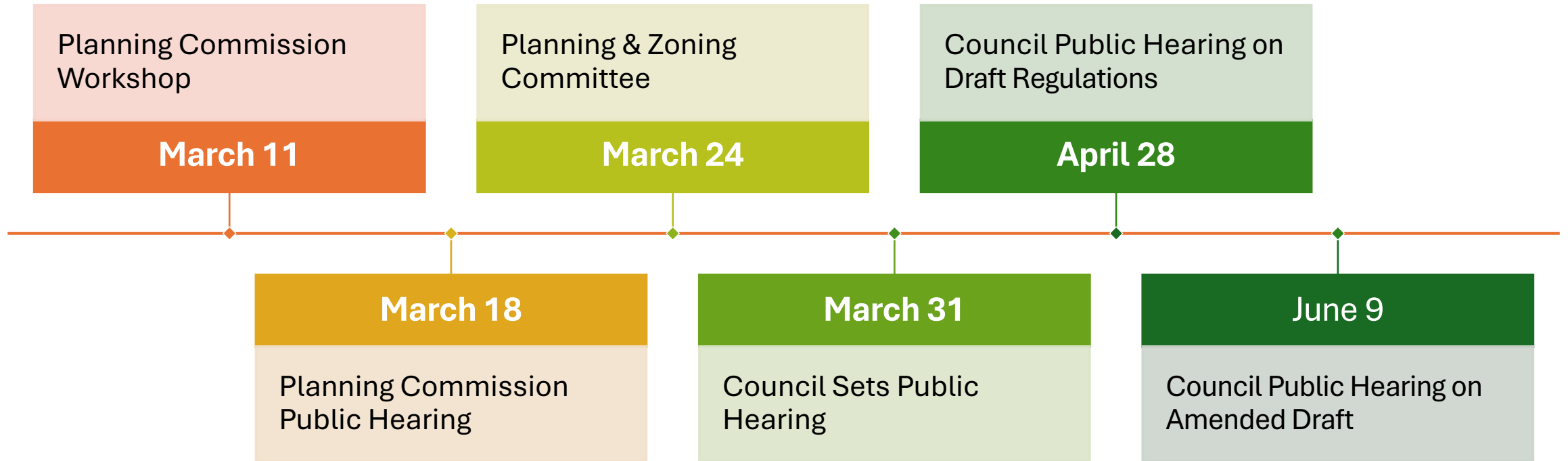


Meta AI
Newton Co, GA

New "Hyperscale" Data Centers are growing at a tremendous rate nationally

- Some with considerable community pushback or controversy
- In worst case scenarios communities have experienced decreased air quality, lowered property values and increased energy bills.

Land Use Policy Adoption Timeline



Proposed amendments overview:

Create definitions & protections
for all levels of data center uses.



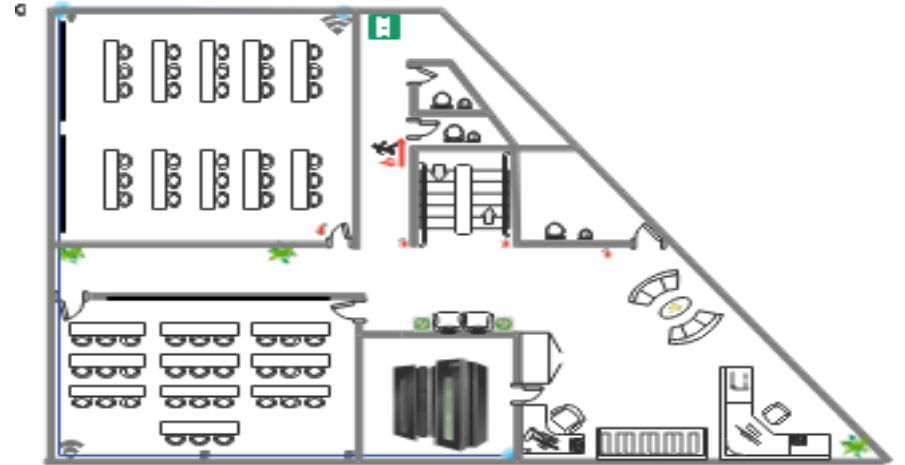
Proposed amendments overview:

