Working Paper

Moratorium Nation:

A Survey of Data Center, Renewable Energy, and Battery Storage Moratoria in the United States

Michael J. Bommarito II[1]

ALEA Institute
CodeX Affiliate, Stanford Center for Legal Informatics
michael.bommarito@gmail.com

April 30, 2026

Note. This is a working paper addressing an area of law and policy that is changing rapidly. New moratoria are being adopted, extended, and replaced on a near-weekly basis; state legislatures are actively considering preemption and enabling legislation; and litigation is ongoing in several jurisdictions. The data and analysis presented here are current as of April 2026 and should be treated as a useful reference, not the last word.

Abstract

Local governments across the United States are imposing moratoria on data centers, solar farms, wind turbines, and battery storage facilities even as demand for these uses accelerates. As of April 2026, at least 222 communities across 30 states have enacted such moratoria, with more than half adopted in the past year. This paper surveys the legal foundations of moratorium authority, collects and analyzes those 222 moratoria identified from approximately 4,400 original documents, contextualizes the results through a 50-state review of moratorium legal authority, and proposes a 13-section model ordinance template with sector-specific supplements for data centers, solar, wind, and battery storage.

Among the 348 moratorium texts analyzed in detail, 59% lack a definition of the regulated use, 77% include no exemptions, and fewer than one in four contain the legislative findings that courts expect. The model template addresses these common drafting gaps. The paper is written for both researchers interested in the empirics of local infrastructure regulation and practitioners—county attorneys, planning directors, local officials—who need to develop a basic understanding of moratorium law and drafting before engaging local counsel.[2]

Keywords: moratorium, data centers, solar energy, battery storage, BESS, wind energy, zoning, land use, local government, infrastructure policy

JEL Codes: K32, Q48, R52, H73

[1]This document was prepared with assistance from AI research and drafting tools, including Vincent (vLex/Clio) and Claude Code (Anthropic). All analysis, conclusions, and errors are the author's alone.

[2]The analysis, model ordinance, and recommendations in this paper are intended as general guidance, not legal advice. Moratorium authority, procedure, and duration limits vary significantly by state and locality. Local officials should consult qualified counsel familiar with their jurisdiction's specific legal requirements before drafting or adopting a moratorium.

Contents

1 Introduction

In July 2025, the **DeKalb County** Board of Commissioners adopted a 100-day moratorium on data center development. The resolution cited diesel generator emissions, water demand, stormwater impacts, noise, and potential electric rate increases—all from a proposed campus on approximately 95 acres in Ellenwood, **Georgia**. DeKalb was not the first: **Douglas County** and **Coweta County** had acted months earlier, and by April 2026 at least 24 **Georgia** jurisdictions had enacted data center pauses. A parallel wave was spreading across **Michigan**, where 34 communities imposed data center moratoria by April 2026. In **California** and **New York**, battery storage moratoria followed a major fire at the 300 MW Moss Landing battery storage facility in January 2025 (Reuters 2025). Across **Iowa**, **Indiana**, and **Colorado**, county boards adopted multi-sector moratoria covering combinations of data centers, solar farms, wind turbines, and battery storage in a single instrument.

These are not isolated events. As of April 2026, I identify at least 222 infrastructure development moratoria across 30 states, targeting data centers, renewable energy installations, and battery energy storage systems (**BESS**). Battery storage moratoria, which accelerated sharply after the January 2025 Moss Landing fire, are likely undercounted. Data centers account for the majority, but moratoria on solar, wind, and battery storage share the same legal structure and face the same constitutional constraints. The underlying dynamic is the same across sectors: rapid infrastructure development outpacing local regulatory capacity. The pace is accelerating. Of the 213 instruments with recorded dates, 59 were enacted in 2025 and 130 more through April 2026. Announced data center capital commitments alone exceed $1 trillion (Daly 2026), and one estimate places the value of blocked or delayed projects at $64 billion as of early 2025 (Data Center Watch 2025).

What This Paper Provides

Despite this scale, no published resource integrates moratorium law, data, and practice across infrastructure sectors. A county attorney in **Georgia** who needs to know whether a moratorium is lawful cannot find a comprehensive answer. A planning director in **Michigan** who wants to see how peer jurisdictions draft their moratoria has nowhere to look. State-specific guidance exists for a handful of jurisdictions (Owens 2023; Lovelady 2023; Neumann 2025b), but no comparative treatment covers all fifty states or all infrastructure types.

This paper fills that gap with four deliverables.

1. **A cross-sector moratorium inventory.** I compile the first integrated dataset of data center, renewable energy, and battery storage moratoria: at least 222 instruments across 30 states, drawn from an archive of approximately 4,400 original documents and verified against 709 moratorium-related primary sources (Section 3; Appendix A).
2. **A 50-state legal authority survey.** I survey the enabling statutes, home rule provisions, judicial decisions, and procedural requirements governing moratorium authority in all fifty states. The survey identifies 13 states with express moratorium statutes, two states where moratoria are categorically prohibited, and one state that has enacted sector-specific preemption (Section 4; Appendix B).

3. **A drafting quality analysis.** I classify moratorium provisions into a five-tier taxonomy of 44 clause types and report their prevalence across 348 structurally extracted instruments. The data reveal pervasive drafting gaps: 58.9% of moratoria lack any definition of the regulated use, 77.3% include no exemptions, and only about one in five contain the detailed legislative findings that courts expect (Section 5).
4. **A model moratorium framework.** I present a 13-section model ordinance with four sector-specific supplements (data centers, solar, wind, and battery storage), designed to address the drafting gaps identified above. The framework includes structured legislative findings, an automatic sunset clause, a waiver process, and a phased study work plan (Section 7; Appendix C).

How to Use This Paper

This paper is organized by function, not by sector, so that each reader can locate the material relevant to their needs. The table below maps common practical questions to the sections that address them.

If you need to ...	Start with
Determine whether your state authorizes moratoria	Section 4, Appendix B
Understand the constitutional limits on moratoria	Section 2
Draft a moratorium ordinance	Section 7, Appendix C
See what provisions other jurisdictions include (and omit)	Section 5
Review the full inventory of moratoria by state and sector	Section 3, Appendix A
Anticipate how a moratorium unfolds over time	Section 6
Identify common drafting pitfalls	Section 7

I write for two audiences. The first is the county attorney or planning director who must advise a governing body on whether and how to adopt a moratorium. That reader needs the legal requirements of their state, the structural elements that make a moratorium defensible, and the common mistakes that create vulnerability. The second is the policy researcher or legislator who wants to understand the moratorium phenomenon across sectors and states. That reader needs empirical data, comparative analysis, and a framework for evaluating whether moratoria serve their intended planning purpose or merely delay necessary development.

Quick Start Checklist for Local Officials

For local officials considering a moratorium, the following ten steps summarize the general process. Each step includes a cross-reference to the section that provides further discussion. These steps reflect common patterns identified in my research; they are not a substitute for legal advice from counsel familiar with the specific requirements of the adopting jurisdiction.

1. **Check your state's authority.** Determine whether your state expressly authorizes moratoria, implies authority from general zoning or police powers, or prohibits them. Two states (**Pennsylvania** and **Virginia**) categorically prohibit local moratoria. (Section 4; Appendix B)
2. **Identify the required legal form.** Most states require an ordinance, not a resolution. Using the wrong form can void the moratorium entirely. (Section 2.5)
3. **Define the regulated use precisely.** 58.9% of existing moratoria lack any definition of the targeted use. A moratorium on "data centers" without a definition invites both over- and under-inclusion. (Section 5.3)
4. **Draft detailed legislative findings.** Written findings documenting the regulatory gap, the threat to public health, safety, or welfare, and the need for a temporary pause are the single most important element for surviving judicial review. (Section 5.1; Section 7.2)
5. **Set a fixed duration with an automatic sunset.** Match the duration to your state's statutory limit. If no limit exists, six months to one year is the range most commonly upheld. Include an "earlier of" clause that terminates the moratorium when permanent regulations take effect. (Section 7.4)
6. **Include exemptions.** At minimum, exempt existing operations, projects with approved permits, and applications substantially complete before the moratorium date. Failure to exempt vested rights may create takings exposure. (Section 5.4)
7. **Establish a study work plan.** Assign specific tasks (peer review, infrastructure assessment, ordinance drafting), designate responsible staff, and set milestones. A moratorium without a work plan is one that courts tend to view with skepticism. (Section 6.1; Section 7.5)
8. **Follow your state's adoption procedures.** Provide proper notice, hold the required public hearing(s), and adopt by the required vote (some states require a supermajority). Procedural defects are the most common basis for invalidation. (Section 2.5)
9. **Begin study work immediately.** The clock starts at adoption. Courts will ask what the jurisdiction accomplished during the moratorium period. "We needed more time" is not a finding; it is an admission of inaction. (Section 7.5)
10. **Plan for the end.** A moratorium is most effective when it produces permanent regulation rather than another extension. Jurisdictions that begin drafting replacement zoning standards by the midpoint of the moratorium period are better positioned to complete the process on time. (Section 6.1; Section 7)

2 Legal Foundations

Every moratorium rests on a chain of legal authority that runs from the state's inherent police power, through an enabling statute or home rule provision, to the local ordinance itself. If any link in that chain is missing or defective, the moratorium is void—regardless of its substantive merits. This section traces that chain from its constitutional origin to the procedural requirements that determine whether a given moratorium will survive judicial review. I organize the analysis around five questions that any county attorney or planning director must answer before recommending a moratorium: Where does the authority

come from? What structural rules govern local power? What exactly is a moratorium as a matter of law? What constitutional limits apply? And what procedural steps must be followed?

2.1 Police Power and Zoning Authority

Police power is the broadest of governmental powers. It is the inherent authority of state governments to enact laws and regulations that protect public health, safety, morals, and general welfare (Mandelker and Wolf 2015; *Berman v. Parker* 1954). The power is not granted by the U.S. Constitution; it predates the Constitution and is recognized as reserved to the states by the Tenth Amendment. The federal government possesses no general police power. States do, and every land use regulation in the United States—every zoning ordinance, building code, and moratorium—ultimately derives from this source.

States do not exercise police power over individual parcels directly. Instead, they delegate portions of that power to local governments through **enabling statutes**. The most influential model for these statutes is the **Standard State Zoning Enabling Act** (SZEA), drafted by an advisory committee appointed by Secretary of Commerce Herbert Hoover and first printed in 1924 and revised in 1926 (U.S. Department of Commerce 1926). The SZEA's nine sections established the procedural and institutional framework that still underlies American zoning: a grant of power to regulate land use, authorization to divide territory into districts, public hearing requirements, a zoning commission, and a board of adjustment. Widely distributed, the SZEA was adopted in some form by a majority of states within a decade of its publication (Juergensmeyer et al. 2023). Today, all fifty states have zoning enabling legislation that traces, directly or through successive revisions, to this model.

The constitutional validity of the entire system rests on a single case. In *Village of Euclid v. Ambler Realty Co.* (1926), the Supreme Court upheld the village of Euclid, **Ohio**'s comprehensive zoning ordinance as a valid exercise of police power under the Fourteenth Amendment. Justice Sutherland's majority opinion grounded zoning in the common law of nuisance, reasoning that a use lawful in one location may be harmful in another. His most quoted passage captured the principle: "a nuisance may be merely a right thing in the wrong place, like a pig in the parlor instead of the barnyard." The decision established the **"fairly debatable" standard**: if the validity of a zoning classification is fairly debatable among reasonable minds, the legislative judgment must control. A challenger must demonstrate that the regulation is "clearly arbitrary and unreasonable." It must have "no substantial relation to the public health, safety, morals, or general welfare."

The fairly debatable standard has profound consequences for moratoria. Because moratoria are legislative acts—a governing body's policy decision to pause a category of development—they receive the highest level of judicial deference. A moratorium that articulates a legitimate planning purpose satisfies this standard almost by definition. Courts do not ask whether the moratorium is the best or most efficient response; they ask only whether a rational legislature could have believed it was a reasonable one (Juergensmeyer et al. 2023).

Two paths lead from police power to moratorium authority. The first runs through zoning: a moratorium enacted as an interim zoning ordinance that temporarily modifies the permitted-use schedule. The second runs through general regulatory authority: a moratorium enacted as a police power ordinance that regulates an activity posing a threat to public welfare. The choice of path affects procedural requirements, the

standard of judicial review, and vulnerability to legal challenge. I distinguish the two forms and their legal consequences in Section 2.3.

2.2 Dillon's Rule vs. Home Rule

The broadest authority means nothing if it has not been properly delegated. Whether a local government can impose a moratorium depends first on the structural rules that govern the scope of its power—rules that vary sharply across the fifty states.

Under **Dillon's Rule**, a local government possesses only those powers (1) expressly granted by the state, (2) necessarily implied from express grants, or (3) essential to its declared purposes. Any reasonable doubt is resolved against the locality. The doctrine takes its name from Judge John Forrest Dillon of the Iowa Supreme Court, who articulated it in 1868 during an era of widespread municipal corruption. The U.S. Supreme Court adopted it wholesale in *Hunter v. City of Pittsburgh* (*Hunter v. City of Pittsburgh* 1907). The Court declared that municipalities are "political subdivisions of the state, created as convenient agencies." The state "at its pleasure, may modify or withdraw" all such powers. Approximately 31 states apply some form of Dillon's Rule today.

Under **home rule**, the legal question is reversed. The question is not "did the state authorize this local action?" It is "did the state prohibit it?" Home rule states grant local governments broad autonomous authority to govern their own affairs, either through constitutional provisions or statutory grants. The movement began with **Missouri** in 1875 and accelerated after 1900, driven by Progressive Era reformers who argued that Dillon's Rule produced legislative gridlock. The classification is not binary: many states are hybrid, granting home rule to cities while applying Dillon's Rule to townships or counties. Only a handful of states—**Iowa**, **Oregon**, **New Jersey**, and **Massachusetts** among them—apply home rule without any Dillon's Rule overlay.[3]

The practical consequences for moratorium authority are stark. In **Virginia**, a strict Dillon's Rule state, the Supreme Court held in *Board of Supervisors of Fairfax County v. Horne* (*Board of Supervisors of Fairfax County v. Horne* 1975) that **Fairfax County**'s emergency moratorium on the filing of site plans and preliminary subdivision plats was void because the zoning enabling statutes confer "no express or implied" moratorium power. Two years later, in *Matthews v. Board of Zoning Appeals of Greene County* (*Matthews v. Board of Zoning Appeals of Greene County* 1977), the Court distinguished *Horne* but invalidated Greene County's interim zoning ordinance as arbitrary and unreasonable—a one-district scheme that bore no relationship to the permanent eight-district ordinance the county subsequently adopted. Together, the cases establish that **Virginia** localities can neither freeze development applications (*Horne*) nor impose pretextual interim zoning (*Matthews*). The consequence is practical as well as doctrinal: **Loudoun County**—the largest data center market in the world—publicly determined that it could not lawfully impose a blanket moratorium on

[3]Standard binary classifications label each state as either "home rule" or "Dillon's Rule." This obscures the reality that most states apply different rules to different classes of local government. **Michigan**, for example, is typically listed as a home rule state, but **Michigan** courts have consistently held that townships possess no inherent powers and are governed by Dillon's Rule (*Casco Township v. E. Brame Trucking Co.* 1971; *Hess v. Cannon Township* 2005). **Ohio** is similarly classified as home rule, yet only municipalities hold constitutional home rule under Article XVIII, Section 3; counties and townships do not. I use a three-way classification—Home Rule, Hybrid, and Dillon's Rule—to capture this variation. "Hybrid" denotes states where at least one class of local government (typically cities) holds home rule authority while another class (typically townships or counties) operates under Dillon's Rule or limited statutory authority. Figure 1 maps this classification for all fifty states.

data center applications despite intense development pressure. Instead, it pursued the slower alternative of eliminating data centers as a by-right use and converting them to a conditional use requiring special exception approval.

Michigan illustrates the hybrid pattern. Cities and villages enjoy broad constitutional home rule authority under Article VII, Section 22 of the Michigan Constitution. Counties are traditionally governed by Dillon's Rule but may adopt a charter to obtain home-rule-like authority; most remain general-law counties with statutorily defined powers. Townships are governed by Dillon's Rule and possess only the powers expressly granted by the legislature (*Casco Township v. E. Brame Trucking Co.* 1971; *Hess v. Cannon Township* 2005). Township moratorium authority derives not from home rule but from the Michigan Zoning Enabling Act, which authorizes interim zoning ordinances under MCL 125.3404 (*Michigan Zoning Enabling Act* 2006). Yet at least 26 **Michigan** communities—cities and townships alike—enacted data center moratoria between 2024 and early 2026 (Neumann 2025b). The difference in legal basis matters: a city's moratorium rests on constitutional home rule, while a township's rests on statutory authority and is subject to the procedural and durational limits of the enabling act.

The geographic pattern of moratorium activity tracked in Section 3 is not random. It maps closely to the underlying legal architecture. States with broad local authority—whether through hybrid systems that grant municipal home rule (**Michigan**, **Ohio**, **Georgia**) or favorable implied-authority case law (**Indiana**)—have seen the most moratorium activity. Strict Dillon's Rule states like **Virginia** have seen none, despite hosting some of the most intense data center development pressure in the country.

Figure 2 provides a decision tree for determining the legal basis of moratorium authority. The practitioner's first question is the class of local government; the answer determines which branch of state law governs.

