



**City of Boiling Spring Lakes  
Planning Board  
April 16, 2026  
City Hall – 6:30 P.M.**

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**AGENDA**

- Call to Order
- Pledge of Allegiance
- Roll Call
- Approval of Agenda
- Potential Conflict of Interest/Association Disclosure  
If any Board member knows of any conflict of interest or association with any item on this agenda, please so state at this time.
- Approval of Minutes
  - March 10, 2026
- Public Comment
- Old Business
  - Data Centers
    - Staff Report – Data Center Development Guidance
    - Presentation
- New Business
  - Venus Flytrap Protections- more information will be provided at the meeting.
- Discussion
  - HB765
- Announcements
- Adjourn



Planning Board Meeting Minutes  
March 10 , 2026  
City Hall – 6:30 PM.

**1. Call to Order**

The meeting was called to order by Chair Lauderville at 6:30 PM.

**2. Pledge of Allegiance**

The Pledge of Allegiance was recited.

**Attendance**

Lucille Lauderville  
Travis Cruse  
Stephanie Hanson  
David Van der Vossen  
Chris Sekula

**Absent**

Carrie Moffett (excused)  
Sharon Zakszeski (excused)

Nicole Morgan, Assistant City Manager  
Jim Stachura, Stormwater Engineer  
Tanya Shannon, City Clerk  
Kim Sherwood, Board Liaison

Chair Lauderville excused the absences of Ms. Moffett and Ms. Zakszeski from the meeting.

**3. Approval of Agenda**

Chair Lauderville requested an amendment to the agenda to include, under New Business, the rescheduling of the Planning Board's April 14 Regular Meeting. A motion to approve the amended agenda was made by Mr. Van der Vossen and seconded by Mr. Cruse. **Vote 5-0; Motion Carried.**

#### **4. Potential Conflict of Interest/Association Disclosure**

*If any Board member knows of any conflict of interest or association with any item on this agenda, please so state at this time.* None stated.

#### **5. Approval of the Minutes**

Mr. Van der Vossen requested an amendment to the minutes to clarify the storm event return period. The revised statement specifies that Mr. Van der Vossen requests clarification in the Stormwater System section on page 38 regarding improvements to system functions and resilience to withstand at least a 25-year storm event. He further notes that the Dam section does not include a similar discussion, despite recent engineering evaluations of the dams. Therefore, clarification is also sought on the storm event return period for which the dams are designed, including capacity and design considerations, recognizing that the exact return period may remain uncertain.

Ms. Sekula moved to approve the February 10th minutes as amended and seconded by Mr. Cruse. **Vote 5-0; Motion Carried.**

#### **6. Public Comment- none**

#### **7. Old Business**

##### **1. Foundation Requirements**

Ms. Morgan provided an update on her discussions with the BOC regarding proposed amendments to foundation requirements and lot drainage plans. Initially, it was believed that regulation of finished floor elevations could proceed, but the city attorney has since expressed uncertainty about the City's authority to do so. While Carolina Shores regulates these matters through its stormwater permit, the attorney is researching how they accomplished this and whether a Local Act might grant similar authority. Ms. Morgan is awaiting final legal guidance before taking further action on FFE regulation. At the March BOC meeting, members emphasized that a one-size-fits-all approach to FFE may not be appropriate. There was also a request to clarify the definition of a "stand-alone lot" and specify when a drainage plan must be engineered. In response, staff revised the proposed ordinance by removing the FFE requirement for additional research and updating the drainage plan language to better define stand-alone lots. With these changes, the BOC approved the Text Amendment, which is now in effect. Ms. Morgan and the Stormwater Engineer are considering alternative measures, such as creating a stormwater overlay, to avoid a blanket, one-size-fits-all requirement.

She stated that the potential overlay requires supporting research and background. FEMA has provided an advisory flood map, which is non-regulatory and optional, but offers information on future flooding. Additionally, they are considering reviewing soil survey maps to assess its suitability for building dwellings. Ms. Morgan noted that staff are considering these factors to develop a stormwater overlay.

However, she added that it remains uncertain whether this approach will be permissible and that staff will continue to consult with the city attorney.