Fiber Hut



**Proposed
amendments
overview:**

**Accessory Data
Center**



Proposed amendments overview:

Micro Data Center



Proposed amendments overview:

Medium Data Center



How these regulations protect Birmingham

- Multiple protections (conditions) for each data center use, including twenty (20) protections for hyperscale data centers
- No single condition is sufficient alone.
- Protections include: category restrictions, setbacks, minimum lot size, buffering requirements, water requirements, energy generation etc.

When combined, these protections produce a data center ordinance that is unmatched in the Southeast and stands among the nation's strongest.

Restrictions on our regulatory authority

- Municipalities cannot prohibit data centers outright; while we may regulate their location and standards, we must permit them as a lawful land use.
- We can't add extra rules on top of what the state already regulates.
 - ADEM handles most water and environmental regulations.
 - The Alabama Public Service Commission oversees power usage.



How these regulations would apply in a real-world situation:

Colossus X (Memphis, TN)

- Uses 3 million gallons of water daily for open loop cooling
 - **NOT PERMITTED in Birmingham**
- Generates onsite power from natural gas turbines
 - **NOT PERMITTED in Birmingham**
- The site also fails to meet the regulations related to screening and landscaping standards.

Key Revisions to the Amended Draft

01

Removal of the special exception (SE) for hyperscale data centers in I-1 and MXD Use Group C-3 subject to compliance with ALL 20 conditions

02

Addition of fuel cells as an energy generation system

03

MANDATORY written notification requirement to property owners for all new and expanded hyperscale data centers



Proposed amendments overview: Hyperscale



Review of the Proposed Protections

Location and Separation

- Permitted with twenty (20) protections in I-1, I-2, I-3 and MXD Use Group C-3
 - 500 ft setback from residential or urban neighborhood district in I-1, I-3 and MXD Use Group C-3
 - 1,000 ft separation from any fixed guideway transit station, bus rapid transit station, commuter rail station or other high-capacity transit facility designated by the City
 - 5 acre minimum lot size