A middle path exists as well. Some states have resolved the ambiguity by enacting express moratorium statutes. **North Carolina**, **Minnesota**, **Oregon**, **California**, **Washington**, and **Maine** have all adopted statutes that authorize moratoria subject to specific procedural requirements and durational limits (N.C.G.S. § 160D-107; Minn. Stat. § 462.355; ORS 197.520; Cal. Gov't Code § 65858; 30-A M.R.S. § 4356). These statutes eliminate the threshold authority question and replace it with a compliance question: does the moratorium satisfy the statutory procedural requirements? I detail their substantive requirements in Section 2.5.

Even home rule authority, however, is not unlimited. State legislatures retain the power to **preempt** local action. In 2025, **West Virginia** enacted House Bill 2014, expressly preempting counties and municipalities from imposing or enforcing any local laws concerning data centers or microgrids. The law exempts certified projects from local zoning, noise ordinances, and local building permitting, inspection, and code enforcement—while still requiring compliance with the State Building Code. If a state legislature decides to override local moratorium authority, home rule provides no shield. I return to preemption in Section 4.

2.3 The Moratorium Defined

A **development moratorium** is a temporary prohibition on some or all development activity within a jurisdiction, enacted to preserve the status quo while the government studies, plans for, or adopts new regulations to address identified land use concerns (Owens 2023). The definition contains three operative elements: the restriction is *temporary*, it is tied to an *active planning process*, and it addresses *identified*

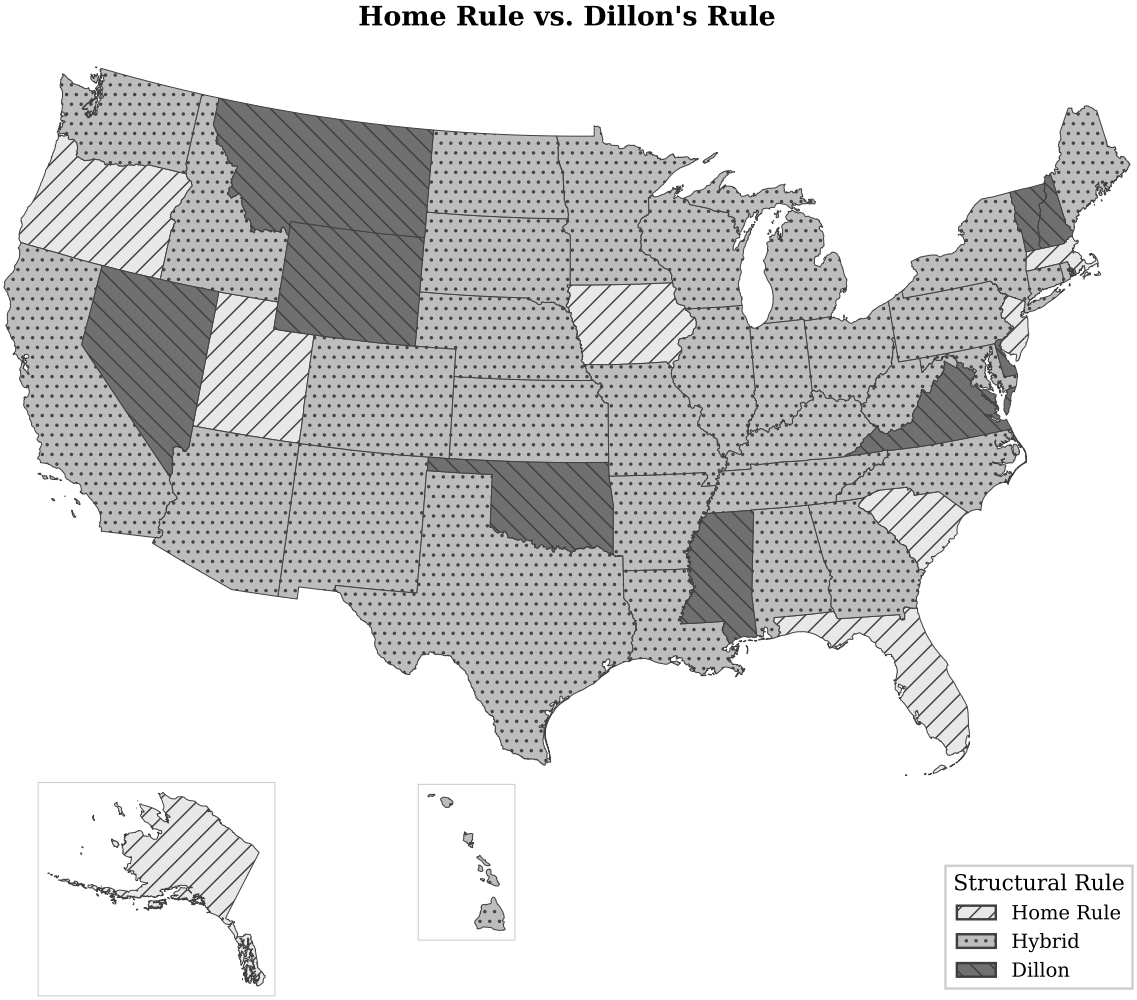


Figure 1: Home rule vs. Dillon's Rule classification by state. Home rule states (diagonal hatching) grant local governments broad authority to act without express state authorization, including moratorium authority. Dillon's Rule states (solid dark) restrict local power to expressly delegated functions. Hybrid states (dotted) apply different rules to different classes of municipalities. The geographic pattern of moratorium activity in Section 3 tracks this structural distinction closely.

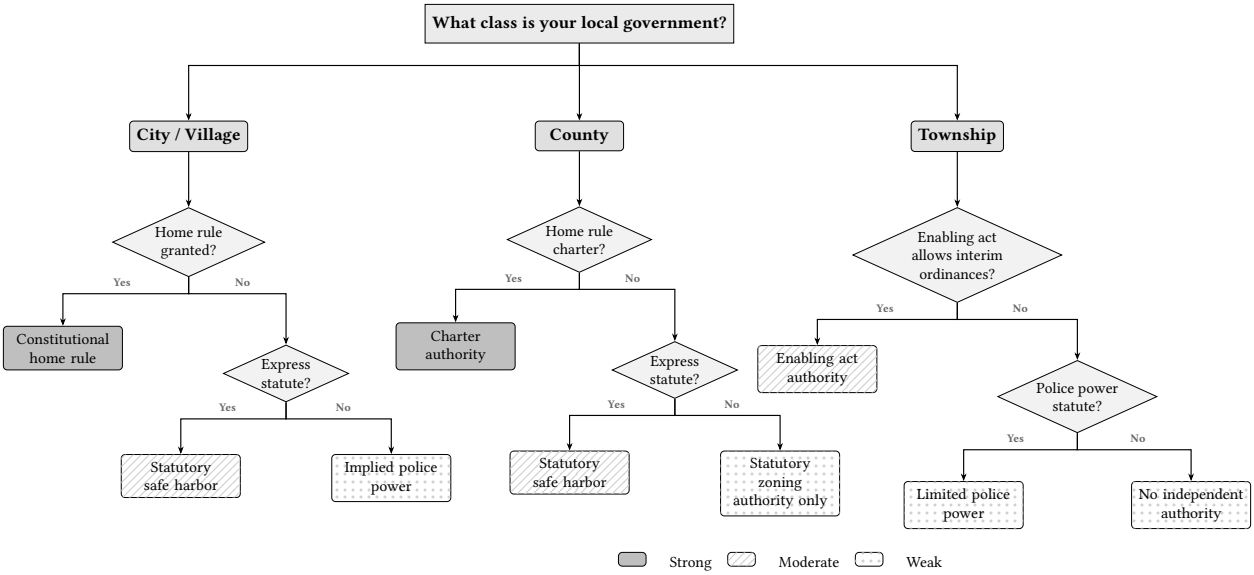


Figure 2: Decision tree for determining local moratorium authority. The legal basis depends on the class of local government and the state's structural rules. Darker shading indicates stronger legal footing. Cities in home rule states have the broadest authority; townships in Dillon's Rule states have the most constrained. In all cases, an express moratorium statute provides a statutory safe harbor that reduces legal risk regardless of structural classification.

concerns. Remove any element and the measure is no longer a moratorium—it is a permanent ban, an arbitrary freeze, or an indefinite delay.

Moratoria take two principal legal forms that must not be conflated (Neumann 2025b).

Interim zoning ordinance. The first form derives its authority from the state zoning enabling act. An interim zoning ordinance temporarily removes a use category from the permitted-use schedule in designated zoning districts, or freezes the zoning map to prevent rezonings that would enable the targeted use. Because it is a zoning measure, it must satisfy all procedural requirements for zoning amendments: planning commission review, public hearing with proper notice, and adoption by the legislative body in the manner prescribed by state law.

Police power ordinance. The second form derives its authority from the local government's general police power to protect public health, safety, and welfare. It regulates an *activity*—the construction of data centers, the installation of battery storage systems—rather than the use of land per se. Procedural requirements are lighter, but so is the legal armor: if a court determines that the ordinance is actually regulating land use rather than an activity, it may invalidate the measure for failing to follow the required zoning procedures (Municipal Association of South Carolina 2020).

The distinction matters for every moratorium discussed in this paper. A police power ordinance that effectively regulates land use is vulnerable to invalidation because it bypassed the procedural protections (notice, hearing, planning commission review) designed to safeguard property rights. An interim zoning ordinance that was adopted without following the enabling act's procedures may be void for procedural deficiency. Practitioners must select the correct legal vehicle at the outset.

A moratorium must also be distinguished from related but legally distinct measures. It is not a *permanent ban*: a permanent prohibition on a land use requires a zoning amendment adopted through the full legislative process and is subject to different constitutional analysis. It is not a *de facto moratorium*: an indefinite administrative delay in processing applications may function like a moratorium but lacks the procedural safeguards, and thus the legal defenses, of a formally adopted one. And it is not a *zoning amendment*: converting data centers from a by-right use to a conditional use (as Loudoun County did) changes the permanent regulatory framework rather than imposing a temporary pause.

The question of whether temporary land use restrictions can constitute compensable takings is the central constitutional issue for moratoria. *First English Evangelical Lutheran Church of Glendale v. County of Los Angeles* (1987) established that "temporary" takings are compensable—if a regulation constitutes a taking, the government must pay for the period during which the taking was effective, even if the regulation is later repealed. The decision raised an existential question for local planning: if every moratorium that temporarily eliminated development value constituted a taking, governments would face ruinous liability for routine planning pauses. But the Court explicitly reserved the question of how to determine whether a temporary moratorium constitutes a taking in the first place. That question remained open for fifteen years, until the Court resolved it in *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency* (2002)—the foundational case for moratorium constitutionality, which I analyze in detail in Section 2.4.

2.4 Constitutional Limits

Three doctrines define the constitutional boundaries within which moratoria must operate: the Takings Clause, substantive due process, and equal protection. These doctrines are rooted in the Fifth and Fourteenth Amendments. Because these are federal constitutional guarantees, property owners may challenge moratoria in federal court under 42 U.S.C. § 1983. They must first satisfy the ripeness requirements of *Williamson County Regional Planning Commission v. Hamilton Bank* (*Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City* 1985) as modified by *Knick v. Township of Scott* (*Knick v. Township of Scott* 2019). I address each doctrine in turn.

Regulatory Takings and the Penn Central Test

The Fifth Amendment provides that private property shall not "be taken for public use, without just compensation." When a regulation restricts property use without physically appropriating it, the question is whether the restriction "goes too far." If it does, it becomes a compensable **regulatory taking**. Three tests govern the analysis.

Penn Central (*Penn Central Transportation Co. v. New York City* 1978) provides the default framework. The Court identified three factors: (1) the economic impact of the regulation on the property owner; (2) the extent to which the regulation interferes with distinct, investment-backed expectations; and (3) the character of the government action. No single factor is dispositive; the analysis is "essentially ad hoc" and "factual." The test is intentionally flexible and, in practice, strongly favors the government; empirical studies consistently find that property owners prevail in a small minority of Penn Central claims.

Lucas (*Lucas v. South Carolina Coastal Council* 1992) provides a narrow categorical rule: when a regulation permanently eliminates *all* economically beneficial use of land, a per se taking has occurred. The threshold is demanding—any residual economic value defeats the claim. Successful Lucas claims are vanishingly rare.

In *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency* (2002), the Court resolved how these two tests apply to moratoria. The Tahoe Regional Planning Agency had imposed two successive moratoria totaling approximately 32 months on development near Lake Tahoe while it formulated a comprehensive land use plan. More than 2,000 property owners sued, claiming a taking. In a 6–3 decision, Justice Stevens held that temporary development moratoria are *not per se takings* requiring compensation. The Court reasoned that moratoria are "an essential tool of successful development" and that requiring compensation for every temporary restriction "would render routine government processes prohibitively expensive or encourage hasty decisionmaking." The Lucas per se rule applies only to permanent deprivations; temporary moratoria must be evaluated under Penn Central. The critical analytical move is temporal: the "parcel as a whole" rule includes a time dimension. A property interest must be evaluated across its full temporal span, not just the moratorium period. Isolating the restricted period and treating it as a "temporal slice" in which all value was destroyed constitutes impermissible **conceptual severance**. By routing moratorium challenges through Penn Central, the Court gave local governments substantial—though not unlimited—constitutional protection for genuine planning pauses.

For practitioners, the Penn Central factors map directly onto moratorium design choices:

- **Economic impact** increases with duration. A 6-month moratorium imposes far less harm than a 3-year one. The test measures impact on the parcel as a whole, including its value after the moratorium lifts.
- **Investment-backed expectations** are strongest when a developer has acquired property in reliance on existing zoning, invested in engineering and permitting, or secured preliminary approvals. Moratoria that protect vested rights and exempt pending applications reduce exposure on this factor.
- **Character of the government action** favors broadly applicable planning measures over targeted restrictions. A moratorium that applies to an entire use category across the jurisdiction weighs favorably; one that targets a single parcel or developer does not.

Duration is the single most important variable. The *Tahoe-Sierra* majority upheld 32 months. However, it cautioned that moratoria exceeding one year should be "viewed with special skepticism." The Court declined to draw a bright line, directing lower courts to weigh duration within the broader Penn Central framework. A moratorium of 6 to 18 months with active planning during the pause is strongly defensible. One that extends indefinitely through serial renewals without evidence of planning progress faces increasing constitutional risk.

Substantive Due Process

The Fourteenth Amendment's Due Process Clause requires that a moratorium bear a rational relationship to a legitimate government interest. Under the **rational basis test**, the moratorium carries a presumption of validity, and the challenger bears the burden of proving that no rational basis exists—a burden that is, in practice, nearly insurmountable for legislative actions (Juergensmeyer et al. 2023).

The purposes typically cited in moratorium ordinances—studying infrastructure capacity, updating zoning codes, developing noise and environmental standards, preventing inconsistent development during an active planning process—are all recognized as legitimate government interests. The fairly debatable standard described in Section 2.1 applies with full force here. The substantive due process floor is low, but it is not zero. A moratorium adopted without any stated purpose, or one that appears to target a specific landowner rather than a genuine land use category, could face a viable challenge.

After *Lingle v. Chevron U.S.A. Inc.* (*Lingle v. Chevron U.S.A. Inc.* 2005), the doctrinal boundary between due process and takings is clear. If the claim is that the moratorium lacks a rational purpose, the proper theory is substantive due process. If the claim is that the moratorium's economic impact is so severe as to require compensation, the proper theory is a taking under Penn Central. The two inquiries are analytically distinct, and practitioners should not conflate them.

Equal Protection

The Equal Protection Clause of the Fourteenth Amendment requires that zoning classifications treat similarly situated properties and uses alike unless the differential treatment bears a rational relationship to a legitimate government interest. Most moratoria in my dataset are use-specific: they pause data center permitting while allowing warehouses, manufacturing, and other industrial uses to proceed. This classification must withstand at least rational basis review.

Under this deferential standard, the unique characteristics of data centers provide ample rational basis for distinguishing them from other industrial uses: extraordinary electricity demand, continuous water consumption for cooling, backup diesel generator emissions, and concentrated noise from HVAC equipment. A moratorium framed as a study period to assess cumulative impacts and develop tailored zoning standards is almost certainly rational.

The more realistic equal protection vulnerability arises in the "class of one" context, recognized by the Supreme Court in *Village of Willowbrook v. Olech* (*Village of Willowbrook v. Olech* 2000). A developer can state a claim by showing intentional differential treatment from a similarly situated comparator with no rational basis. If a county approves one data center campus with standard conditions but imposes a moratorium immediately after a second developer files an application, the second developer may have a viable claim. This is especially true if the record reveals that the moratorium was prompted by opposition to the specific project. Municipalities can reduce this exposure by ensuring that moratoria apply consistently to all similarly situated projects and that any grandfathering provisions are supported by rational justifications.

2.5 Procedural Requirements and Vulnerability Points

A moratorium that satisfies every substantive constitutional standard may still be invalidated for a procedural defect. Courts treat procedural regularity as a condition precedent to the lawful exercise of moratorium power. The requirements derive from state enabling statutes, home rule charters, and the procedural due process guarantees of the Fourteenth Amendment. I identify five vulnerability points that account for the majority of successful challenges.

Findings of Fact

Written findings adopted at or near the time of enactment are the single most important procedural element. They identify the factual basis for the moratorium, explain why alternatives are inadequate, and describe the planned course of action during the pause. Courts treat findings as the primary evidence of purpose and the official legislative record upon which judicial review is conducted (Lovelady 2023).

The quality and specificity of findings matter enormously. **North Carolina** requires four categories of mandatory findings (N.C.G.S. § 160D-107). First, the ordinance must include a statement of the problems or conditions necessitating the moratorium and what alternatives were considered. Second, it must identify which development approvals are suspended and how the suspension addresses the identified problems. Third, it must set an express termination date with justification. Fourth, it must describe the actions the local government will take during the moratorium. **California** requires a finding that there is a "current and immediate threat to the public health, safety, or welfare" before an interim urgency ordinance can take effect (Cal. Gov't Code § 65858). In my dataset, 64.3 percent of moratorium ordinances include an explicit statement of study intent, and 39.8 percent document a regulatory gap as the basis for action.