## **8. New Business**

### **1. Consideration of Rescheduling of the April and May 2026 Planning Board Meeting**

Due to the Board of Commissioners rescheduling their regular monthly meetings from April 7th to April 14th and from May 3rd to May 12th, which would have conflicted with the Planning Board's regular meeting dates, the Planning Board agreed to move their meetings to Thursday, April 16th at 6:30 pm and Thursday, May 14th at 6:30 pm. Public Notice will be posted by the City Clerk.

### **2. Data Centers**

Ms. Morgan stated that there is currently no interest in operating data centers in the city, but emphasized the importance of being prepared for potential applications. She shared a PowerPoint overview outlining the purpose and structure of data centers.

#### Why Data Centers Matter for Planning

- Economic Impact - construction jobs, tax revenue
- Infrastructure Needs - electricity, water, fiber, roads
- Community Impacts - visual, noise, environmental considerations
- Land Use Compatibility
- Rapid Growth

#### Data centers consume vast amounts of electricity

- Many data centers rely on water-based cooling systems
- Data centers require few permanent employees relative to their size Data centers are typically large, warehouse-scale buildings
- Cooling equipment and backup generators create continuous noise and potential air emissions and fuel storage considerations
- Data centers require specialized infrastructure (fiber optic connections, substations, secure access roads, etc.)

- Demand is expanding rapidly
- Without planning, data centers may locate in areas where they are not compatible with surrounding uses

#### NC Data Center Growth

- NC is a leader in data center growth
- Rapid construction in Charlotte & Raleigh
- Tech giants expanding (Amazon, Microsoft, Google)
- Community concerns (energy, water, utility impact)

#### Key Planning Considerations

- Define data center clearly in our UDO
- Identify appropriate zones for development
- Determine review process (by right, special-use, conditional zoning)
- Establish location and design standards (setbacks, buffers, access, height)
- Address utility and infrastructure impacts

#### Defining Data Centers

Section 5.2 of the City's UDO states uses not specifically listed in Section 5.5 (Table of Permitted Uses) shall be interpreted pursuant to the following:

#### Section 1.10 - Interpreting Permitted Uses

If a use is not specifically listed in any of the districts listed in this code, then such use shall be regulated as the use determined by the UDO Administrator to be most similar.

- A proposed data center could be interpreted under existing industrial, or telecommunications uses;
- Because the use is not defined, interpretation would fall to the UDO Administrator based on the most similar listed use;
- Having a clearing definition in the UDO provides clarity for staff, developers, and the Planning Board;
- A defined use allows the City to establish standards such as appropriate zoning districts, buffers, access requirements, and infrastructure considerations.

### Typical Components of Modern Data Center Definitions

1. The definition should make clear that the primary function of the facility is digital data operations - language such as storage, processing, transmission of digital data.
2. Most definitions include the typical infrastructure found in data centers - servers, computer systems, network and telecommunications equipment, data storage systems, etc. This helps distinguish a data center from other industrial or office uses.
3. Modern data centers require large supporting systems, so including support infrastructure like cooling systems, backup generators, electrical substations, cooling equipment, etc. is often included.
4. To help prevent misinterpretation, it is important to list explicit exclusions, such as IT equipment that is incidental to another use, internet cafes, and gaming operations.
5. Technology evolves quickly, so using broader terms like "digital data processing infrastructure" versus "server farms" helps ensure the definition remains relevant in the future.
6. A clear definition allows staff to determine whether a proposed use qualifies as a data center. If the definition is unclear, applicants may argue their project is telecommunications infrastructure, office use, or warehouse use, which could lead to regulatory loopholes.

### Identifying Appropriate Zoning Districts

- Determining the appropriate zoning district for data centers should balance land use compatibility, infrastructure capacity, and municipal goals.
- Large building footprints require sufficient lot size, generators and cooling towers would require sufficient buffering from sensitive areas (residential, schools, etc.), continuous operations may impact residential areas (noise, light), necessary infrastructure requires access to main roads.

