



COUNTY COMMISSIONERS

Amanda Robertson, Chair
Franklin Gomez Flores, Vice Chair
David Delaney
Karen Howard
Katie Kenlan

**ORDINANCE OF THE CHATHAM COUNTY BOARD OF COMMISSIONERS INSTITUTING A
TEMPORARY MORATORIUM ON THE PERMITTING OF DATA CENTERS, DATA
PROCESSING FACILITIES, CRYPTOCURRENCY MINING OPERATIONS AND ANY USE
ASSOCIATED WITH DATA PROCESSING FACILITIES WITHIN CHATHAM COUNTY,
NORTH CAROLINA PURSUANT TO N.C.G.S §160D-107**

WHEREAS, pursuant to N.C. Gen. Stat. § 160D-107, Local Governments may adopt an ordinance authorizing a temporary moratorium on any development approval required by law; and

WHEREAS, the Chatham County Zoning Ordinance does not define cryptocurrency mining, data processing, and other uses associated with data centers as specific uses; and

WHEREAS, the Chatham County Board of Commissioners at its February 11, 2026, special meeting held a legislative hearing regarding this moratorium in accordance with N.C. Gen. Stat. § 160D-601.

WHEREAS, the Chatham County Board of Commissioners believe such a moratorium will protect the public interest and welfare of the residents of Chatham County until such regulations regarding the aforementioned uses are adopted.

BE IT ORDAINED, by the Chatham County Board of Commissioners as follows:

Section 1. A temporary moratorium is hereby imposed commencing on February 11th, 2026, and expiring no later than February 11th, 2027, or on approval of new zoning regulation regarding data centers, data processing facilities, cryptocurrency mining operations, and uses associated with data processing facilities not yet defined in the Chatham County Zoning Ordinance. This moratorium specifically includes all land uses that involve cryptocurrency mining in the unincorporated areas of Chatham County.

For the purposes of this moratorium, a Data Center or Data Processing Facility is a building, a dedicated space within a building, or group of buildings housing computer systems and associated components, such as telecommunication and data processing systems, to be used for remote storage, processing, or distribution of large amounts of data. Examples of such data, include but are not limited to, computationally intensive applications such as cryptocurrency mining, artificial intelligence (A.I.) computing, weather modeling, genome

sequencing, application hosting, cloud storage, video and technical streaming services, etc. Such facilities may include air handlers, power generators, water cooling and storage facilities, utility substations, and other infrastructure to support operations.

Section 2. In compliance with the requirements of N.C. Gen. Stat. § 160D-107, the County makes the following statements:

(1) Data centers, data processing facilities, cryptocurrency mining operations, and any other uses associated with data processing facilities require considerable amounts of electricity and water usage, which can result in greenhouse gas emissions, as well as additional pollution, e-waste, noise, and other local impacts to residents and communities living near the facilities. The Chatham County Planning Department is in the process of developing zoning standards and mitigation methods for these intensive land use types which may cause detrimental harm to the natural environment and the quality of life of County residents. The County seeks time to develop such standards. The County has looked at alternative solutions to a moratorium but found none. The County has determined that to simply allow this intensive land use to be permitted without regard to location, height, size, density, population and type of trade, industry, residence or other purposes would be counter to the stated goals of Plan Chatham, and hinder the implementation of Recode Chatham, the adopted unified development ordinance.

(2) The table of permitted uses in the zoning ordinance currently includes “Data processing, hosting and related services” as requiring a special use permit in the Heavy Industrial district unless connected to public water and sewer, then they are allowed by right. However, the use is not defined and there are no supplemental performance standards. The County seeks to update the definition section of the zoning ordinance to align with current industry practices, and to specifically define “cryptocurrency mining” as a specific land use, separate and apart from data processing facilities or data centers, and to research other associated uses which would more align with the intensity of “cryptocurrency mining.” Therefore, the County seeks to place a moratorium on the use of property within the unincorporated jurisdiction Chatham County and outside any municipal extraterritorial jurisdictions for data centers, data processing facilities, cryptocurrency mining, and any other uses associated with data processing facilities for a period of (12) months or until such time that specific land use standards for these uses can be developed. All development approvals for data centers, data processing facilities, cryptocurrency mining operations, and any uses associated with data processing facilities are subject to the moratorium.

(3) The moratorium shall begin on February 11th, 2026, and shall last until February 11th, 2027, or upon a Zoning Ordinance Text amendment addressing the land uses of data centers, data processing facilities, cryptocurrency mining, and associated uses, whichever comes first. This twelve (12) month moratorium is necessary to allow Chatham County Planning staff sufficient time to study these uses and their impacts, to consider zoning standards and mitigation methods, and to prepare an amendment to the zoning ordinance

to address data centers, data processing facilities, cryptocurrency mining, and associated uses prior to the expiration of the moratorium.

(4) In the first four months, Chatham County Planning Staff will study the impacts of data centers, data processing facilities, cryptocurrency mining, and any other uses associated with data processing facilities on communities. At the same time, the Planning Staff will investigate how other communities in North Carolina and across the United States have addressed these impacts through zoning regulations. Planning Staff will develop the land use regulations required to mitigate the negative impacts associated with land uses described as data centers, data processing facilities, cryptocurrency mining, and any other uses associated with data processing facilities. Subsequently, a series of text amendments to the Zoning Ordinance will be proposed. In the following six (6) to eight (8) months, the legislative process will be followed to adopt such amendments. Public input will be sought during each part of the process. The research, policy development, and legislative processes necessitate an adequate moratorium time limit of twelve (12) months.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declare that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. This ordinance is effective upon adoption.

Adopted, this the 11th day of February, 2026.

Amanda Robertson, Chair
Chatham County Board of Commissioners

ATTEST:

Jenifer K. Johnson, MMC, Clerk to the Board
Chatham County Board of Commissioners