A moratorium adopted with boilerplate findings that do not address actual conditions in the jurisdiction, or one that lacks findings entirely, is vulnerable to immediate invalidation.

Notice and Hearing

Every state that has codified moratorium procedures requires at least one public hearing. The hearing serves the constitutional function of providing affected parties an opportunity to be heard and the legislative function of building a record. Notice must be "reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action," under the standard set by *Mullane v. Central Hanover Bank & Trust Co.* (*Mullane v. Central Hanover Bank & Trust Co.* 1950).

Most states require published newspaper notice at least 10 to 30 days before the hearing, with content identifying the nature of the proposed action, the affected area, and the hearing time and place. Some states permit adoption before the hearing in emergency circumstances but require a hearing within 60 days afterward (New York Department of State 2013). A moratorium adopted without proper notice is void or voidable, and notice defects may be challenged even years after adoption because they implicate constitutional due process rather than mere procedural regularity.

Study Obligation

A moratorium is a means to an end—the adoption of permanent, well-considered regulations—not an end in itself. Courts in every jurisdiction that has addressed the question have held that a moratorium is invalid if the government simply pauses development without undertaking the studies it promised. The Minnesota Supreme Court established this principle in *Almquist v. Town of Marshan* (*Almquist v. Town of Marshan* 1976). Under *Almquist*, a moratorium is valid only if enacted in good faith and of limited duration. The enacting body must "proceed promptly" with the study and "expeditiously" adopt appropriate ordinances upon completion.

The *Tahoe-Sierra* majority explicitly noted that the outcome might have been different without evidence that the agency "acted diligently and in good faith." A municipality that adopts a moratorium and then takes no action forfeits its strongest defense. No consultants retained, no studies commissioned, no draft regulations prepared—such inaction removes all legal armor. Several state statutes codify this obligation: **California** requires a written progress report ten days before the moratorium expires (Cal. Gov't Code § 65858); **North Carolina** prohibits extensions unless "all reasonable and feasible steps" have been taken (N.C.G.S. § 160D-107).

Instrument Form: Ordinance vs. Resolution

Because a moratorium effectively suspends the zoning ordinance, courts in multiple states have held that it must be adopted by the same legislative instrument (an *ordinance*) and with the same procedural formalities. This principle, known as the **equal dignity rule** or **legislative equivalency**, means that in states that apply this doctrine, a moratorium adopted by motion, resolution, or administrative directive may be held invalid (Municipal Association of South Carolina 2020). Not all states follow the rule—in **Georgia**, for example, the state Supreme Court held that a temporary moratorium is not "final legislative action" and therefore need not be adopted by ordinance (*City of Roswell v. Outdoor Systems, Inc.* 2001). The South Carolina Court of Appeals articulated this rule in *Simpkins v. City of Gaffney* (*Simpkins v. City of Gaffney* 1993), invalidating a moratorium on building permits adopted by council motion. **Michigan** courts have similarly held that "an ordinance may not be repealed or amended without action of equal dignity."

This rule has particular relevance for data center moratoria adopted under political urgency. When a community faces a sudden influx of data center applications, elected officials face pressure to act quickly. A hastily adopted resolution will not survive judicial scrutiny if it effectively suspends zoning provisions that were adopted by ordinance.

Duration and Renewal

Open-ended moratoria are the most legally vulnerable form. A moratorium without a sunset clause, or one that is serially extended without evidence of progress, functions as a permanent ban while bypassing the procedural safeguards associated with permanent zoning changes. State statutes impose varying limits: **Utah** caps initial duration at six months; **Washington** allows six months with extension to one year upon adoption of a work plan; **California** limits the initial term to forty-five days, with extensions to a two-year aggregate maximum (Cal. Gov't Code § 65858). The durational guidance from *Tahoe-Sierra*, discussed in Section 2.4, reinforces these statutory limits: jurisdictions that exceed 12 to 18 months without demonstrable planning progress face increasing constitutional exposure.

Extensions present particular challenges. Most jurisdictions that allow them require fresh findings of fact explaining what progress has been made, why the work is incomplete, and what additional time is needed. A moratorium that is renewed without demonstrated progress invites a court to conclude that the stated purpose was pretextual. The Fifth Circuit warned in *Schafer v. City of New Orleans* (*Schafer v. City of New Orleans* 1984) that a "temporary" label without substance is "but a ruse." In my dataset, the median moratorium duration is 365 days, but several jurisdictions are approaching or exceeding two years. **DeKalb**

County, Georgia, for example, has extended its data center moratorium multiple times since July 2025. These extended moratoria face the greatest constitutional exposure.

Taken together, these five vulnerability points form a practical checklist. A moratorium that includes detailed findings of fact, provides proper notice and hearing, commits to an active study process, is adopted by ordinance, and sets a defined duration with sunset is well insulated against both procedural and substantive challenge. A moratorium that omits any of these elements creates an opening for invalidation. Data center developers, armed with significant capital and legal resources, are increasingly prepared to exploit that opening.

3 Moratoria in Practice

Infrastructure development moratoria have spread across the United States at a pace that few anticipated. As of April 2026, I identify 222 moratoria across 30 states in my cleaned inventory, targeting data centers, renewable energy installations, battery storage facilities, and related infrastructure. This section presents the empirical survey, beginning with aggregate patterns and then examining each sector in detail.

A note on datasets. This paper draws on two overlapping datasets. The **cleaned inventory** ($n = 222$) catalogs every moratorium instrument I identified after removing federal entities, non-governmental actors, and duplicate extensions (Appendix A). The **analysis subset** ($n = 348$) comprises the instruments for which I obtained and reviewed the underlying legal text (Appendix D). Aggregate counts and geographic patterns in this section use the cleaned inventory unless otherwise noted. Clause prevalence statistics in Section 5 use the analysis subset, whose denominators are stated explicitly in that section.

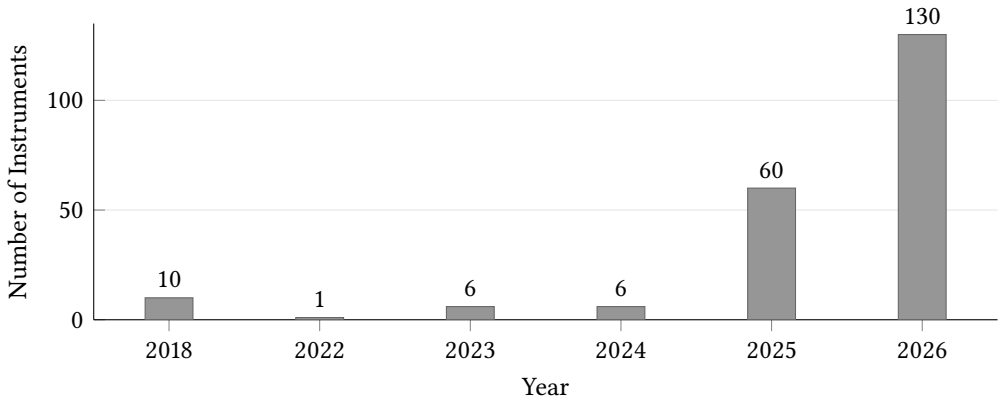
3.1 Overview and Scale

My inventory documents 222 infrastructure development moratoria enacted or proposed across 30 states as of April 2026 (Appendix A). The count reflects individual instruments (ordinances, resolutions, motions, and other official actions) after removing federal entities, non-governmental actors, and duplicate extensions of the same underlying moratorium. The instruments span more than 180 unique local jurisdictions plus a small number of state-level actions.

The temporal pattern is striking. Figure 3 shows that moratorium adoption was sporadic before 2022, with only a handful of instruments traceable to the prior two decades. Activity began to accelerate in 2024, but the real inflection came in 2025 and continued into 2026: among the roughly 213 instruments with recorded adoption dates, 59 were enacted in 2025 and another 130 in the first four months of 2026 alone—more in those four months than in 2025 as a whole. This acceleration corresponds to three converging forces: the rapid expansion of hyperscale data center proposals tied to artificial intelligence investment; the Moss Landing battery storage fire of January 2025; and federal policy shifts affecting wind and solar permitting.

Moratorium activity concentrates in a relatively small number of states. Figure 4 presents the states with the most instruments in my inventory. **Ohio** leads with 35 entries, followed closely by **Michigan** with 34 and **Georgia** with 24. **North Carolina** contributes 19, **Iowa** 12, and **Indiana** and **Washington** 11 each.

Figure 3: Temporal Distribution of Moratorium Enactments



Note: Counts reflect instruments with a recorded adoption date in the cleaned inventory (Appendix A, $n = 222$). 9 instruments lacked a parseable adoption date and are excluded.

Kansas (8), **North Dakota** (7), and **Tennessee** (6) follow, with **Illinois**, **Massachusetts**, and **New York** contributing 5 each. These thirteen states account for more than four-fifths of all identified instruments. The remaining seventeen states with at least one moratorium each contribute four or fewer entries.

The geographic pattern reflects the location of proposed infrastructure, not simply political orientation or regulatory tradition. **Ohio**'s totals are driven by township and city moratoria spanning home rule cities and statutory townships across the state, often in response to specific hyperscale proposals near major load centers. **Michigan**'s concentration traces directly to a wave of hyperscale data center proposals across southeastern, central, and northern Michigan townships. **Georgia**'s count reflects a surge of county-level data center moratoria across the Atlanta metropolitan region and central Georgia counties. **Iowa**'s total includes both data center and renewable energy instruments adopted by county boards of supervisors.

Data centers dominate the inventory. Of the 222 entries, approximately 207mention data centers as a covered use, including all 21 states with three or more instruments shown in Table 1. About 40 instruments also cover cryptocurrency mining, often bundled with data center definitions. Battery energy storage systems appear in roughly 16 entries, solar energy in 8, and wind energy in 3. Table 1 presents the sector breakdown for states with three or more instruments. A modest but growing share of instruments, particularly in **Indiana** and **Iowa**, cover multiple sectors within a single ordinance, pausing data center, solar, battery storage, and even carbon capture approvals under one resolution.

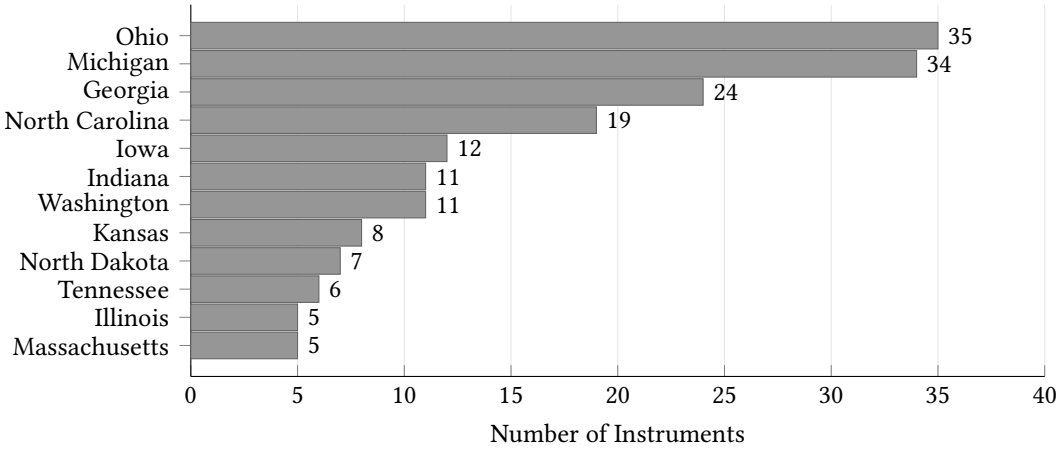
Duration varies widely. The shortest instruments run 45 to 90 days—long enough for a simple code amendment but not for a comprehensive study process. The most common durations are 180 days (six months) and one year. A small number of instruments extend to 24 months, including **Marshall County**, **Indiana**'s two-year pause on data centers, solar, battery storage, and carbon capture. Several instruments specify indefinite durations, terminating only upon adoption of replacement regulations or by affirmative board action. Among the 154 instruments in my analysis subset with numeric duration data, the median is 365 days and the range spans 90 to 3,650 days (see *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency* 2002, for discussion of duration limits).

Table 1: Moratorium Count by State and Sector (States with Three or More)

State	Data Ctr.	Crypto	BESS	Solar	Wind	Other	Total
Ohio	35	1	1	1	0	0	35
Michigan	34	1	0	0	0	0	34
Georgia	24	1	0	0	0	0	24
North Carolina	16	10	0	0	0	0	19
Iowa	10	6	3	0	0	0	12
Indiana	11	0	3	3	1	0	11
Washington	4	10	0	0	0	0	11
Kansas	7	2	4	1	0	0	8
North Dakota	7	3	1	3	1	0	7
Tennessee	6	6	0	0	0	0	6
Illinois	5	0	1	0	0	0	5
Massachusetts	5	0	2	0	0	0	5
New York	5	3	0	0	0	0	5
California	4	0	0	0	0	0	4
Kentucky	4	0	0	0	0	0	4
Minnesota	4	0	0	0	0	0	4
Oklahoma	4	0	0	0	0	0	4
Colorado	3	0	1	1	1	0	3
Maryland	3	0	0	0	0	0	3
Missouri	3	0	1	0	0	0	3
Nebraska	3	1	0	0	0	0	3
Subtotal (21 states)	*197*	*44*	*17*	*9*	*3*	*0*	*210*

Note: Sector columns reflect the number of instruments mentioning each sector in the cleaned inventory (Appendix A, $n = 222$). Individual instruments may cover multiple sectors, so row totals reflect instrument counts rather than the sum of sector columns. "Other" includes general industrial moratoria. The remaining 9 states (12 instruments) each contribute one or two entries.

Figure 4: Top States by Moratorium Count



Note: Counts reflect individual instruments in the cleaned inventory (Appendix A, $n = 222$). Each entry represents a unique jurisdiction–instrument pair after removing federal entities, non-governmental actors, and duplicate extensions of the same underlying moratorium.

Three duration structures appear in practice. **Fixed calendar date** instruments expire at a specified date and time. **DeKalb County**, **Georgia**, for instance, set its initial moratorium to expire "at 11:59 p.m. on October 16, 2025." **Fixed period** instruments run for a stated number of days or months from the effective date. The strongest approach is the **"earlier of" pattern**, under which the moratorium expires on the earlier of a fixed date or the date the governing body adopts permanent regulations. **Chatham County**, **North Carolina**, used this structure, as did **Mason**, **Michigan**—where the city lifted its 90-day moratorium after less than five weeks when it adopted a new Technology Innovation zoning district.

3.2 Data Center Moratoria

Data center moratoria account for the overwhelming majority of my inventory and reflect a regulatory response to one of the largest infrastructure buildouts in American history. This subsection traces the triggers, geographic patterns, state legislative activity, community opposition, and grid-level consequences of the data center moratorium wave.

The AI investment surge. The current wave of data center moratoria is a direct response to an unprecedented investment surge. Industry estimates place announced data center capital commitments exceeding $1 trillion over the 2024–2029 period, with planned capacity additions measured in hundreds of gigawatts.[4] This capital is translating into physical proposals at a rate that local governments have never confronted. Hyperscale campuses, facilities of 100 MW or more on sites of several hundred acres, are now proposed in communities that had no prior experience with data center development.

Data centers present a combination of land use characteristics that existing zoning codes were not designed to address. A single hyperscale building may cover 250,000 square feet or more and consume electricity

[4]Multiple industry sources project cumulative data center capital expenditures exceeding $1 trillion by 2029. The precise figure depends on whether one counts announced projects, contracted capacity, or aggregate hyperscaler capital expenditure forecasts. I use the round figure as a conservative composite.