### Determining Review Process

- Permitted by Right
- Special-Use Permit
- Conditional Zoning

### Establish Location & Design Standards

- Buffer from residential/sensitive uses
- Floodplain/wetlands

- Minimum lot size
- Setbacks
- Building height
- Landscaping/buffers
- Noise
- Lighting
- Fencing

Ms. Sekula asked about the average lot size for a data center. Ms. Morgan was not certain, but explained that 5,000 square feet is a typical building size, not counting parking and other supporting structures needed for the use. She added that these would be large-scale developments on large lots. Ms. Sekula then asked how many lots in the city could support this type of development. Ms. Morgan replied that people could combine properties to create a suitable lot.

#### Address Utility & Infrastructure Impacts

- Electrical Capacity
- Water Supply
- Wastewater Capacity
- Fuel storage
- Backup Systems
- Fiber & Communications
- Roads & Access

#### Recommended Next Steps

- Gather background - Gather industry standards from NC municipalities
- Define the use - Draft a clear definition of Data Center, including primary purpose, infrastructure, exclusions
- Determine appropriate zoning districts
- Establish approval process (by right, special-use permit, conditional zoning)
- Draft development standards
- Present to Planning Board for recommendation
- Conduct public hearing

- Present to Board of Commissions for approval

There was a discussion on regulating both lighting and noise. Ms. Morgan stated that these aspects would be governed according to the UDO and in consideration of the surrounding lots.

Ms. Hanson asked how it would affect the electrical grid. Ms. Morgan said that in Shallotte, developers must prove they have enough electrical capacity. She explained that more research is needed. Apex's report is over a hundred pages and contains a lot of useful information. She would like to review it and its sources before bringing back a summary. Ms. Morgan emphasized the importance of looking at multiple sources to understand the full picture.

There was discussion about the many incentives for data centers to develop, but also concerns about the cost to the city. Ms. Morgan said she read a report stating that data centers generate significant tax revenue and create jobs. They will bring construction and trade jobs in the short term, about 50-60 full-time jobs, many temporary jobs, and boost the local economy.

Ms. Sekula would like to see research on how these developments affect wildlife, since many residents care about preserving green space and protecting nature.

**9. Other Business – none**

**10. Announcements- none**

**11. Adjourn**

A motion was made by Ms. Hanson to adjourn and seconded by Mr. Cruse.  
***Vote 5-0; Motion Carried.***

**-7:30 p.m.**

Respectfully submitted by Tanya Shannon, City Clerk.



***City of Boiling Spring Lakes***  
9 East Boiling Spring Road  
Southport, NC 28461

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**STAFF REPORT**

**Agenda Date:**

April 16, 2026

**Title:**

Emerging Land Use: Data Centers and Consideration of Regulatory Approaches

**Department:**

Administration/Planning & Zoning

**Background Information:**

Data centers are a rapidly expanding land use driven by increased demand for cloud computing, artificial intelligence, and digital infrastructure.

At present, the city's Unified Development Ordinance does not define data centers, does not establish use-specific development standards, and does not address associated impacts, such as energy demand, water usage, building scale, or operational characteristics. As a result, data centers may currently be interpreted under existing industrial or utility use categories and permitted in zoning districts without tailored review criteria.

Staff is aware of increasing interest in data center development within North Carolina and the broader region. In response, several jurisdictions have initiated discussions, ordinance amendments, and in some cases temporary moratoria to allow time to evaluate appropriate regulatory frameworks. Without clear standards in place, the city may face inconsistent review of proposals, limited ability to mitigate potential impacts, and risk of approving uses that are not fully addressed in current regulations.

**Financial Impact:**

N/A

**Recommendation:**

Staff anticipates evaluating appropriate zoning districts and land use compatibility, infrastructure impacts (water, wastewater, electric), building scale, buffering, and site design, noise and operational characteristics, environmental considerations, and economic development implications. Staff recommends the Planning Board discuss the topic of data center development to identify any additional issues that should be researched, and whether there is a need to pause approvals while regulations are being developed.