Electrical Demand Requirements



Estimated peak electrical demand in megawatts



Identification of anticipated development phases



Estimated aggregate electrical demand at ultimate build-out



Identify utility providers



Description of all on and off-site utility infrastructure



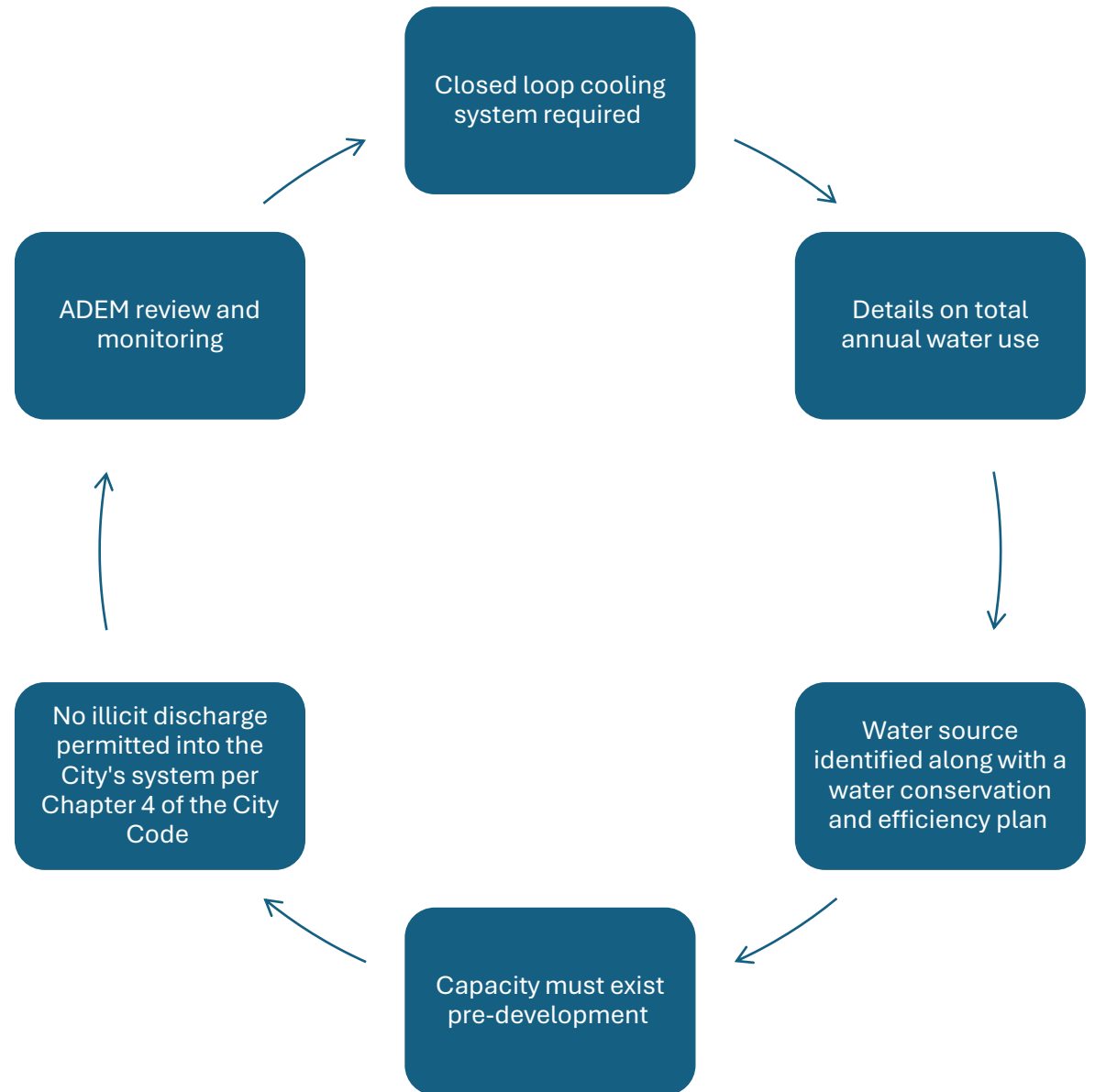
Identification of any new or expanded substations, transmission lines, distributions lines, switching stations or other similar facilities



Capacity from electric provider

Water Use, Cooling Systems & Stormwater

Closed loop cooling systems ensure that data centers use less than or equal to the water usage of a similar sized office building.