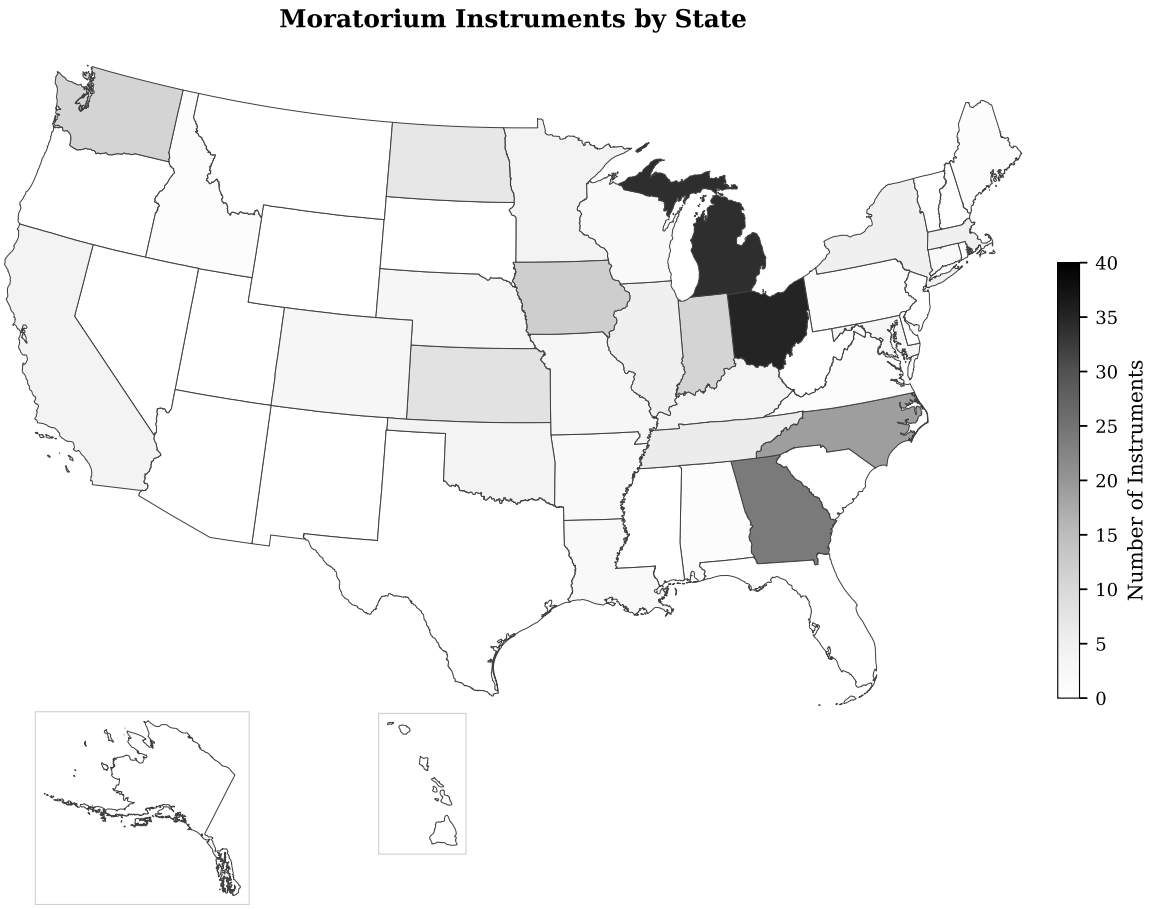


Figure 5: Geographic distribution of moratorium instruments by state. Darker shading indicates a higher count. Ohio leads with 35 instruments, followed by Michigan (34), Georgia (24), and North Carolina (19). Thirty states have adopted at least one moratorium; the remaining twenty have not.

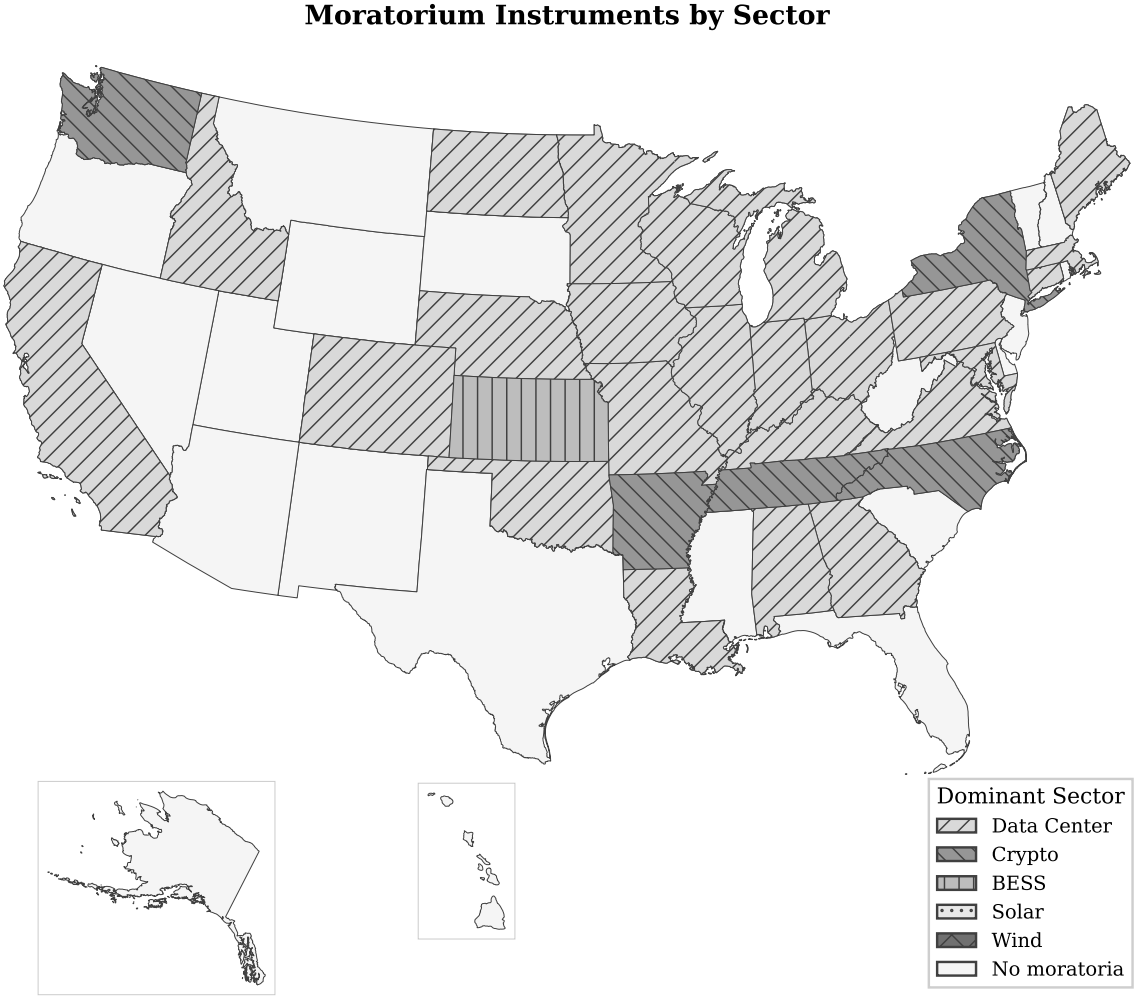


Figure 6: Dominant moratorium sector by state. Data centers (thin diagonal hatching) are the most common trigger in the majority of states with moratoria. Cryptocurrency mining (dense diagonal hatching) dominates in Washington, North Carolina, Arkansas, and Tennessee. States without moratoria are shown in white.

at densities of 200–400 W/sq ft, up to 50 times a typical commercial building. These facilities generate continuous exterior noise of 75–85 dBA from cooling equipment and backup generators. At the same time, a hyperscale facility may employ only 50 to 150 permanent workers once operational. This combination of industrial-scale resource consumption, minimal direct employment, and 24/7 operation does not fit cleanly into any traditional zoning category: data centers are neither warehouses, nor offices, nor light industrial facilities. The resulting classification gap is the single most commonly cited reason for moratorium adoption in my dataset.

Geographic concentration. Data center moratoria cluster in states with active hyperscale development pipelines. **Ohio** leads with 35 instruments in my inventory across all sectors, with **Michigan** close behind at 34 and **Georgia** at 24.[5] **North Carolina** contributes 19, **Iowa** 12, and **Indiana** and **Washington** 11 each. The pattern is not random. Each cluster traces to one or more specific large-scale proposals that triggered local concern.

Michigan. **Michigan**'s concentration is the most pronounced in the country. Between November 2025 and April 2026, roughly 34 communities enacted data center moratoria across southeastern, central, and northern Michigan (Neumann 2025b). The wave began with **Pittsfield Township** and **Howell Township** in November 2025. It rapidly expanded to include **Springfield Township**, **Green Charter Township**, the City of **Saginaw**, **Grand Blanc Township**, and **Lenox Township**. Additional communities followed, among them **Hayes Township**, the City of **Northville**, the City of **Pontiac**, the City of **Saline**, the City of **Sterling Heights**, and **Sylvan Township**.

The trigger was a burst of hyperscale proposals. By December 2025, at least 16 potential data center sites had been identified across 10 Lower Peninsula counties (House 2026). Announced or active developers included Oracle, OpenAI, Microsoft, Meta-linked entities, and several private investment groups. In Howell Township, a proposed $1 billion Meta-backed campus on more than 1,000 acres prompted a six-month moratorium; the developer later withdrew its rezoning request. In **Saline Township**, a separate jurisdiction from the City of Saline, DTE Electric secured approval for a special contract to serve a 1,383 MW data center project, one of the largest single-facility electrical loads ever proposed in the state.

Michigan has no explicit moratorium statute. Local governments rely on home rule authority under the Michigan Constitution and general police power, an approach that Neumann (2025a) describe as legally permissible but requiring careful attorney involvement. The absence of a statutory safe harbor has not deterred adoption—to the contrary, **Michigan** illustrates how regulatory urgency can outrun legal certainty.

State-level legislative activity in **Michigan** has intensified in parallel. At least fourteen bills introduced in 2025–2026 address data center tax exemptions, water withdrawal permits, energy and water usage reporting, bans on local nondisclosure agreements, and ratepayer protection (*Michigan Zoning Enabling Act* 2006; *Michigan Data Center Legislation Package* 2025). The Sierra Club of Michigan called in February 2026 for a statewide moratorium, and a state representative announced plans to introduce enabling legislation.

[5] My inventory count for **Michigan** (34) exceeds the "at least 19" figure reported by Bridge Michigan in early February 2026 (House 2026) because my dataset captures the continued wave of adoptions through April 2026 and includes proposed and pending moratoria alongside enacted instruments.

Georgia. **Georgia**'s 24 instruments make it the third most active state, behind **Ohio** and **Michigan**. The moratorium wave began with **Douglas County**'s 90-day pause in March 2025 and spread through the summer and fall to **DeKalb County**, **Clayton County**, **Coweta County**, **Troup County**, **Jones County**, **Pike County**, **Lamar County**, the City of **Social Circle**, and the City of **LaGrange**. A second wave followed in early 2026, adding the City of **Covington**, **Monroe County**, the City of **Roswell**, and the City of **Griffin**.

The projects driving **Georgia**'s moratoria are among the largest in the country. **Troup County**'s 90-day moratorium responded to "Project West," a proposed $9.7 billion hyperscale campus covering 513 acres with nearly 600 MW of electrical demand. In Coweta County, "Project Sail" was reported at approximately $17 billion across roughly 830 acres. Monroe County's moratorium followed a hearing attended by nearly 900 residents concerned about proposed data center development. A separate proposal, the Forsyth Technology Campus, is reported at approximately 1,630 acres and 12 million square feet.

Georgia has no express moratorium statute. Local governments rely on the general police power, validated by state courts in *City of Roswell v. Outdoor Systems, Inc.*, which held that a "truly temporary moratorium" is not a final legislative action subject to the Zoning Procedures Law. In practice, **Georgia** jurisdictions adopt moratoria by resolution rather than ordinance—a procedural choice that is permissible under state law but would be legally insufficient in states requiring the "equal dignity" rule.

State legislative activity is extensive. At least nine bills introduced in 2025–2026 address data center moratorium authority, ratepayer protection, tax exemption sunset acceleration or repeal, transparency requirements, and impact assessment mandates. HB 1012 (2026) would prohibit construction of new data centers for a specified period, while HB 1063 (2026) would require utility contracts to ensure that residential customers are not charged for data-center-driven system costs (*Local Government; Construction or Development of New Data Centers for a Specified Time; Prohibit* 2026).

Iowa. **Iowa**'s twelve instruments reflect a different pattern. Unlike **Michigan** and **Georgia**, where data centers are the near-exclusive target, **Iowa**'s moratoria span multiple sectors. County boards of supervisors have adopted moratoria covering data centers, cryptocurrency mining, wind energy, solar energy, and battery storage, sometimes within a single resolution.

Confirmed county-level moratoria include **Clarke County** (indefinite, June 2025), **Clayton County** (extended through December 2026), **Story County** (extended through March 2026), **Johnson County** (one year, November 2025), and **Mitchell County** (through December 2026). **Iowa** counties exercise zoning authority under Iowa Code Chapters 335 (counties) and 414 (cities), with moratorium power implied rather than expressly granted.

Iowa's multi-sector approach reflects the state's dual role as both a major data center market and a leading wind and solar energy state. Google has operated in Council Bluffs since 2007 and has invested more than $6.8 billion in the state. County boards confronting proposals for data mining facilities, battery storage, and wind turbines simultaneously have sometimes opted for omnibus moratoria that pause all novel large-scale infrastructure uses at once.

Ohio and Indiana. **Ohio** contributes 35 instruments, the largest single-state total in the inventory, spanning home rule cities and statutory townships. **Jerome Township** enacted a nine-month moratorium in September 2025 to address noise, lighting, and buffering concerns. **Norton** adopted Ordinance 108-2025, a 180-day pause on North American Industry Classification System (NAICS) 518 data processing facilities. The **Village of Lordstown** passed Ordinance 1-2026 in January 2026, citing electric load, water demand, and infrastructure capacity. **Ohio**'s home rule cities have broad moratorium authority under Article XVIII, Section 3 of the Ohio Constitution, while townships operate under more constrained statutory frameworks.

Indiana's eleven entries include **Marshall County**'s two-year moratorium (February 2025), the first data center moratorium in the state, and subsequent actions by **White County**, **Starke County**, and **Franklin County**. **Indiana** enacted a new explicit moratorium statute in 2025 (IC 36-7-4-1109.5), establishing procedural requirements and prohibiting retroactive application to pending applications (IC 36-7-4-1109.5). Marshall County's moratorium is notable for its breadth: it covers data centers, farm-scale solar, battery storage, and carbon capture projects in a single instrument.

State legislative activity. The local moratorium wave has generated a parallel surge of state-level legislative activity. My research identifies more than 400 data-center-related bills introduced across all 50 states during 2025–2026. The bills fall into several categories: moratorium authorization or prohibition, tax incentive reform, ratepayer protection, transparency and reporting requirements, water use regulation, and preemption of local authority.

Three state actions deserve particular attention. **New York** enacted a two-year moratorium on new proof-of-work cryptocurrency mining operations that use carbon-based fuel sources, the first state-level moratorium on cryptocurrency mining operations (*An Act to Amend the Environmental Conservation Law, in Relation to Establishing a Moratorium on Consolidated Operations That Use Proof-of-Work Authentication Methods to Validate Blockchain Transactions* 2022). **West Virginia** enacted HB 2014 in 2025, the first state statute to preempt local moratorium authority specifically for data centers. The statute prohibits municipalities from adopting moratoria or bans on data center development (*Power Generation and Consumption Act* 2025). **Georgia**'s HB 1012 (2026) would impose a statewide moratorium on new data center construction, representing the opposite approach: state-imposed restriction rather than state-imposed permissiveness.

Community opposition. Local data center moratoria are closely linked to organized community opposition. One national report identifies 142 or more activist groups in 24 states engaged in data center opposition, a count that continues to grow (Data Center Watch 2025). The opposition is bipartisan: conservative rural communities resist farmland conversion, noise, and water competition, while progressive urban and suburban residents raise climate, environmental justice, and ratepayer concerns.

At the national level, the **Food & Water Watch** coalition organized more than 230 organizations behind a national data center moratorium campaign in December 2025 (Food & Water Watch 2025). At the local level, community mobilization has been intense. Monroe County, **Georgia**, reported nearly 900 residents at a single public hearing. Coweta County, **Georgia**, received a petition with approximately 1,750 signatures opposing "Project Sail." In **Michigan**, township hearings routinely drew hundreds of residents, and the New People Foundation in northern Michigan publicly warned of environmental and grid impacts near the former Big Rock Point nuclear site.

The opposition is not monolithic. Residents typically raise a specific bundle of concerns: water supply, electric rates, noise, property values, and the disparity between the scale of public subsidy and the number of permanent jobs. These concerns map directly to the impact categories documented in the moratorium instruments themselves, suggesting that governing bodies are enacting moratoria in direct response to constituent demands rather than on their own initiative.

Ratepayer and grid impacts. Data center electricity demand has placed measurable strain on utility systems. The national grid interconnection queue, dominated by solar, wind, and battery storage projects, held more than 2,600 GW of capacity requests as of the end of 2023. Rapid load growth from data centers has compounded a backlog that already delays new generation and storage connections.

Specific utility-level actions illustrate the pressure. AEP Ohio imposed a moratorium on new large-load interconnection requests from 2023 through 2025 before lifting it under revised terms. In **Virginia**, Dominion Energy requested an approximately 15 percent rate increase attributed in part to data center load growth, raising concerns that residential customers would subsidize industrial expansion. In **Michigan**, the Michigan Public Service Commission approved Consumers Energy tariff terms for "very large loads" exceeding 100 MW, including 15-year contracts, 80 percent billing demand minimums, exit fees, and collateral requirements—conditions designed to prevent ratepayer cost-shifting.

These grid and rate dynamics are not merely background context. Several moratorium instruments cite electric system strain and ratepayer impact as findings supporting the pause. State legislation in **Georgia**, **Michigan**, and **Indiana** specifically targets utility cost allocation as a companion issue to moratorium authority.

3.3 Renewable Energy Moratoria

Renewable energy moratoria, targeting solar and wind installations, predate the data center moratorium wave and arise from a different set of concerns. Where data center moratoria respond to a novel land use category, solar and wind restrictions reflect longstanding tensions between energy development and agricultural land preservation, scenic values, and physical safety.

Solar energy restrictions. Local restrictions on utility-scale solar development are widespread. National Renewable Energy Laboratory (NREL) research has documented that a significant share of U.S. counties have adopted some form of restriction on solar development, and the NREL ordinance database catalogs 838 solar siting ordinances nationwide (Jackson et al. 2024; Lopez et al. 2022a). These restrictions range from formal moratoria to setback requirements, acreage caps, and conditional use permit mandates.

Setback ordinances represent a particularly significant form of de facto restriction. A national NREL study found that the most restrictive setback requirements can reduce available wind development capacity by up to 87 percent and solar capacity by up to 38 percent, even without an explicit moratorium (Lopez et al. 2023). Extreme setbacks of 1,500 feet or more from property lines function as effective prohibitions in many areas, producing the same result as a formal moratorium without the procedural requirements or time limits that moratorium law imposes.