**Action Needed:**

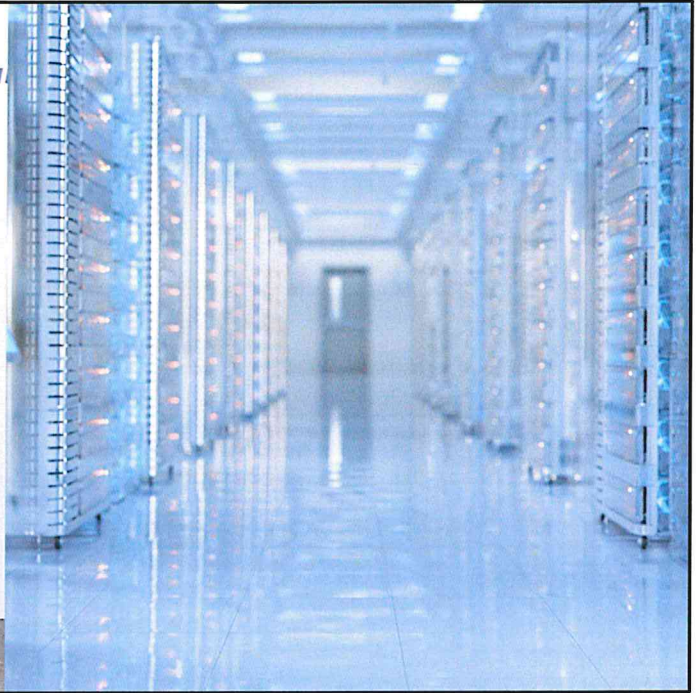
No formal action is required at this time. Staff requests the Planning Board provide input on the need for a temporary pause on approvals, identify key issues and concerns for further study, and offer guidance on the appropriate scope and duration of development regulations.

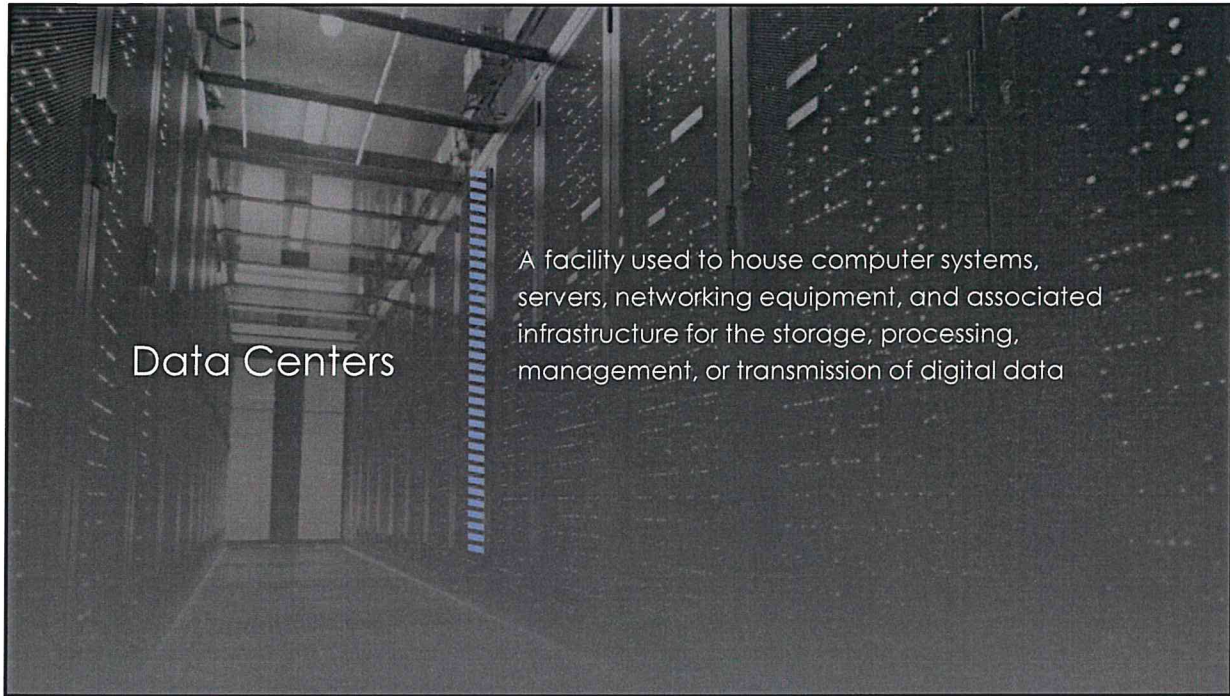
**Attachments:**

Data Centers Presentation

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# Data Centers





## Data Centers

A facility used to house computer systems, servers, networking equipment, and associated infrastructure for the storage, processing, management, or transmission of digital data

