

Cumberland County Board of Commissioners
Ordinance Implementing a Moratorium on the Issuance of Development Permits
for Data Centers, Data Processing Facilities, Cryptocurrency Mining Operations, and
Similar Operations Within the Zoning Jurisdiction of Cumberland County Pursuant to
N.C. Gen. Stat. § 160D-107

Whereas, the Cumberland County Board of Commissioners recognizes that data centers and similar operations are rapidly being developed in communities in North Carolina and neighboring states; and

Whereas, the Cumberland County Board of Commissioners acknowledges that developers of data centers may be interested in Cumberland County as a location; and

Whereas, the Cumberland County Board of Commissioners conducted a special meeting March 23, 2026, as a public forum to receive comments on the development of data centers within Cumberland County; and

Whereas, this March 23, 2026, meeting was well attended and the overwhelming concerns expressed by the speakers were the electrical power and water used, the noise generated, and the further environmental impacts by data centers; and

Whereas, Senate Bill 730, if adopted, will create new law governing the development of data centers which will impact the development ordinances of all local governments; and

Whereas, the Cumberland County Board of Commissioners held a legislative hearing regarding this moratorium at its regular meeting May 18, 2026, in accordance with N.C. Gen. Stat. § 160D-601 and heard anyone who wished to speak on this moratorium; and

Whereas, the Cumberland County Board of Commissioners finds implementation of this moratorium is necessary to protect the public interest and welfare of the county's residents until appropriate regulations regarding the development of data centers can be adopted.

Be it now ordained by the Cumberland County Board of Commissioners as follows:

Section 1. Application and Definition.

For the purposes of this ordinance, a data center is defined as a facility, building, or group of buildings that houses critical information technology infrastructure, including servers, storage systems, networking equipment and associated components to be used for remote storage, processing, or distribution of massive amounts of data needed for cloud services, internet applications, and artificial intelligence workloads to include, without limitation, computationally

intensive applications such as cryptocurrency mining, artificial intelligence computing, genome sequencing, application hosting, cloud storage, and video and technical streaming services. Data center facilities typically include air handlers, power generators, water cooling and storage facilities, utility substations and other infrastructure to support continuous operations.

This definition and ordinance shall not apply to businesses with data processing equipment and infrastructure which use is clearly incidental and subordinate to a permitted principal use under Section 403 of the Cumberland County Zoning Ordinance and is intended solely to support the on-site operations of such principal use. Such principal uses may include, without limitation, hospitals, medical facilities, financial institutions, offices, educational institutions, or similar uses, provided such data processing activities are not offered as a primary service to off-site users.

Section 2. Statement of the Problems or Conditions; Alternatives Considered.

a. Electric Power and Water Usage. It is well-established that data centers use enormous amounts of water and electrical power compared to other business or industrial uses. Cumberland County has multiple electric power providers, and the Cumberland County Board of Commissioners wants to seek information from each on the potential impacts of data center usage on the residential rate structure within Cumberland County. Cumberland County does not have a permanent public water supply and is facing a critical water supply issue due to the widespread GEN-X contamination of the groundwater serving private wells. Cumberland County is undertaking the planning and actions necessary to obtain or develop a public water supply to address this contamination. This water source must be established before any use of water of this magnitude by a single customer is permitted to avoid not having sufficient capacity to serve residents with GEN-X contaminated water.

b. Environmental Impacts. After the water and electric power usage, the other primary concern expressed by the residents at the public forum March 23, 2026, was the noise generated by data centers, the environmental impacts from the emissions generated by diesel engines operated as back-up power sources, and the evaporation of the water used for cooling. The Cumberland County Board of Commissioners finds there are studies and reports that substantiate these environmental impacts and warrant a thorough analysis to determine the best development regulations to minimize these impacts.

c. Necessity for Zoning Ordinance Amendments. Data centers are not included in the permitted uses listed in Section 403 of the Cumberland County Zoning Ordinance, meaning data centers are permitted by right for the use addressed by the ordinance that most closely generates the same land use impacts. There is no single use listed in Section 403 of the Cumberland County Zoning Ordinance that uses the amounts of water and electricity and generates the environmental impacts as data centers. The Cumberland County Board of Commissioners finds

that in addition to amendment of the Cumberland County Zoning Ordinance, different zoning and development controls, such as a special use permit or development agreement, may be more appropriate for data centers and should be fully explored.

d. Alternate Course of Action Considered. The Cumberland County Board of Commissioners finds that amending the Cumberland County Zoning Ordinance to include and regulate data centers as a use would be imprudent without investigating and resolving the critical issues concerning the use of electric power, water, and environmental impacts. The resolution of these issues will require collaboration with electric power providers and public water suppliers serving the county's residents. This may also require permits from State agencies for construction of infrastructure and approvals from State or Federal agencies for funding. These processes cannot be completed as quickly as the ordinance could be amended. For these reasons, the Cumberland County Board of Commissioners finds there is no suitable alternative to implementing this moratorium.

Section 3. Development Approvals Subject to the Moratorium.

This moratorium applies to planning staff review of site plans under Cumberland County's Zoning and Subdivision Ordinances and the issuance of zoning and building permits for any use as a data center as defined in this ordinance. This moratorium is necessary to have sufficient time to undertake the actions that must be taken to ensure that the development controls to be adopted address and minimize the concerns of the county's residents.

Section 4. Termination of the Moratorium.

This moratorium shall be effective upon its adoption, and extend through December 15, 2026, if not rescinded sooner, to give the Cumberland County Board of Commissioners and the Cumberland County Joint Planning Board reasonable time to investigate the problems and conditions stated in Section 2 of this ordinance and consider the necessary amendments to the Cumberland County Zoning Ordinance and such other appropriate development controls to ensure the impacts set forth in Section 2 of this ordinance are minimized to the greatest extent possible.

Section 5. Schedule of Actions to be Taken During the Moratorium.

a. Collaboration with the electric power providers will be undertaken to discuss the capacity and rate issues.

b. The process of acquiring or developing a permanent public water source is underway and will continue until it is accomplished. With the number of potential water providers and the State agencies that may be involved in this process, this will likely be ongoing for the full term of this moratorium.

c. Members of the Cumberland County Board of Commissioners and/or staff may make site visits to locations with existing data centers. These will be arranged after sufficient information has been received on the electric power capacity and rate and the plan for the public water supply is sufficient to determine the scale of a data center which can be supported by the necessary infrastructure and before the adoption of regulations on the development of data centers.

d. The process of drafting appropriate amendments to the Cumberland County Zoning Ordinance to address the development of data centers has commenced and will continue until completed.

Section 6. Conflict with Other Ordinances.

The provisions of any other ordinance of Cumberland County which conflict with the terms of this moratorium are repealed and superseded by this ordinance while this moratorium is in effect, but not thereafter.

Section 7. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is held to be invalid by a court, such holding shall not affect the validity of the remaining portions of this ordinance. The Cumberland County Board of Commissioners hereby declares that it would have adopted this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

This ordinance is adopted by the Cumberland County Board of Commissioners June 15, 2026.

Cumberland County Board of Commissioners
By:

Kirk deViere, Chairman

Attest:

Clerk to the Board