Formal solar moratoria appear in my inventory in smaller numbers than data center moratoria but are supplemented by a much larger universe of restrictive ordinances. **Iowa**'s **Mitchell County** adopted a moratorium covering wind, solar, and data center uses in 2025. **Missouri** considered statewide solar moratorium legislation (SB 849 and SB 933) that would have paused new utility-scale solar development through December 2027. The dominant trigger for solar moratoria is **farmland preservation**: conversion of prime agricultural land to solar arrays raises concerns about food security, rural character, and the irreversibility of development on high-quality soils.

The state-level response to local solar restrictions has been far more aggressive than the response to data center moratoria. A growing number of states have enacted statutes that preempt, override, or constrain local regulation of solar facilities. These statutes typically operate through state siting board processes that substitute for local permits above a capacity threshold (**New York**, **Connecticut**, **Michigan**, **Maryland**, **Minnesota**). **Illinois** expressly bans local moratoria and prohibitions on commercial solar in agricultural and industrial districts. The contrast is striking: active state preemption for solar, virtually none for data centers. This asymmetry reflects the renewable energy sector's longer political history and the federal tax incentive framework that gives state governments a direct interest in facilitating deployment. I return to these preemption models in Section 4.5.

Wind energy restrictions. Wind energy restrictions follow a longer historical trajectory. The Iowa Environmental Council documented that 58 of **Iowa**'s 99 counties had adopted some form of wind energy restriction by 2019 (Iowa Environmental Council 2019). Since then, the number has continued to grow. My inventory includes wind-specific moratorium instruments in **Iowa** (**Clinton County**, Mitchell County) and several other states.

Local wind restrictions typically cite physical hazard concerns: **shadow flicker** from rotating blades, **blade throw** risk, **ice throw** in cold climates, and continuous low-frequency noise. Wildlife impacts, particularly avian and bat mortality, also figure in local findings. These concerns have led to setback requirements that, like solar setbacks, can function as de facto bans when set at distances that preclude economically viable turbine placement (U.S. Department of Energy 2024; Lopez et al. 2022b).

Federal wind policy has added a new dimension. In January 2025, executive action withdrew offshore wind lease areas and halted new onshore wind permitting on federal lands, creating a federal-level moratorium on certain categories of wind development (The White House 2025). The interaction between federal and local restrictions creates compounding uncertainty for wind developers, who face permitting obstacles at multiple levels of government simultaneously.

Federal policy shifts. Renewable energy moratoria operate against a backdrop of federal policy volatility. Changes to solar investment tax credits, USDA policies on farmland conversion, and Interior Department permitting timelines all affect the pace and location of renewable energy proposals. When federal incentives accelerate development, local governments may face a sudden increase in permit applications for which their codes are unprepared. This dynamic parallels the data center moratorium trigger but operates on a longer timeline and across a broader geographic footprint (Powell and O'Neil 2022).

3.4 Battery Energy Storage Moratoria

Battery energy storage system (BESS) moratoria present a distinct pattern. Unlike data center moratoria, which are driven primarily by regulatory gaps and development pressure, BESS moratoria are overwhelmingly triggered by a single event: fire.

The Moss Landing catalyst. On January 16, 2025, a **thermal runaway** event at the 300 MW Vistra Moss Landing battery storage facility in Monterey County, **California**, produced a major fire that required evacuation of surrounding residents, generated toxic smoke from lithium-ion battery combustion, and took days to bring under control. The incident received national media coverage and immediately reshaped the political and regulatory environment for battery storage siting (U.S. Environmental Protection Agency 2025; Reuters 2025).

California response. The Moss Landing fire triggered a wave of BESS moratoria across **California**. **Orange County**, **Monterey County**, the City of **San Juan Capistrano**, the City of **Escondido**, and the City of **Morro Bay** all adopted moratorium or interim urgency ordinances in the weeks and months following the incident.[6] **California** law provides a specific mechanism for this response. Government Code Section 65858 authorizes **interim urgency ordinances** that take immediate effect upon adoption by a four-fifths supermajority. The governing body must find a "current and immediate threat to the public health, safety, or welfare" (Cal. Gov't Code § 65858).

State legislation followed. **California** AB 434 proposed a two-year statewide moratorium on new battery energy storage facilities of 200 megawatt-hours or larger, prohibiting any public agency from authorizing construction until the State Fire Marshal adopts minimum safety standards. SB 283 proposed enhanced safety standards for battery storage installations. These bills reflect a legislative judgment that existing fire codes and building standards do not adequately address the risks of utility-scale lithium-ion battery installations (*Safe and Secure Battery Storage Act* 2025).

New York response. A parallel moratorium wave emerged in **New York**, driven by a combination of the Moss Landing fire's national impact and local incidents. Towns in **Nassau County**, including **Oyster Bay**, **North Hempstead**, and **Hempstead**, adopted BESS moratoria beginning in late 2024. Communities in **Island Park**, **Troy**, **Suffolk County**, and **Southampton** followed. The New York State Energy Research and Development Authority (NYSERDA) Battery Energy Storage System Guidebook, published in 2020, had already provided model siting and safety provisions, but many jurisdictions had not yet adopted them—leaving a regulatory gap that the Moss Landing fire made politically untenable (New York State Energy Research and Development Authority 2019).

The safety standards gap. BESS moratoria expose a genuine gap in safety regulation. The primary applicable standards, National Fire Protection Association (NFPA) 855 (Installation of Stationary Energy Storage Systems) and Underwriters Laboratories (UL) 9540A (Test Method for Evaluating Thermal Runaway

[6] These **California** BESS moratoria were adopted under the state's interim urgency ordinance mechanism (Government Code Section 65858) rather than through traditional zoning moratorium processes. Because my cleaned inventory (Appendix A) was assembled primarily through searches targeting data center moratoria, it captures only a subset of BESS-specific actions. The **California** and **New York** BESS moratoria described in this subsection are documented through independent narrative research.

Fire Propagation in Battery Energy Storage Systems), have not been universally adopted. Many jurisdictions lack fire code provisions specific to utility-scale battery installations. Local fire departments often lack training and equipment for lithium-ion battery fires, which involve toxic gas release, risk of re-ignition, and resistance to conventional suppression methods (U.S. Environmental Protection Agency 2025; Twitchell et al. 2023; Powell and Twitchell 2023).

The Environmental Protection Agency's fact sheet on lithium-ion battery storage facility safety identifies key hazards: thermal runaway propagation, toxic gas release (hydrogen fluoride, carbon monoxide, and volatile organic compounds), explosion risk from gas accumulation, and environmental contamination from firefighting runoff (U.S. Environmental Protection Agency 2025). These hazards are qualitatively different from the concerns motivating data center or renewable energy moratoria. BESS moratoria respond to a physical safety gap, not merely a zoning classification gap.

State legislative responses. Several states have pursued legislation as a complement or alternative to local moratoria. **Massachusetts** H.B. 4690 proposed an 18-month statewide BESS moratorium. The Massachusetts Department of Energy Resources published a model BESS bylaw that offers local governments an off-the-shelf regulatory framework, potentially reducing the need for moratoria by closing the safety standards gap proactively. The American Clean Power Association published a model ordinance for utility-scale BESS in 2024, and the University of Michigan Graham Sustainability Institute released a BESS guide for **Michigan** local governments in the same year (American Clean Power Association 2024; Graham Sustainability Institute 2024; Massachusetts Department of Energy Resources 2025).

3.5 Cross-Sector Patterns and Triggers

Comparing moratoria across all four sectors reveals common structural patterns alongside sector-specific variations. This subsection identifies the triggers, shared characteristics, and distinguishing features of infrastructure moratoria as a class.

Four primary triggers. My analysis identifies four recurring triggers that prompt moratorium adoption across sectors.

1. **Regulatory gap.** The most common trigger: existing zoning codes do not define, classify, or set performance standards for the proposed infrastructure use. Among the 348 instruments in my structured extraction dataset, 39.8 percent cite a regulatory gap as a primary finding. This trigger dominates data center moratoria, where local codes written decades ago contain no provisions for 100 MW computing facilities.
2. **Rapid development pressure.** A surge of applications or inquiries overwhelms local planning capacity. This trigger is closely related to the regulatory gap but emphasizes pace rather than the absence of regulations. **Michigan**'s moratorium wave illustrates the pattern: at least 16 potential data center sites emerged in 10 counties within a few months, far outstripping the pace at which individual townships could develop responsive regulations.
3. **Safety incident.** A specific event, typically a fire, explosion, or structural failure, demonstrates the inadequacy of existing safety codes. This trigger is dominant in BESS moratoria and absent in data

center moratoria. The Moss Landing fire is the defining example: within weeks of the January 2025 incident, multiple **California** and **New York** jurisdictions adopted emergency moratorium measures.

4. **Federal policy action.** Federal executive orders, regulatory changes, or legislative proposals create uncertainty about the permitting framework for a class of infrastructure. The January 2025 federal wind energy executive action illustrates this trigger. Federal policy shifts can also accelerate local development pressure by channeling investment toward states with favorable regulatory environments, indirectly triggering local moratoria in those receiving states.

Most moratoria reflect more than one trigger. A community may face both a regulatory gap and rapid development pressure simultaneously, or a safety incident may expose a pre-existing regulatory gap. The four-trigger framework is analytical, not mutually exclusive.

Shared characteristics. Several features recur across sectors. First, moratoria are a **local-first** phenomenon. The vast majority of instruments in my inventory originate at the county, township, or municipal level rather than the state level. State-level moratoria exist (**New York**'s crypto mining moratorium and the proposed **Georgia** and **California** bills), but they are the exception. The moratorium impulse arises from the communities that will host the infrastructure, not from distant legislatures.

Second, moratorium adoption is **bipartisan**. My inventory spans states governed by both parties and communities with diverse political orientations. In **Michigan**, moratorium sponsors include both Democratic and Republican local officials. In **Georgia**, bills addressing data center moratoria have bipartisan cosponsorship. The common thread is not ideology but the experience of confronting a large-scale industrial land use for which existing regulations are inadequate.

Third, moratoria function as a **regulatory catch-up mechanism**. The instruments themselves make this clear: 64.3 percent of moratoria in my extraction dataset include a finding of **study intent**—an express statement that the moratorium period will be used to study the regulated use and develop permanent standards. Moratoria are not, in the main, permanent prohibitions. They are time-limited pauses designed to create space for the planning process that should have preceded the development proposals.

Sector-specific variations. Despite these commonalities, the substantive concerns motivating moratoria vary significantly by sector.

Data centers generate concerns about electricity consumption and grid capacity, water demand for cooling systems, continuous noise from mechanical equipment and backup generators, ratepayer cost-shifting, and the disparity between public subsidy and permanent employment. The governing bodies that adopt data center moratoria are typically responding to a bundle of these concerns, not a single issue.

Battery energy storage moratoria focus almost exclusively on fire safety. The concerns (thermal runaway, toxic gas emissions, explosion risk, inadequate first-responder training and equipment) are qualitatively different from the land-use and resource-consumption concerns driving data center moratoria. BESS moratoria tend to have shorter durations and more focused findings, reflecting the targeted nature of the safety gap they seek to address.

Solar energy restrictions center on farmland preservation and visual impact. The conversion of prime agricultural land to solar arrays raises food security and rural character concerns, particularly in the Midwest. Decommissioning, ensuring that solar installations are removed and sites restored at the end of their useful life, is a recurring concern that does not arise in the data center context.

Wind energy restrictions emphasize physical hazards (shadow flicker, blade throw, ice throw, noise) and wildlife impacts (avian and bat mortality). These concerns have generated setback requirements that, when set at extreme distances, function as de facto bans without the procedural protections or time limits that formal moratoria require (Iowa Environmental Council 2019).

Implications for policy. The cross-sector comparison yields a practical insight for policymakers. Although the underlying concerns differ by sector, the regulatory tool, the temporary moratorium, is structurally identical across all four sectors. A moratorium on data centers and a moratorium on battery storage facilities follow the same legal framework, contain the same universal clauses, and face the same constitutional constraints. This structural similarity is what makes a cross-sector model moratorium framework possible, a task I take up in Section 7.

The comparison also reveals an important asymmetry. Data center moratoria are a recent phenomenon (virtually none existed before 2022), while solar and wind restrictions have accumulated over more than a decade. The data center moratorium wave may therefore offer a preview of the trajectory that renewable energy restrictions followed: from scattered local actions to widespread adoption to eventual state-level legislative response. Whether that trajectory leads to better regulation or to permanent restriction depends on whether communities use the moratorium period to plan or merely to delay—a question I examine in Section 6.

4 State Legal Authority for Moratoria

Whether a local government may lawfully impose a development moratorium depends on the legal authority its state provides. The fifty states take strikingly different approaches to this question. At one end, **Wisconsin** defines "development moratorium" by statute, prescribes duration limits, and specifies procedural steps (Wis. Stat. § 66.1002). At the other, the highest courts of **Pennsylvania** and **Virginia** have held that local governments may not enact development moratoria at all. Between these poles, most states leave the question to implied police power, home rule provisions, and case law—creating legal uncertainty that shapes how local officials respond to large-scale infrastructure proposals.

This section surveys the legal authority available to local governments across the states. I organize the analysis into five categories: states with express moratorium statutes (Section 4.1), states that rely on implied authority (Section 4.2), and states that restrict or prohibit moratoria (Section 4.3). I also address common duration limits and procedural requirements (Section 4.4) and the tension between state preemption and local control (Section 4.5). The goal is a reference that a local government attorney can consult to determine the governing legal framework in a given jurisdiction.

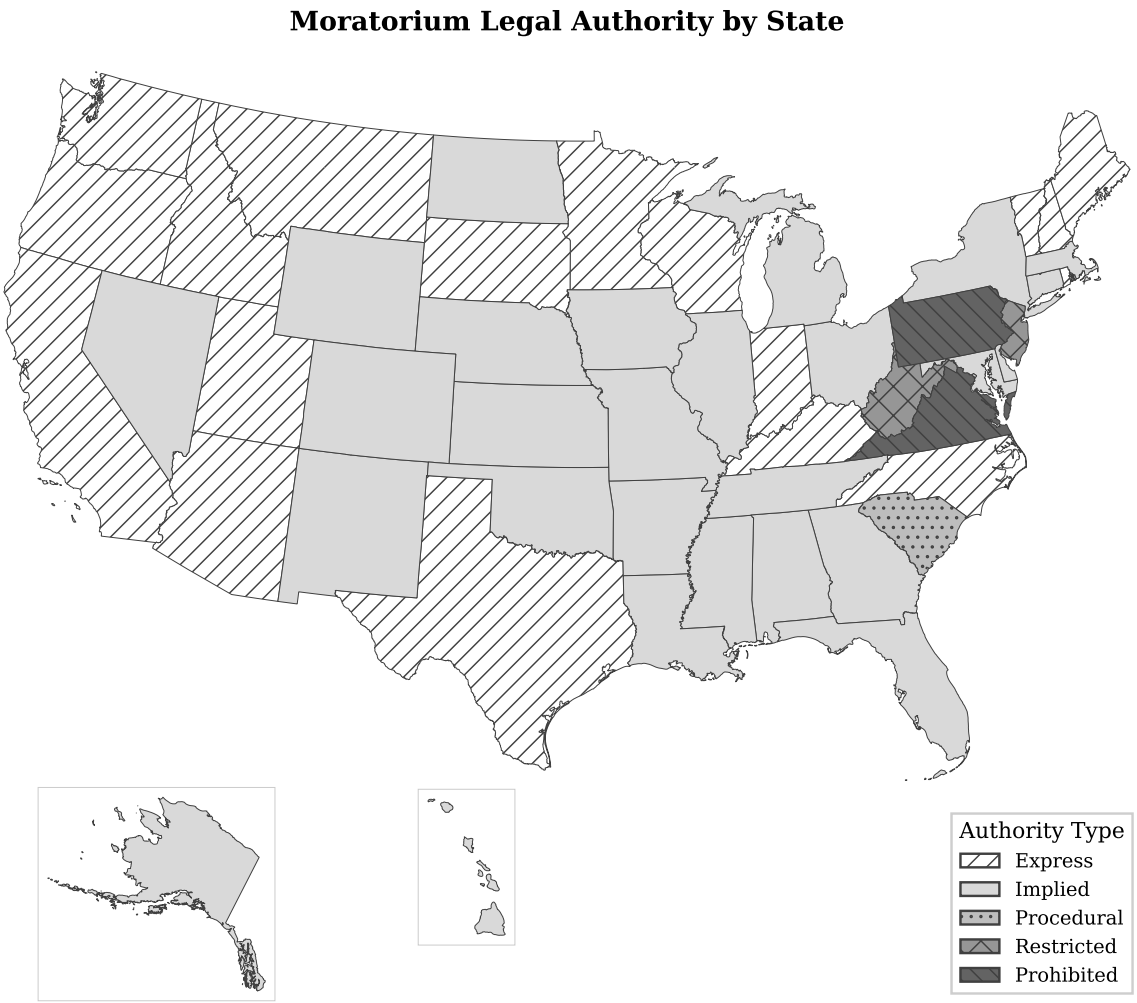


Figure 7: State moratorium legal authority classification. States with express moratorium statutes (diagonal hatching) provide the clearest legal framework. Implied-authority states (light gray) rely on general police power or home rule provisions. Procedural states (dotted) condition authority on compliance with specific requirements. Two states restrict moratorium authority (crosshatched), and two—Pennsylvania and Virginia—prohibit it entirely (solid dark).