With artificial intelligence and advancement in other technologies, like cloud storage and cloud services, data centers are becoming more common. Areas across the state of North Carolina have been seeing more interest in data centers as a land use. Because of their size and infrastructure demands, many NC communities are beginning to study or regulate data centers – Charlotte was regulating data centers back in 2011, but later replaced that ordinance with their UDO in 2022. In January of this year Shallotte passed an amendment to their UDO to regulate data centers. While we have not received specific inquiries related to data centers here in BSL, we believe a proactive approach to regulating this land use is important.



## Why Data Centers Matter for Planning

- Economic Impact – construction jobs, tax revenue
- Infrastructure Needs – electricity, water, fiber, roads
- Community Impacts – visual, noise, environmental considerations
- Land Use Compatibility
- Rapid Growth

While permanent employment is typically relatively small, construction of large facilities creates temporary jobs in construction and trades and data centers generate significant tax revenue. ABC Carolinas reported that Amazon’s Richmond County project generates millions in revenue, even with tax incentives (North Carolina Data Centers: Construction, Workforce, and Infrastructure Impact. February 2, 2026. <https://abccarolinas.org>)

Data centers have unique infrastructure demands, including extremely high power and water usage, large building footprints, and continuous mechanical operations.

Proactively planning for these facilities allows municipalities to ensure appropriate siting, protect nearby land uses, coordinate utility capacity, and balance economic benefits with community impacts.

With advancements in AI and other technologies, data centers are becoming more common and areas across the State are seeing more interest in data centers as a land use. ABC Carolina also reports that North Carolina has more than 40 data centers in operation, and more announced or under construction. By proactively addressing data centers in the UDO, the city can ensure that any future proposals

are reviewed under clear, predictable regulations.



- Data centers consume vast amounts of electricity
- Many data centers rely on water-based cooling systems
- Data centers require few permanent employees relative to their size
- Data centers are typically large, warehouse-scale buildings
- Cooling equipment and backup generators create continuous noise and potential air emissions and fuel storage considerations
- Data centers require specialized infrastructure (fiber optic connections, substations, secure access roads, etc.)
- Demand is expanding rapidly
- Without planning, data centers may locate in areas where they are not compatible with surrounding uses



## NC Data Center Growth

- NC is a leader in data center growth
- Rapid construction in Charlotte & Raleigh
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- Community concerns (energy, water, utility impacts)

TechTarget.com published an article written by Julia Borgini on August 8, 2025 entitled “The Cloud Rush: The Rise of Data Centers in North Carolina” which stated that tech giants like Amazon, Microsoft, Google, Meta, and Apple are building large scale facilities and expanding existing facilities throughout North Carolina, but that data centers may also face community pushback due to health concerns, environmental concerns, and noise pollution.



## Key Planning Considerations

- Define data center clearly in our UDO
- Identify appropriate zones for development
- Determine review process (by right, special-use, conditional zoning)
- Establish location and design standards (setbacks, buffers, access, height)
- Address utility and infrastructure impacts



## Defining Data Centers

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- Having a clear definition in the UDO provides clarity for staff, developers, and the Planning Board;
- A defined use allows the City to establish standards such as appropriate zoning districts, buffers, access requirements, and infrastructure considerations.



## Typical Components of Modern Data Center Definitions

- Primary purpose
- Types of equipment involved
- Supporting infrastructure
- Exclusions
- Flexibility
- Clarity

1. The definition should make clear that the primary function of the facility is digital data operations – language such as storage, processing, transmission of digital data.

2. Most definitions include the typical infrastructure found in data centers – servers, computer systems, network and telecommunications equipment, data storage systems, etc. This helps distinguish a data center from other industrial or office uses.

3. Modern data centers require large supporting systems, so including support infrastructure like cooling systems, backup generators, electrical substations, cooling equipment, etc. is often included.

4. To help prevent misinterpretation, it is important to list explicit exclusions, such as IT equipment that is incidental to another use, internet cafes, and gaming operations.