Backup Power and Generators

Generator type, fuel source and capacity required

Testing and maintenance schedule required

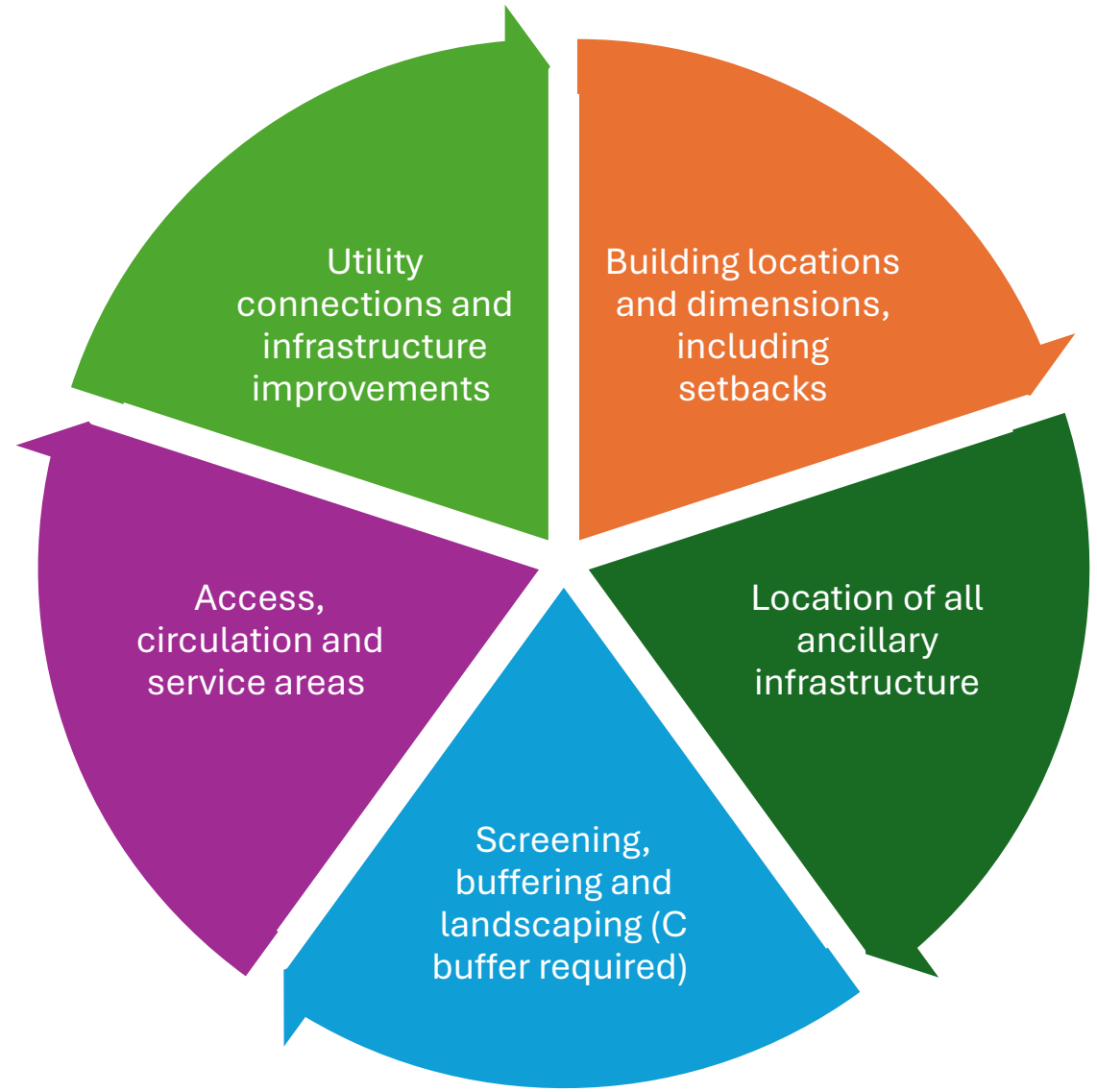
Noise mitigation measures required

Limitation on operations (power outages, emergencies or testing only)

Must be enclosed or acoustically screened

Cannot be used for routine grid support

Site Development Plan



Noise Mitigation



Acoustical walls surrounding
backup generators



Submission of a pre and post-
construction noise study
demonstrating compliance
with City regulations

On Site Power Generation



On site power generation by any means, except solar and/or fuel cells, as a primary, parallel or routine source of electrical power for data center operations, shall be strictly prohibited.



On site battery storage permitted – subject to emergency response plans reviewed by BFRS

On-site power prohibition

These regulations would **prohibit** controversial data centers which use on site gas turbines or 24/7 diesel generators to provide on-site power.



Lighting Requirements

Subject to all federal, state and local requirements

Uplight and very high angle requirements

Trespass requirements

Maximum allowable correlated color temperature (CCT)



Alterations to Approved Facilities

Any increase in gross floor area, electrical demand, water consumption, cooling capacity, backup power generation, or fuel storage capacity beyond initial approval shall be deemed a material change or expansion in use and shall require a new review for compliance with conditions.

Notification Requirements



Written notification to all adjacent property owners within 500 feet of the subject property required (any new or expanded hyperscale data center)



Certified mail required to property owners



List of property owners to be obtained from the Jefferson County Tax Assessor's Office



Proof required prior to the permit (copies of the letters and certified mail tracking numbers confirming delivery)



Questions