4.1 States with Express Moratorium Statutes

At least thirteen states have enacted statutes that expressly authorize, define, and regulate local development moratoria. These statutes vary in scope and specificity, but they share a common function: providing a statutory safe harbor that reduces the legal risk of local moratorium adoption. I divide them into two groups based on the detail of their frameworks.

Comprehensive Statutes

Six states provide detailed frameworks that define the term "moratorium" or "interim ordinance," set maximum durations, and specify procedural prerequisites.

Wisconsin offers the most prescriptive model. Wis. Stat. § 66.1002 defines **development moratorium** and limits the initial term to twelve months with a single six-month extension (Wis. Stat. § 66.1002). The statute requires at least one public hearing and mandates that the enacting ordinance describe the problem giving rise to the moratorium. The ordinance must also tie to a comprehensive plan or its preparation. A distinctive restriction bars county boards from using the development moratorium statute, though counties retain residual authority for non-development moratoria. **Madison**'s city council invoked this statute in January 2026 when it unanimously passed a one-year moratorium on data center approvals—the first such action by a major **Wisconsin** city.

Minnesota authorizes **interim ordinances** under Minn. Stat. § 462.355 (Minn. Stat. § 462.355). The initial term is twelve months. Extensions of up to eighteen months may bring the total to approximately thirty months, with an additional 120-day extension available when a required planning process has not concluded. The municipality must have adopted, or be preparing, a comprehensive plan. During an interim ordinance, the state's sixty-day deemed-approval deadline for zoning requests is suspended.

Oregon takes a corrective-program approach. ORS 197.520 requires written findings, notice to the state Department of Land Conservation and Development (DLCD) at least forty-five days before the final hearing, and provides two distinct tracks (ORS 197.520). For moratoria based on public facilities shortages (subsection (2)), the locality must adopt a corrective program within sixty days; the initial term runs six months from adoption of that program, with up to three six-month extensions, for an absolute maximum of two years. For moratoria based on "compelling need" on urban land (subsection (3)(a)), the initial term is 120 days, with renewable six-month extensions requiring a public hearing and findings at each renewal. The Oregon Land Use Board of Appeals has interpreted the justification standard strictly. In *Kovash v. Columbia County* (2015), the Board held that administrative convenience does not satisfy the "compelling need" requirement for non-urban land.

California requires a four-fifths **supermajority** of the legislative body to adopt an **interim ordinance** under Cal. Gov't Code § 65858 (Cal. Gov't Code § 65858). The initial term is forty-five days. Extensions may bring the aggregate period to two years, but the statute may be invoked only once per two-year cycle. Written findings must establish a "current and immediate threat to the public health, safety, or welfare." Courts construe this standard narrowly. In *California Charter Schools Ass'n v. City of Huntington Park* (2019), the Court of Appeal held that pre-application inquiries and meetings with city staff do not constitute such a threat.

North Carolina enacted N.C.G.S. § 160D-107 as part of its Chapter 160D consolidation (N.C.G.S. § 160D-107). The statute establishes a four-element framework. Any moratorium ordinance must include a statement of the problems necessitating the moratorium and what alternative courses of action were considered. It must also explain why those alternatives were inadequate and set a reasonable duration in light of the specific conditions. Short-term moratoria (sixty days or less) require a legislative hearing with seven days' published notice. Longer moratoria trigger the full notice and hearing requirements of G.S. 160D-601. The statute exempts projects with outstanding building permits, accepted special use permit applications, and vested development plans (Owens 2023; Lovelady 2023). Aggrieved persons may seek expedited judicial review.

Maine authorizes moratoria under 30-A M.R.S. § 4356 (30-A M.R.S. § 4356). The statute defines "moratorium" as an ordinance that "temporarily defers all development, or a type of development, by withholding any permit, authorization or approval." The initial term is 180 days. The term is renewable in 180-day increments if the municipality finds that the underlying problem persists and that reasonable progress is being made. Grounds for adoption are limited to two: preventing a shortage of public facilities or addressing inadequate existing regulations. In *Home Builders Ass'n of Maine v. Town of Eliot* (2000), the Supreme Judicial Court clarified that Section 4356 applies to any ordinance that effectively halts development of a particular type, regardless of its label.

Limited Statutes

Seven additional states authorize moratoria by statute but with less procedural detail.

Washington provides parallel statutes for different municipality types: RCW 35.63.200 (non-code cities), RCW 35A.63.220 (code cities), and RCW 36.70A.390 (jurisdictions under the Growth Management Act). The initial term is six months. Development of a work plan for related studies extends the period to one year. Renewals in six-month increments require a subsequent public hearing and new findings of fact before each renewal. Unlike **Oregon**, **Washington** sets no absolute maximum (*Moratoria, Interim Zoning Controls* 2024).

Indiana enacted IC 36-7-4-1109.5 in 2025, making it the newest state moratorium statute (IC 36-7-4-1109.5). The law establishes a procedural framework that requires adoption by ordinance, a public hearing, and written findings. It prohibits retroactive application to permits or applications submitted before the moratorium takes effect. At least five **Indiana** counties—**Marshall County**, **Fulton County**, **Starke County**, **White County**, and **Putnam County**—have enacted data center moratoria with durations ranging from six months to two years.

New Hampshire authorizes temporary moratoria under RSA 674:23 upon recommendation of the planning board. The statute requires "unusual circumstances that affect the ability of the municipality to provide adequate services" and caps the term at one year. Extensions require new circumstances not present at the time of the initial ordinance. The statute contains an **anti-circumvention provision**. It "shall not be used to circumvent a municipality's need for a growth management ordinance." SB 163 (2025) would repeal RSA 674:23 entirely, reflecting tension between local control and state housing policy (*Temporary Moratoria and Limitations on Building Permits and the Approval of Subdivisions and Site Plans* 2024).

Rhode Island provides the most tightly constrained authorization. R.I. Gen. Laws § 45-22.2-13 permits a one-time moratorium of no more than 120 days with a single ninety-day extension. This is the shortest statutory term. The moratorium must protect planned future land uses identified in a newly adopted comprehensive plan. The municipality must notify affected property owners by first-class mail at least fourteen days before the hearing. A **vesting provision** is required, protecting all substantially complete applications filed before enactment (*Compliance and Implementation* 2024).

Vermont authorizes **interim bylaws** under 24 V.S.A. § 4415. The term is two years, the longest among express moratorium statutes. Interim bylaws may be adopted as an emergency measure after a public hearing and may be reenacted. A distinctive feature is the **conditional use provision**: uses not permitted by the interim bylaw may be authorized as a conditional use upon application and hearing. This mechanism allows the municipality to make case-by-case exceptions during the moratorium period (*Interim Bylaws* 2024).

Kentucky authorizes **interim zoning** under KRS 100.201 (*Interim and Permanent Land Use Regulations Authorized—Designation and Regulation of Urban Residential Zones* 2024). The term is twelve months, after which interim regulations become void. The statute has a narrow scope: it may be invoked only when the planning commission has already adopted the statement of goals and objectives plus the land use element, and is completing the remaining elements of a comprehensive plan.

South Dakota authorizes **emergency temporary zoning** under SDCL 11-2-10 (counties) and SDCL 11-4-3.1 (municipalities) (*Temporary Zoning Controls (County and Municipal)* 2024). The initial term is one year, renewable once for an additional year, with an absolute maximum of two years. Both statutes require at least one public hearing with ten days' published notice.

Five additional states have statutory provisions that authorize interim zoning controls or reference moratorium procedures. These states are **Arizona**, **Idaho**, **Montana**, **Texas**, and **Utah**. They do not establish the comprehensive procedural frameworks found in the thirteen states discussed above, but they provide express statutory authority that reduces the legal risk of moratorium adoption. In total, at least eighteen states provide some form of express statutory authorization for local development moratoria. Appendix B details each state's statutory provisions.

4.2 States with Implied Authority

The majority of states lack an express moratorium statute. In these jurisdictions, local governments derive moratorium authority from three overlapping sources: constitutional home rule, general police power delegated through zoning enabling acts, and case law. The legal risk is higher because no statutory safe harbor protects against judicial challenge.

Home Rule Authority

States with strong constitutional home rule provisions give municipalities broad authority over "local self-government," which courts have interpreted to include temporary land use restrictions. **Ohio** exemplifies this approach. Article XVIII, Section 3 of the Ohio Constitution grants municipalities "all powers of local self-government" and the authority to adopt "local police, sanitary and other similar regulations."

Municipal corporations exercise moratorium authority under ORC Chapter 713 and home rule. Townships operate under the narrower ORC Chapter 519 (Juergensmeyer et al. 2023). No **Ohio** appellate court has directly addressed moratorium validity, but local governments have relied on home rule to enact data center moratoria in multiple communities, including **Jerome Township**, **Washington Township**, and **Lordstown**.

Michigan presents a cautionary case. The state's constitution provides home rule authority, but no statute expressly authorizes moratoria. Section 201 of the Michigan Zoning Enabling Act grants authority to "provide by zoning ordinance for the regulation of land development," but the term "moratorium" appears nowhere in the act (*Michigan Zoning Enabling Act* 2006). Michigan State University Extension advises that local governments should "never enact a moratorium without involvement of corporate attorney experienced in municipal and land use law" (Neumann 2025b; Neumann 2025a). No **Michigan** appellate court has upheld a moratorium longer than six months. Yet despite this legal uncertainty, at least 34 **Michigan** communities have paused data center approvals since 2024—the second-highest count of any state.

General Police Power

Other states ground moratorium authority in the general police power delegated through zoning enabling acts. **Georgia** relies on Ga. Code § 36-66-1 et seq. (Zoning Procedures Law) and general police power. There is no express moratorium statute. Courts evaluate moratoria under a reasonableness standard, asking whether the public interest requires the protection and whether the moratorium is "not unduly oppressive upon individuals." A moratorium cannot defeat vested property rights. If a permit application was filed before enactment, vested rights may have attached. Despite this limited framework, at least 24 **Georgia** counties and cities passed data center moratoria between March 2025 and April 2026. **DeKalb County** extended its moratorium through June 2026, and the city of **Atlanta** prohibited data centers within its Beltline overlay district.

Illinois derives authority from 65 ILCS 5/11-13-1, which delegates broad zoning power to municipalities. No statutory duration limit exists. **Iowa** relies on Chapters 414 (city zoning) and 335 (county zoning), supplemented by constitutional home rule. **Iowa**'s Chapter 368.4 authorizes annexation moratoria specifically, but general development moratoria rest on implied authority. Counties have used this authority extensively: 58 of **Iowa**'s 99 counties have adopted rules restricting wind power development, and **Johnson County** and **Clarke County** imposed data center moratoria in 2025.

Case Law Validation

In several states, appellate courts have confirmed implied moratorium authority through specific holdings.

In **Connecticut**, the Supreme Court decided *Arnold Bernhard & Co. v. Planning and Zoning Commission of Town of Westport* (*Arnold Bernhard and Co., Inc. v. Planning and Zoning Commission of Town of Westport* 1984), holding that planning and zoning commissions have authority to adopt temporary moratoria under their broad statutory zoning powers. The trial court had ruled that municipalities lacked this power because the zoning law was "silent about moratoria," but the Supreme Court disagreed. A distinctive feature of

Connecticut law is that under the Standard Zoning Enabling Act, only the zoning commission—not the legislative body—may impose a moratorium.

In **New York**, the Supreme Court recognized "stop-gap" moratorium authority in *Hasco Electric Corp. v. Dassler* (*Hasco Electric Corp. v. Dassler* 1955). The court held that local legislative bodies have "authority to enact reasonable stop-gap or interim legislation prohibiting the commencement of construction for a reasonable time." The New York Department of State provides extensive guidance on proper moratorium procedure, emphasizing a strong written record, a clearly defined duration, and a reasonable waiver process (New York Department of State 2013).

In **Massachusetts**, the Supreme Judicial Court held in *Haven Center, Inc. v. Town of Bourne* (2022) that a ban on recreational marijuana establishments was not a "zoning bylaw" under Chapter 40A. Because the measure was not a comprehensive zoning scheme, it was not subject to zoning bylaw procedural requirements. This holding creates a permissive framework for interim measures that fall short of comprehensive land use regulation.

In **Michigan**, *Central Advertising Co. v. St. Joseph Township* (*Central Advertising Co. v. St. Joseph Township* 1983) recognized that moratoria "may be permissible under certain circumstances." Earlier, in *BPA II v. Harrison Township* (1977), the Court of Appeals found it "not legally offensive" for a township to declare a "brief moratorium on all sewer connections." These holdings establish a narrow implied authority. Practitioners and commentators have noted that **Michigan** appellate courts have not upheld moratoria exceeding six months, suggesting a practical ceiling on duration (Neumann 2025b).

The Reasonableness Standard

Across all implied-authority states, courts evaluate moratoria under a **reasonableness standard**. The standard considers four factors: (1) whether the moratorium serves a legitimate public purpose, (2) whether its duration is reasonable, (3) whether its geographic and substantive scope is proportional to the identified problem, and (4) whether the government is pursuing the planning objective in good faith (Mandelker and Wolf 2015; Salkin and Nolon 2021). The absence of a statutory safe harbor means that each moratorium is subject to case-by-case judicial review. This uncertainty discourages some jurisdictions from acting and encourages others to adopt conservative durations and thorough written findings.

4.3 States with Restrictions or Prohibitions

A small number of states actively restrict or prohibit local moratorium authority. These restrictions take four forms: categorical judicial prohibition, statutory near-prohibition, statutory property rights against moratoria, and sector-specific preemption. A fifth category, which I label **Procedural**, addresses moratorium procedures without expressly authorizing or prohibiting moratoria. **South Carolina**, the only state in this category, requires ordinance form and a minimum of two readings one week apart (Appendix B).

Pennsylvania and Virginia: Categorical Prohibition

Two states' highest courts have held that local governments lack moratorium authority. **Pennsylvania** is the most emphatic. In *Naylor v. Township of Hellam* (2001), the Pennsylvania Supreme Court held that

the Municipalities Planning Code (MPC) (53 P.S. § 10101 et seq.) does not authorize municipalities to enact development moratoria while revising their zoning ordinances (*Naylor v. Township of Hellam* 2001). The MPC's only reference to moratoria is a provision extending approved development timelines when an external moratorium (imposed by a utility, another agency, or a court) affects a previously approved project. **Pennsylvania** municipalities that wish to temporarily pause development must rely on indirect mechanisms such as denying permits for inadequate public facilities—but they cannot impose blanket moratoria.

Virginia's Supreme Court reached a similar result through Dillon's Rule analysis. In *Board of Supervisors of Fairfax County v. Horne* (1975), the court held that there was "no express or implied authority" for a moratorium on the filing of site plans and preliminary subdivision plats (*Board of Supervisors of Fairfax County v. Horne* 1975). In *Matthews v. Board of Zoning Appeals of Greene County* (1977), the court distinguished *Horne* but invalidated Greene County's interim zoning ordinance as arbitrary and unreasonable single-district zoning (*Matthews v. Board of Zoning Appeals of Greene County* 1977). **Virginia**'s prohibition on true moratoria rests on Dillon's Rule: the General Assembly has not granted moratorium authority, and therefore localities do not possess it. The General Assembly could authorize moratoria by statute, but has not done so—except to expressly *prohibit* moratoria on wireless infrastructure under Va. Code § 15.2-2316.5.

New Jersey: Statutory Near-Prohibition

New Jersey imposes a near-total statutory prohibition on moratoria. N.J.S.A. 40:55D-90 provides that "no moratoria on applications for development or interim zoning ordinances shall be permitted" except in two narrow circumstances. The first is a "clear imminent danger to the health" of inhabitants, certified by written opinion of a qualified health professional, for a maximum of six months. The second is a timed-growth ordinance under § 40:55D-89. Section 90(b) further establishes a **substantive property right** to develop free from an "illegal development moratorium." In a 2022 decision, the Appellate Division held that a municipality's denial of sewer capacity constituted an illegal de facto moratorium. The denial, without properly exercising the discretion required by the sewer allocation ordinance, violated this property right. The Municipal Land Use Law framework leaves municipalities virtually no room for general development moratoria.

West Virginia: Sector-Specific Preemption

West Virginia illustrates the most recent form of restriction: sector-specific preemption that strips local moratorium authority for a particular industry. HB 2014, the Power Generation and Consumption Act, was signed in April 2025 and took effect in July 2025. The law declares the legislature's intent to "occupy the whole field" of the regulation of certified high-impact data centers and certified microgrid districts. It expressly prohibits counties and municipalities from "enacting, adopting, implementing, or enforcing" any ordinance that limits the "creation, development, or operation" of certified projects. The preemption extends to zoning ordinances, building permits, inspections, code enforcement, noise regulations, and lighting restrictions (*Power Generation and Consumption Act* 2025).

HB 2014 is notable for what it omits. It strips local regulatory authority without establishing comprehensive state-level environmental, noise, water, or community engagement standards. This **vacuum preemption**

removes local authority without substituting state-level oversight. This provoked significant community opposition. By late 2025, some **West Virginia** legislators announced plans to introduce legislation restoring local control in the 2026 session.

4.4 Duration Limits and Procedural Requirements

Duration Ranges

The statutory duration limits across express-statute states range from forty-five days to two years. Table 2 summarizes the key parameters.

Table 2: Express moratorium statutes: duration and procedural comparison.