5. Technology evolves quickly, so using broader terms like “digital data processing infrastructure” versus “server farms” helps ensure the definition remains relevant

in the future.

6. A clear definition allows staff to determine whether a proposed use qualifies as a data center. If the definition is unclear, applicants may argue their project is telecommunications infrastructure, office use, or warehouse use, which could lead to regulatory loopholes.



## Identifying Appropriate Zoning Districts

- Determining the appropriate zoning district for data centers should balance land use compatibility, infrastructure capacity, and municipal goals
  - Large building footprints require sufficient lot size, generators and cooling towers would require sufficient buffering from sensitive areas (residential, schools, etc.), continuous operations may impact residential areas (noise, light), necessary infrastructure requires access to main roads



## Determining Review Process

- Permitted by Right
- Special-Use Permit
- Conditional Zoning

Data centers often involve very large facilities with unusual infrastructure (electrical substations, equipment yards, backup generators, cooling towers, security fencing, fiber infrastructure).

If a property is zoned for the use by-right, it must be approved if the applicant meets the ordinance standards.

If a use is allowed in a zoning district through a special-use permit, this would require quasi-judicial approval from the Board of Adjustment based on evidence and standards. Quasi-judicial hearings limit what can be considered and conditions must be tied to evidence and ordinance standards. Although more restrictive than by-right, site conditions cannot be negotiated.

Conditional zoning, which was just adopted by the City on March 3, allows for maximum flexibility. CZ is a legislative decision, not quasi-judicial. Meaning it goes before the Planning Board for recommendation, then to the Board of Commissioners for approval. Conditions such as noise thresholds, architectural standards, buffers, setbacks, traffic improvements, etc. can be negotiated.



## Establish Location & Design Standards

- Buffer from residential/sensitive uses
- Floodplain/wetlands
- Minimum lot size
- Setbacks
- Building height
- Landscaping/buffers
- Noise
- Lighting
- Fencing



## Address Utility & Infrastructure Impacts

- Electrical Capacity
- Water Supply
- Wastewater Capacity
- Fuel storage
- Backup Systems
- Fiber & Communications
- Roads & Access

1. Can the applicant demonstrate adequate electrical availability?
2. Is water & sewer available?
3. Where will fuel for generators be stored?
3. Will fiber & telecommunication facilities be located underground?
4. Should consideration should be given to where direct access will be (will we allow access from local roads, collector roads, thoroughfare, etc.). Where will primary service entrances be located, or access for delivery vehicles.



## Recommended Next Steps

- Gather background – Gather industry standards from NC municipalities
- Define the use – Draft a clear definition of Data Center, including primary purpose, infrastructure, exclusions
- Determine appropriate zoning districts
- Establish approval process (by right, special-use permit, conditional zoning)
- Draft development standards
- Present to Planning Board for recommendation
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***City of Boiling Spring Lakes***  
9 East Boiling Spring Road  
Southport, NC 28461

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**STAFF REPORT**

**Agenda Date:**

April 16, 2026

**Title:**

Text Amendment: UDO Article 7, Part V: Venus Flytrap Protection & Notification, Appendix A: Definitions & Appendix B: Submission Requirements

**Department:**

Planning & Zoning

**Background Information:**

This City-initiated text amendment is intended to support the conservation of Venus flytrap populations that may occur within the jurisdiction. In recognition of the City's unique ecological resources and its role within a broader regional conservation landscape, the proposed ordinance seeks to balance responsible development with the encouragement of voluntary identification and preservation of Venus flytraps prior to land-disturbing activity.

**Financial Impact:**

There is no financial impact at this time.

**Recommendation:**

Staff recommends approval of the proposed amendments based upon research, the City of Boiling Spring Lakes Comprehensive Land Use Plan, and other adopted plans and policies.

**Action Needed:**

The Planning Board may vote to:

Recommend approval of the ordinance as written, OR  
Further amend the ordinance and vote to recommend approval, OR  
Continue review and ask that the ordinance be further researched, OR  
Recommend denial of the ordinance

**Attachments:**

Proposed Text Amendment: Article 7; Part V – Venus Flytrap Protection & Notification,  
Appendix A: Definitions, Appendix B: Submission Requirements  
Plan Consistency & Reasonableness

## **Proposal:**

Proposed language is identified by underlined text and language to be deleted is shown as strikethrough text.

