

AN ORDINANCE IMPOSING A MORATORIUM ON THE ACCEPTANCE, PROCESSING OR APPROVAL OF DEVELOPMENT APPLICATIONS FOR DATA CENTERS AND ALL OTHER LAND USE OR DEVELOPMENT APPROVALS FOR DATA CENTERS.

WHEREAS, Spartanburg County Council is empowered pursuant to Title 4, Chapter 9, Section 4-9-25 of the South Carolina Code of Laws, 1976, as amended, to adopt regulations, resolutions, and ordinances not inconsistent with the Constitution and general law of the State of South Carolina (the "**State**"), including the exercise of these powers in relation to health and order in the County or respecting any subject as appears to the Council necessary and proper for the security, general welfare, and convenience of the County or for preserving health, peace, order, and good government therein, to include providing for land use regulations pursuant to Section 4-9-30 of the South Carolina Code of Laws, 1976, as amended; and

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Section 6-29-310 et seq., of the South Carolina Code of Laws, 1976, as amended, authorizes the County to enact or amend its land development regulations to guide development in accordance with existing and future needs and to protect, promote and improve public health, safety, and general welfare; and

WHEREAS, Spartanburg County Council has adopted a Performance Zoning Ordinance ("PZO") and a Unified Land Management Ordinance ("ULMO"), which collectively regulate the use of land, the location and use of buildings and other site improvements, and the construction of public facilities and private improvements related to the development of land; and

WHEREAS, inadequately regulated development of multiple data centers may have negative impacts on neighboring property owners, and the operation of such centers are dependent on adequate capacity of regulated utilities; and

WHEREAS, Spartanburg County Council previously announced at its press conference on February 26, 2026 that County Council would not vote on anything else related to new data centers until the state legislature establishes a statewide set of rules, protocols and safeguards to uniformly evaluate these projects and that its citizens' interests can best be protected with legislation in place.

NOW THEREFORE, be it ordained by the County Council of Spartanburg County (the "**Council**"), the governing body of the Spartanburg County, South Carolina (the "**County**"), as follows:

Section 1 Findings. The Council hereby adopts the above recitals as findings of fact in connection with the enactment of this ordinance (this “**Ordinance**”):

(a) Data Centers are reviewed as an industrial use in the County’s zoning ordinances. The Council has determined that it is appropriate to review the areas within the County where Data Centers are allowed, and the conditions under which Data Centers may be developed, and to further consider county-wide amendments to the provisions of the PZO concerning Data Centers if necessary and prudent for the security, general welfare, and convenience of the County or for preserving health, peace, order, and good government therein.

[VOTE 1]

(b) For the purpose of this ordinance, Data Centers are defined as a facility comprised of one or more buildings that houses computer systems and associated components, including telecommunications and data storages systems, that has a combined connected electrical load of ~~one~~ 65 IT megawatts or more, and whose primary function is the storage, management and processing of data and does not include minor, ancillary server rooms, or IT closets that support a different primary business on the same premises; or a Digital Mining Asset Business in accordance with SC Code Section 34-47-10 et seq. of the SC Code of Laws, as amended and any other applicable law.

(c) To give the Council, the Spartanburg County Planning Commission (the “**Planning Commission**”), and the County’s staff adequate time to conduct such a review and consider appropriate amendments to the PZO, the Council has determined that it is appropriate to implement a temporary moratorium on approvals related to the location of Data Centers within the County, as set forth in greater detail in this Ordinance.

Section 2 Moratorium on New Data Centers. By and through the enactment of this Ordinance, the Council hereby imposes a moratorium (as described hereby, the “**Moratorium**”) on the consideration of development applications for new Data Centers, and the issuance or approval of other land use applications or approvals, as applicable, for the development of new Data Centers within the County for a period of twelve (12) months from the date of the enactment of this Ordinance. The County staff, the Planning Commission, and the County’s Board of Zoning Appeals are hereby directed to hold in abeyance any development applications involving new Data Centers that are received after the first reading of this Ordinance.

Section 3 Recommendations Regarding Data Center Regulations. During the pendency of the Moratorium, County staff and the Planning Commission are hereby directed to study the areas of the County where Data Centers may be an appropriate land use and the conditions under which Data Centers may appropriately be developed within such areas. The Planning Commission and County staff are further directed to prepare and recommend appropriate amendments to the PZO to apply County-wide to development of Data Centers.

[VOTE 2]

Section 4 Exemption. This Moratorium shall not apply to (1) applications for which conditional plan approval was granted prior to the effective date of this ordinance, provided such applications remain in compliance with all applicable approvals and conditions; ~~— Additionally, this Moratorium shall not apply to (2) Data Centers which have been were issued a development permit in the last twelve eighteen (1218) months preceding the adoption of this ordinance; or (3) Data Centers which will (A) be located (i) in a named industrial park or (ii) on a former industrial site and (B) will not self-generate power, except for emergency back-up power .~~

Any Data Centers falling within this exemption must demonstrate compliance with the following requirements, as if all neighboring properties were located in a Restrictive Development District, as part of its application by submitting plans addressing:

1. Light and Glare per Section 2.3.90 of the Performance Zoning Ordinance, both during and after construction;
2. Noise per Section 2.3.80 of the Performance Zoning Ordinance;
3. A noise study to establish pre-construction noise levels and that post construction levels do not increase by more 10db; and
4. A Landscaping Plan that demonstrates the site is in compliance with Article 6 of the Performance Zoning Ordinance

Additionally, any new Data Center permitted under this exception shall not be located on the same parcel as any other Data Center, or within the same industrial park, or within one (1) mile any other Data Center.

[VOTE 3]

Furthermore, any Data Centers falling within the exemption above shall enter into a development agreement, in accordance with S.C. Code of Laws § 6-31-10 *et. seq.*, to the extent applicable.

Section 5 Pending Ordinance Doctrine. This Ordinance is subject to the Pending Ordinance Doctrine.

Section 6 Moratorium Extension. The Council hereby finds and determines that the Moratorium imposed hereby may be extended by resolution of the Council.

Section 7 Severability. If any one or more of the provisions of this Ordinance should be contrary to law, then such provision shall be deemed severable from the remaining provisions and shall in no way affect the validity of the other provisions of this Ordinance.

Section 8 Repealer. All ordinances, resolutions or parts of any ordinances or resolutions inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of the conflict or inconsistency. Nothing in this Ordinance shall be construed to affect

any suit or proceeding impending in any court, or any rights acquired or liability incurred, or any cause of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance, except as expressly set forth herein and as may be permitted under State law.

Section 9 Effect. Subject to its applicability in advance of third reading pursuant to the Pending Ordinance Doctrine, this Ordinance shall be effective upon third and final reading by the Council.

DONE AND ENACTED IN COUNCIL DULY ASSEMBLED, this ____ day of June 2026.

SPARTANBURG COUNTY, SOUTH CAROLINA

[SEAL]

B. Cole Alverson, County Administrator

ATTEST:

Angela G. Walker, Clerk to Council

First Reading: June 22, 2026
Second Reading: _____, 2026
Public Hearing: _____, 2026
Third Reading: _____, 2026