State	Citation	Initial Term	Maximum	Key Procedural Requirement
California	Gov't Code § 65858	45 days	2 years agg.	4/5 supermajority; urgency finding
North Carolina	G.S. 160D-107	Reasonable	Reasonable	Four-element statement; ≤60 days: simplified notice
Arizona	A.R.S. § 9-463.06	120 days	No cap	Written findings; 30-day notice; judicial review
Rhode Island	§ 45-22.2-13	120 days / 12 months	15 months	Three tracks; vesting provision; owner notice
Oregon	ORS 197.520	120 days / 6 months	2 years	DLCD notice; two tracks
Washington	RCW 35.63.200 et al.	6 months	No cap	Hearing within 60 days; findings
Maine	30-A M.R.S. § 4356	180 days	No cap	Public facility or regulatory gap
South Dakota	SDCL 11-2-10	1 year	2 years	Emergency measure; public hearing
Kentucky	KRS 100.201	12 months	12 months	Comp plan prerequisite; interim only
Minnesota	§ 462.355	12 months	30 months+	Comp plan linkage
New Hampshire	RSA 674:23	12 months	12 months	"Unusual circumstances"; board recommendation
Wisconsin	§ 66.1002	12 months	18 months	Problem statement; comp plan linkage
Indiana	IC 36-7-4-1109.5	1 year	1 year	Sector-specific (electricity generation); no renewal
Vermont	24 V.S.A. § 4415	2 years	Reenactable	Emergency measure; conditional use

Source: Author's compilation from state statutes. "No cap" indicates renewable terms with no absolute maximum. Table includes Arizona (from the broader set of eighteen states with express statutory provisions) because it specifies duration parameters comparable to the thirteen comprehensive statutes. Indiana's statute is sector-specific, applying only to electricity-generation projects.

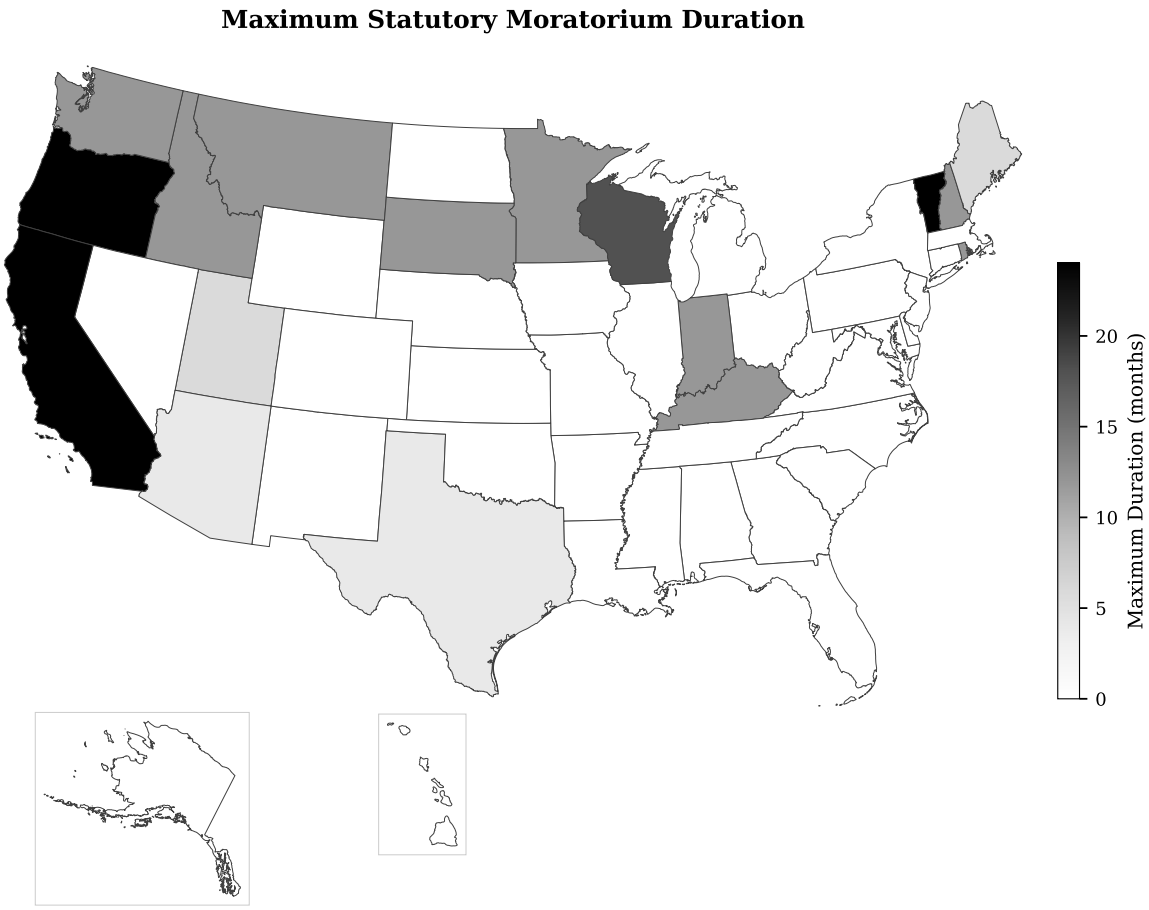


Figure 8: Maximum statutory moratorium duration by state. Only states with express moratorium statutes that specify duration limits are shaded. Darker shading indicates longer maximum terms. The majority of states (white or light gray) lack express statutes and impose no fixed durational ceiling, leaving duration to judicial reasonableness review.

Several patterns emerge from this comparison. Western states (**California**, **Oregon**) tend to impose shorter initial terms with strict justification requirements. New England states (**Vermont**, **Maine**) permit longer terms but require demonstrated progress toward solving the underlying problem. Midwestern states (**Wisconsin**, **Minnesota**) anchor the moratorium to the comprehensive planning process.

In states without express statutes, no fixed ceiling applies. Courts apply the reasonableness standard described in Section 4.2. **Michigan** case law suggests a practical maximum of six months, but other implied-authority states (**Georgia**, **Ohio**, **Illinois**) have no published durational limit. The absence of a statutory ceiling does not mean that unlimited duration is permissible—it means that each moratorium's duration will be evaluated individually against the circumstances that justified it.

Procedural Requirements

Procedural requirements cluster around six elements that appear in varying combinations across the states.

Ordinance versus resolution. Most states require adoption by ordinance rather than resolution. An ordinance carries the force of law and typically requires multiple readings and publication. A resolution is a less formal expression of legislative intent. Michigan State University Extension specifically warns against adoption by resolution, which may not survive judicial challenge (Neumann 2025b).

Public hearing. Every express moratorium statute requires at least one public hearing. **Washington** permits adoption before the hearing but requires the hearing within sixty days. **North Carolina** distinguishes between short-term moratoria (seven days' published notice) and long-term moratoria (full notice procedures).

Notice. Notice requirements range from general newspaper publication (**North Carolina**, **Iowa**) to first-class mail to affected property owners (**Rhode Island**). **Oregon** requires written notice to the state Department of Land Conservation and Development at least forty-five days before the final hearing—a unique state-agency notification requirement.

Findings of fact. Written findings supporting the moratorium are required in **California**, **Oregon**, **Washington**, **North Carolina**, and **Maine**. In implied-authority states, findings are not statutorily required but are generally advisable as a defense against takings or due process challenges (Mandelker and Wolf 2015).

Comprehensive plan linkage. **Wisconsin** and **Minnesota** require the moratorium to connect to a comprehensive plan or an active planning process. **Oregon**'s corrective-program requirement serves a similar function. This linkage ensures that the moratorium is not a standalone prohibition but part of a regulatory development process.

Supermajority or special vote. **California** is the only state requiring a supermajority (four-fifths) for adoption. **New Hampshire** requires a planning board recommendation before the legislative body may act. Most other states permit adoption by simple majority of the governing body.

4.5 Preemption vs. Local Control

The legal authority surveyed in the preceding subsections exists within a larger structural tension: the competition between state economic development objectives and local land use authority. This tension has intensified since 2023 as data center investment surged and local resistance grew.

Three Preemption Models

I identify three models through which states have addressed the moratorium-preemption dynamic.

Full preemption strips local authority entirely. **West Virginia**'s HB 2014 is the only enacted example as of April 2026. It exempts certified data center projects from local land use regulation, permitting, and code enforcement—while still requiring compliance with the State Building Code. The breadth of this approach has provoked backlash: environmental groups, local officials, and some legislators have organized to restore local authority.

Conditional preemption preserves local authority only if localities adopt state-compliant ordinances. Michigan's PA 233 of 2023 (for renewable energy siting, not data centers) provides the structural template. Under this model, local governments retain siting authority if they adopt a "Compatible Renewable Energy Ordinance" meeting state standards. If they fail to do so, the Michigan Public Service Commission may approve facilities directly. **Michigan** is not alone. At least 20 states have enacted solar siting preemption statutes since 2022. These range from state siting board override of "unreasonably restrictive" local ordinances (**New York**, **Connecticut**, **Maryland**) to mandatory state standards for counties without local ordinances (**South Carolina**, **Illinois**). **Illinois** went furthest, expressly banning local moratoria and prohibitions on commercial solar and wind in agricultural and industrial districts (55 ILCS 5/5-12020, eff. 2023). No state has yet applied the conditional preemption model to data centers.

Incentive-linked preemption uses tax incentives to shape local behavior without express preemption. Michigan's PA 181 of 2024 extended data center tax exemptions through 2050 for developers investing at least $250 million and employing at least thirty workers. The incentive does not override local zoning, but the magnitude of the tax benefit creates political pressure on local governments to accommodate development.

A fourth pattern has emerged since 2022 in the cryptocurrency mining context: **sector-specific use preemption**. At least five states have enacted statutes expressly preempting local regulation of digital asset mining. These are **Arkansas** (Ark. Code § 14-1-604, 2023), **Montana** (MCA § 76-2-1003, 2023), **Oklahoma** (75A O.S. § 102, 2024), **Utah** (Utah Code § 10-20-624, 2025), and **Arizona** (A.R.S. § 9-500.42, 2025). These laws typically prohibit localities from imposing requirements on crypto mining operations that are not also applied to data centers generally, from banning mining in industrial zones, and from enacting discriminatory noise or utility regulations. Several also protect residential blockchain node operation. The **Arkansas** experience is cautionary: the state's 2023 preemption provoked community backlash over noise and nuisance, leading to 2024 amendments that partially restored local authority—which were in turn enjoined by a federal court.

Renewable energy preemption is also expanding. Beyond the **Illinois** and **Ohio** provisions discussed above, several states preempt local moratoria on specific energy technologies. **Nevada** prohibits local restrictions on wind energy systems (NRS 278.0208). **Wisconsin** preempts local moratoria on wind energy. **Vermont** grants the Public Utility Commission exclusive siting jurisdiction over energy generation and transmission facilities, effectively preempting local moratoria on covered energy projects (30 V.S.A. § 248). These provisions operate alongside the sector-specific use preemption laws described above, creating a patchwork of state-level constraints on local moratorium authority (Appendix B).

The Dillon's Rule Constraint

In **Dillon's Rule** states, local governments possess only those powers expressly granted by the state, those necessarily implied, and those essential to municipal purposes (Juergensmeyer et al. 2023). This principle can operate as a categorical bar on moratorium authority. **Virginia** provides the leading example. In *Board of Supervisors of Fairfax County v. Horne* (*Board of Supervisors of Fairfax County v. Horne* 1975), the Supreme Court of **Virginia** struck down Fairfax County's 1974 emergency moratorium on the filing of site plans and preliminary subdivision plats. The court held that there was "no express or implied authority" for

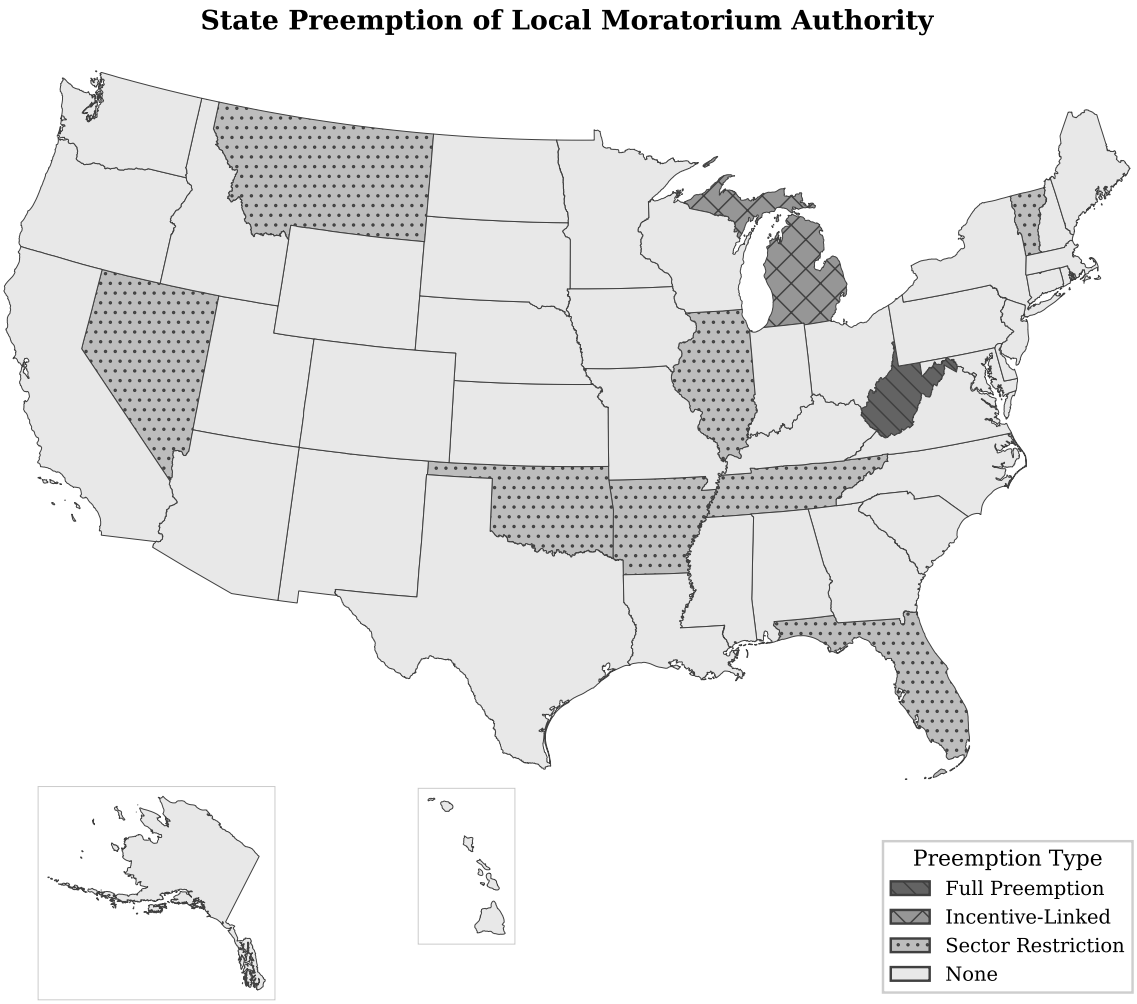


Figure 9: State preemption of local moratorium authority. Full preemption (solid dark) strips local authority entirely; **West Virginia** is the only enacted example. Incentive-linked preemption (crosshatched) uses tax benefits to shape local behavior. Sector-specific restrictions (dotted) preempt local regulation for particular industries (e.g., cryptocurrency mining, renewable energy). The majority of states (light gray) have not enacted preemption measures affecting moratorium authority.

such an ordinance under the zoning enabling legislation. *Matthews v. Board of Zoning Appeals of Greene County* (*Matthews v. Board of Zoning Appeals of Greene County* 1977) distinguished *Horne* but invalidated an interim zoning ordinance as arbitrary single-district zoning. Together, these decisions establish that **Virginia** localities lack moratorium authority—not merely that such authority is constrained. When Loudoun County confronted the data center surge in 2024, it could not impose a moratorium; it instead pursued the slower route of eliminating by-right zoning through a text amendment, a process that took over a year. In strict Dillon's Rule states, the absence of express moratorium authorization is a prohibition, not merely a constraint.

By contrast, states that grant broad local authority—whether through constitutional home rule, statutory grants, or both—produce the conditions for moratorium activity. **Ohio**'s home rule cities act under Article XVIII, Section 3 of the Ohio Constitution, while its townships operate under more constrained statutory frameworks. **Michigan** is a hybrid: cities and villages hold constitutional home rule under Article VII, Section 22, but townships are governed by Dillon's Rule and derive moratorium authority from the Michigan Zoning Enabling Act (MCL 125.3404) (*Casco Township v. E. Brame Trucking Co.* 1971; *Hess v. Cannon Township* 2005; *Michigan Zoning Enabling Act* 2006). **Georgia** is similarly hybrid, with home rule granted by Article IX of the Georgia Constitution but Dillon's Rule applying in some contexts. This structural variation explains why local moratoria have concentrated in states with broad local authority—**Georgia**'s 24 data center moratoria, **Michigan**'s 34 community pauses, and **Ohio**'s 35 moratoria all originate in jurisdictions where some form of local regulatory power supports the action, even if the specific legal basis differs between cities and townships.

The Incentive–Restriction Paradox

A striking finding from my survey is the number of states that simultaneously offer generous data center tax incentives and host active local moratoria. I identify at least two states in the "high incentive, high restriction" category: **Alabama** and **Michigan**. **Michigan**'s example is the starkest: the state extended tax exemptions through 2050 in December 2024 while at least 34 communities imposed data center moratoria in roughly the year and a half that followed.

This paradox reflects the institutional structure of American land use governance. State incentives are enacted through tax code changes with multi-decade durations, optimized for capital attraction. Local moratoria emerge through zoning ordinances, optimized for managing externalities—noise, water consumption, grid strain, and land conversion. The two instruments operate at different levels of government, serve different constituencies, and respond to different political pressures. The result is not policy incoherence but **institutional layering**: state policy attracts investment while local policy manages its consequences.

