ORDINANCE NO. 2026-11

RESOLUTION OF REQUIRED STATEMENTS AND AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON DATA CENTER, CRYPTOMINING, AND SIMILAR FACILITIES

WHEREAS, North Carolina General Statute 160D-107 outlines the legal conditions under which local governments can declare moratoria on development approvals; and

WHEREAS, data centers, cryptomining facilities and similar facilities typically involve significant demands on electrical and water infrastructure, generate noise and heat, and may have land use impacts that are not adequately addressed by the City of Brevard's Unified Development Ordinance (UDO); and

WHEREAS, western North Carolina is already home to three large data centers—Apple in Maiden, Meta in Forest City, and Google in Lenoir; and

WHEREAS, at their February 16, 2026 meeting, Brevard City Council directed City staff to investigate the adequacy of Brevard's Unified Development Ordinance and, if necessary, bring options for updating it; and

WHEREAS, City staff recommend that Brevard Planning Board and City Council consider text amendments to clarify the conditions under which data centers, cryptomining facilities, and similar facilities can locate within the City's zoning jurisdiction; and

WHEREAS, City staff also recommend that City Council declare a temporary pause on new data center development, per the provisions of NCGS 160D-107, to protect the public health, safety, and welfare while the City evaluates appropriate zoning and regulatory updates; and

WHEREAS, the NCGS 160D-107 requires that "any development regulation establishing a development moratorium must include, at the time of adoption," the statements proclaimed below.

NOW, THEREFORE, THE CITY COUNCIL OF BREVARD, NORTH CAROLINA FINDS THAT:

Statement 1. Data centers/cryptomining facilities are not specifically addressed in Brevard's Unified Development Ordinance, and therefore City Council believe that the ordinance as written does not adequately evaluate and regulate such high-intensity land uses. The City considered continuing to regulate potential data center developments under the existing "heavy manufacturing" provisions, but concluded that the rules for that land use do not adequately consider the heavy utility impacts typical of data center-type uses.

Statement 2. The moratorium applies to the acceptance, processing, and approval of development approvals for data centers, cryptomining facilities, server farms, and other high-impact digital infrastructure facilities, including but not limited to zoning permits, special use permits, site plan approvals, building permits, and other development approvals required under the City of Brevard Unified Development Ordinance. Temporarily suspending these approvals will prevent the establishment or expansion of such facilities under regulatory provisions that do not adequately address their infrastructure demands, noise, heat generation, and utility consumption while the City evaluates and adopts appropriate zoning and development standards.

Statement 3. The moratorium shall expire July 2, 2026 unless earlier ended by act of City Council. This date gives the City of Brevard adequate time to consider text amendments to its Unified Development Ordinance, have them approved by its Planning Board and City Council, and comply with the notice and public hearing requirements that text amendments before those two boards must follow.

Statement 4. The City of Brevard will present text amendment options to the City's Planning Board in late April 2026, advertise that board's proposed updates to the Unified Development Ordinance in May 2026, hold a Public Hearing on the proposed changes at a City Council meeting in late May or early June 2026, and consider approval of the proposed changes at a City Council meeting in June 2026.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BREVARD, NORTH CAROLINA:

The City hereby imposes a temporary moratorium on the acceptance, processing, and approval of any application for data centers, cryptomining facilities, server farms or other high-impact digital infrastructure facilities.

Adopted and approved this 16th day of March 2026.

CITY OF BREVARD, NC
INDUSTRY • FLOWERS • RECREATION
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CORPORATE SEAL

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APPROVED AS TO FORM:

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