### **Article 7, Part V. - Venus Flytrap Protection & Notification**

#### **Sec. 7-40. – Purpose**

The purpose of this section is to encourage preservation of native Venus flytrap populations, support the City’s role as a bird sanctuary and contributor to regional conservation efforts, promote protection of wetlands and habitat connectivity across both public and private lands, ensure compliance with State regulations, and provide an opportunity for voluntary rescue and relocation prior to land disturbance.

#### **Sec. 7-41. – Plan Submission Requirements**

The location and extent of any Venus flytrap populations present on property subject to site plan approval, or preliminary plat approval shall be identified and clearly depicted, in accordance with the submission requirements outlined in Appendix B. Depictions shall include, at a minimum, the boundaries of all areas containing Venus flytrap populations and the approximate size (acreage or square footage) of each area.

#### **Sec. 7-42. – Notification**

Property owners or authorized agents conducting development activity on property not subject to site plan or preliminary plat approval are strongly encouraged to contact the City upon identification of Venus flytraps on the site prior to any land-disturbing activity. Early notification allows the City to provide guidance regarding applicable State laws, encourage protection of sensitive habitat areas where practicable, and coordinate, with the property owner’s consent, with qualified conservation organizations for potential rescue and relocation.

#### **Sec. 7-43. – Voluntary Conservation and Rescue**

- (A) Property owners are encouraged, but not required, to allow access for conservation purposes prior to land-disturbing activity
- (B) Any removal of Venus flytraps shall comply with N.C.G.S. 14-129.3, including landowner permission
- (C) The City may assist in coordinating with conservation organizations, but assumes no cost or liability

Sec. 7-44. – Compliance with State and Environmental Law

Nothing in this section shall be construed to permit the unlawful removal of Venus flytraps or to supersede or conflict with any applicable state or federal laws or regulations, including those governing protected plants, wetlands, water quality, or habitat protection.

**Appendix A: Definitions**

Qualified Conservation Organization – A nonprofit organization or public agency with a demonstrated mission and experience in the conservation, management, or protection of native plants, wildlife, or natural habitats

**Appendix B: Submission Requirements**

Information Required	Landscape Plan	Minor Site Plan	Major Site Plan	Preliminary Plat
<u>Location &amp; extent of any Venus flytraps</u>	√	√	√	√
<u>Note on plan stating “Any removal of Venus Flytraps shall comply with NCGS 14-129.3, including landowner permission. Prior to any land disturbing activity a qualified conservation organization will be contacted to coordinate the potential rescue and relocation of Venus flytrap populations identified on the site.”</u>	√	√	√	√

**PLAN CONSISTENCY & REASONABLENESS DETERMINATION**

*In accordance with NCGS, zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare. Prior to adopting or rejecting any zoning amendment, a statement regarding plan consistency shall be adopted.*

- (A)   X   The Planning Board hereby recommends approval of the proposed amendments to the Unified Development Ordinance and finds that it (i) is consistent with the City’s comprehensive plan (2017 Land Use Plan), which states “the City shall update the Unified Development Ordinance (UDO) to address legislative changes, site plan review standards, subdivision regulations, dimensional standards, and other items deemed necessary by the Planning Board, Board of Commissioners, and City staff” and “ensure that development and use of resources or preservation of land balances protection of natural resources and fragile areas with economic development, avoids risk to public health and welfare, and are consistent with the capability of the land” and; (ii) that it is in the public interest because it will advance the public health, safety, and welfare of the City of Boiling Spring Lakes by helping to protect unique ecological resources.
- (B)        The Planning Board hereby recommends denial of the proposed amendments to the Unified Development Ordinance and finds that (i) it is not consistent with the City’s comprehensive plan (2017 Land Use Plan) and all other applicable plans and policies adopted by the City for the following reasons: \_\_\_\_\_ and/or (ii) it is not in the public interests for the following reasons:  
\_\_\_\_\_

Motion to Recommend Approval (A) \_\_\_\_\_ Motion to Recommend Denial (B) \_\_\_\_\_