The Moratorium as Bargaining Tool

From the local perspective, a moratorium is not merely a prohibition. It is a bargaining tool. Local governments use the moratorium period to negotiate **community benefit agreements** (CBAs), adopt performance standards, and extract commitments on noise, water, and visual screening that developers might not otherwise offer. **Howell Township**, **Michigan** provides an example: after the township enacted a six-month moratorium on data center construction, the billion-dollar project proposal was withdrawn

entirely. In other cases, developers have agreed to enhanced setbacks, noise limits, and infrastructure contributions as conditions for post-moratorium approval.

This bargaining dynamic complicates the preemption debate. If states strip local moratorium authority, as **West Virginia** has done, they also eliminate the tool that local governments use to negotiate project-specific conditions. The result may be projects that proceed faster but generate greater community opposition, leading to political backlash that ultimately undermines state economic development goals. The 2025–2026 legislative response in **West Virginia**, where lawmakers have moved to restore local authority, suggests that full preemption without adequate substitute protections may be politically unsustainable.

The legal authority framework for moratoria is thus defined by two intersecting axes: the degree of express statutory authorization (from comprehensive statutes to categorical prohibition) and the degree of state preemption (from full local control to complete field preemption). Where a given jurisdiction falls on these axes determines the legal tools available to local officials, the procedural steps they must follow, and the litigation risk they face. Appendix B provides a state-by-state reference table covering all fifty states.

5 Anatomy of a Moratorium

A moratorium is not a single legal act but a collection of interlocking clauses. Some clauses appear in nearly every instrument I reviewed; others surface only in specific sectors or sophisticated jurisdictions. This Section presents a five-tier **clause taxonomy** derived from analysis of 348 moratorium instruments and asks the practitioner's central question: *What should my moratorium contain?* The five tiers are: Tier 1, nine universal clause types present in virtually every moratorium; Tier 2, ten common clauses that appear frequently but not universally; Tier 3, twelve sector-specific clauses unique to particular infrastructure types; Tier 4, four definitional approaches; and Tier 5, four instrument forms.

I organize the taxonomy from universal to specialized. Section 5.1 identifies nine clause types that appear across virtually all instruments. Section 5.2 catalogs provisions that strengthen legal defensibility but appear inconsistently. Section 5.3 examines four distinct approaches to defining the regulated use. Section 5.4 addresses exemptions and grandfathering. Section 5.5 synthesizes the empirical prevalence data, highlighting the gap between best practice and observed practice.

5.1 Universal Clauses

Nine clause types appear with sufficient regularity that their absence from a moratorium instrument is itself analytically significant. I label these U1 through U9. A jurisdiction that omits any of these elements increases its exposure to procedural and constitutional challenge.

U1: Title and Caption. The formal heading identifies the instrument type (ordinance, resolution, or motion), the temporary nature of the restriction, the regulated use, and the adopting jurisdiction. The title also serves as the legally required public notice in states with publication requirements. A vague or overly broad title can create enforcement ambiguity. **Ohio** emergency ordinances append "and Declaring

an Emergency" to the caption. **North Carolina** ordinances cite the enabling statute directly—for example, **Chatham County** styles its instrument as an "Ordinance …Pursuant to N.C.G.S. Section 160D-107."

U2: Legal Authority Citation. Every moratorium must be traceable to a valid delegation of power. Failure to cite authority, or citation to the wrong authority, can be grounds for invalidation. The three-category framework surveyed in Section 4 shapes how this citation appears in practice. In express-statute states, the instrument cites the specific enabling provision directly—**North Carolina** ordinances reference G.S. 160D-107, **Oregon** instruments cite ORS 197.520. In home-rule states, ordinances typically recite both the constitutional grant and general police power (Neumann 2025b). In implied-authority states, the legal basis often appears diffused across the recitals rather than as a discrete authority citation—a weaker form that may not survive judicial scrutiny of the instrument's facial validity.

U3: Recitals and Legislative Findings. The preamble, structured as a series of "Whereas" clauses in most jurisdictions, is the single most important element for legal defensibility. Courts reviewing moratoria examine whether the governing body made adequate factual findings, and the quality of those findings directly affects vulnerability to takings claims (*Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency* 2002). Among express-statute states, **North Carolina**'s four-element requirement (Section 4.1) sets the most prescriptive standard, but even jurisdictions in implied-authority states benefit from thorough findings. A moratorium supported by detailed findings and a thorough legislative record is very difficult to overturn; one that lacks findings is vulnerable to immediate invalidation.

I identify six subcategories of findings that appear in my dataset.

Regulatory gap finding (34.5% of instruments). The most common finding states that the existing zoning code does not define, classify, or adequately regulate the target use. For example, **Chatham County**, NC noted that its "Zoning Ordinance does not define cryptocurrency mining, data processing, and other uses associated with data centers as specific uses." **New Orleans** observed that "Data Centers are not included in the existing use classifications within the Comprehensive Zoning Ordinance."

Police power invocation: Virtually every instrument invokes the health, safety, and welfare standard. **DeKalb County**, GA declared its moratorium "in the best interests of the health, safety, and welfare of the citizens." **Lordstown**, OH invoked "the power to enact planning and zoning laws that are for the health, safety, welfare, peace, and comfort of the citizens."

Impact enumeration: Specific concerns the moratorium is intended to address. Table 3 presents the twelve impact categories I identified, led by environmental effects (49.7%), energy and grid capacity (49.1%), and economic or fiscal concerns (39.1%). The level of detail varies widely. New Orleans enumerated "electrical grid capacity and reliability, noise concerns from generators and cooling equipment, air quality, development density, limited street activation, and compatibility with surrounding uses." Other jurisdictions offered only boilerplate references to "health, safety, and welfare" without specifying particular impacts.

Study intent (64.9%): A statement that the governing body intends to use the moratorium period to study the issue and develop appropriate regulations. DeKalb County stated that it "intends to study the effects of data centers on the health, safety, and welfare" and "intends to consider revisions to the Code." Study intent is the most commonly observed findings subcategory.

Emergency or urgency finding (10.6%): A declaration that the moratorium requires immediate effect due to a present threat. The procedural consequences of such a finding vary by state (Sections 4.1 and 4.2): **California**'s urgency track demands a "current and immediate threat" showing, while **Ohio**'s emergency mechanism requires a supermajority but bypasses multi-reading requirements. The finding's substantive content also varies by sector. Data center urgency findings typically cite rapid development pressure, while BESS instruments adopted after the January 2025 Moss Landing fire cite "immediate fire safety concerns" or "recent safety incidents."

Prior action reference: Applicable only to extensions. The instrument references the original moratorium, summarizes work completed during the initial period, and justifies additional time. **North Carolina** prohibits extensions unless "all reasonable and feasible steps" have been taken (N.C.G.S. § 160D-107).

Table 3 reports the distribution of findings detail levels. Only 23.6% of instruments contain detailed findings. The plurality (32.5%) provide moderate detail, while 19.3% offer only minimal findings and 24.7% omit findings entirely. The expansion of the corpus from 98 to 348 instruments reveals that meeting-minute- and motion-form moratoria, more common in the broader sample, frequently omit detailed legislative findings altogether—the "absent findings" share grew from 14.3% to 24.7% as the cohort widened.

Table 3: Legislative Findings: Detail Levels and Impact Categories

(a) Findings Detail Level

Detail Level	Count	%
Moderate	113	32.5%
Minimal	67	19.3%
Detailed	82	23.6%
Absent	86	24.7%
Total	*348*	*100.0%*

(b) Impact Categories Cited in Findings

Impact Category	Count	%
Environmental	173	49.7%
Energy/Grid	171	49.1%
Water Resources	148	42.5%
Land Use Compatibility	146	42.0%
Infrastructure	145	41.7%
Economic/Fiscal	136	39.1%
Public Safety	119	34.2%
Noise	92	26.4%
Air Quality	57	16.4%
Visual/Aesthetic	34	9.8%
Traffic/Transportation	33	9.5%
Property Values	25	7.2%

Note: Based on $n = 348$ structured extractions. Percentages reflect the share of instruments. Multiple impact categories may be cited in the same instrument, so the impact-categories column does not sum to 100%.

U4: Definition of Regulated Use. The formal definition determines the moratorium's scope. An overly narrow definition allows circumvention through creative classification; an overly broad definition may capture unintended activities and increase legal exposure. Because definitional approach is a major analytical dimension, I address it separately in Section 5.3.

U5: Operative Prohibition. The core operative section specifies what government actions are suspended during the moratorium period. This clause must identify both the types of approvals affected and the geographic scope of the restriction.

Among the 348 instruments, the most common approach is to suspend all approvals for the target use (22.1%), followed by building permits (20.7%), site plan approvals (11.5%), special use permits (11.2%), and rezonings (8.6%). Some jurisdictions also suspend zoning certificates (8.0%), certificates of occupancy (5.5%), business licenses (4.9%), and land disturbance permits (2.6%).

DeKalb County illustrates best practice with a dual-prohibition structure: one provision prohibits the *acceptance* of applications, while a separate provision prohibits the *granting or denial* of permits. This belt-and-suspenders approach prevents applications from being submitted and also prevents staff from acting on previously submitted ones.

Geographic scope is predominantly jurisdiction-wide (57.5%). A smaller share applies only to unincorporated areas (12.4%), reflecting counties that cannot bind incorporated municipalities within their borders. Only 1.7% target specific zoning districts.

U6: Duration and Sunset. A fixed duration is required by most moratorium statutes and reinforced by constitutional doctrine. In *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency* (2002), the Supreme Court emphasized that duration is "one of the important factors that a court must consider" and suggested that moratoria exceeding one year merit heightened scrutiny.

I observe four sunset-clause patterns. *Fixed period* (27.6%): the instrument runs for a stated number of days from its effective date. **La Grange**, KY set a term of "150 days from the effective date." *Earlier-of provision* (13.5%): the instrument expires at the earlier of a date or the adoption of replacement regulations. Chatham County used this approach, expiring its moratorium "no later than February 11th, 2027, or on approval of new zoning regulation …whichever comes first." **Mason**, MI tied its 90-day moratorium to "adoption of Ordinance 266," which was in fact adopted before the calendar date. *Fixed calendar date* (12.4%): the instrument expires at a stated date and time. DeKalb County specified expiration "at 11:59 p.m. on October 16, 2025." *Open-ended* (7.8%): the instrument contains no stated expiration, relying on discretionary repeal.

The earlier-of provision reflects the approach most frequently upheld in litigation. It incentivizes prompt completion of the study process and terminates the moratorium automatically when its stated purpose is fulfilled. Open-ended moratoria face the greatest takings exposure and are the most difficult to defend.

Among the 154 instruments with numeric duration data, the median duration is 365 days. Durations range from 90 days (common in **Georgia**) to approximately 1,185 days (the proposed minimum in **New York** S9144, which would impose a moratorium of at least three years and 90 days for facilities above 20 MW). The interquartile range runs from 182 to 365 days. Section 4.4 provides a state-by-state comparison of statutory duration ceilings.

U7: Exemptions and Grandfathering. Only 22.7% of instruments include any exemption. I analyze exemption categories separately in Section 5.4.

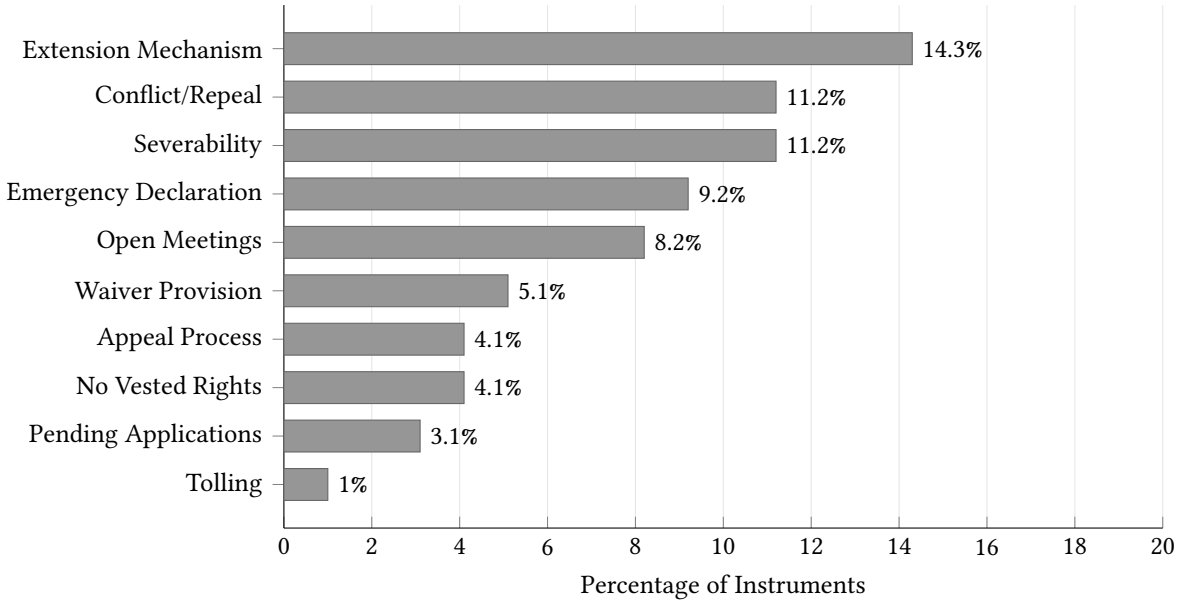
U8: Severability. A standard provision declaring that judicial invalidation of any section does not void the remainder. Present in only 12.4% of instruments. This figure likely reflects underreporting in my extraction rather than actual absence, as severability is boilerplate in municipal drafting and may be contained in general code provisions rather than the moratorium instrument itself.

U9: Effective Date. The instrument specifies when the moratorium takes effect. Two patterns dominate: immediate effect upon adoption (common in **North Carolina**, **Kentucky**, and **Georgia** resolutions) and effect after publication (required in **Kentucky** under KRS 424 for ordinances, and in **Ohio** for non-emergency legislation). **Ohio** emergency ordinances take effect immediately upon passage by supermajority, bypassing normal publication and three-reading requirements.

5.2 Common and Sector-Specific Provisions

Beyond the universal clauses, I identify two additional tiers: common provisions that appear in some but not all instruments, and sector-specific provisions that reflect the distinct risk profiles of individual infrastructure types. Figure 10 reports the prevalence of common clauses, and Table 4 reports sector-specific provisions.

Figure 10: Common Clause Prevalence in Moratorium Instruments



Note: Based on 98 instruments in the analysis subset. Percentages reflect the share of instruments containing each clause type.

5.2.1 Common Provisions

Extension mechanism (17.2%). Extensions are the most legally vulnerable phase of a moratorium's life. Courts and statutes require heightened justification, including evidence that the government made good-faith progress during the initial period. Extension provisions take three forms. Some instruments grant

open-ended flexibility: DeKalb County's resolution authorized extension "unless shortened or extended by official action of the Governing Authority." Others require a new instrument with separate findings. **Oldham County**, KY and La Grange, KY each adopted extension ordinances with independent recitals. A few are constrained by charter or statute: New Orleans permits one 180-day extension beyond the initial one-year period. **California** requires a written progress report ten days before expiration (Cal. Gov't Code § 65858).

Conflict and repeal of inconsistent provisions (8.6%). Language establishing that the moratorium prevails over conflicting code sections. DeKalb County used "notwithstanding any provision of the Code to the contrary." Chatham County provided that "all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict."

Emergency declaration (7.8%). Present primarily in **Ohio** and **California**, where emergency or urgency status triggers the expedited adoption procedures described in Section 4. **Norton** and Lordstown both invoked **Ohio**'s emergency mechanism to bypass the standard three-reading requirement and secure immediate effect. In **California**, the interim urgency track has been invoked most often for BESS facilities, where the factual record supports the statutory urgency standard more readily than in the data center context (Cal. Gov't Code § 65858).

Open meetings compliance (6.6%). An explicit statement that all deliberations occurred in public meetings. Observed primarily in **Ohio**, where Norton certified compliance with "section 121.22 of the Ohio Revised Code." While open meetings compliance is legally required in all states, explicit certification in the moratorium instrument itself provides a defensive record.

Waiver provision (6.0%). A clause granting the governing body discretion to waive the moratorium for individual applications, typically upon a finding that the proposed project would not affect the concerns motivating the restriction. For example, **Howell Township**, MI authorized its "Township Board [to] grant waiver if it finds no health/safety impact." Waivers reduce takings vulnerability by providing an escape valve for hardship situations. However, the criteria must be clearly defined to avoid equal protection challenges.

Appeal process (5.2%). The most legally sophisticated variant of the waiver provision. New Orleans established a formal appeal mechanism with a $1,000 filing fee, six enumerated review standards, and a 120-day decision timeline. The six standards addressed land use compatibility, efficient use of land, community impacts, health safeguards, utility system demands, and whether the appellant held "reasonable investment-backed expectations"—tracking the *Penn Central* factors (*Penn Central Transportation Co. v. New York City* 1978). No other jurisdiction in my dataset matched this level of procedural rigor.

No vested rights (2.0%). A declaration that no applicant acquires vested rights by virtue of submitting an application during the moratorium period. This clause prevents a developer from arguing that filing an application before the moratorium's adoption created a protected property interest.

Pending application coverage (7.2%). A related provision specifying how the moratorium applies to applications already filed but not yet decided. Without this clause, ambiguity arises over whether pre-existing applications proceed under prior rules or fall within the moratorium's scope.

Tolling of statutory deadlines (4.3%). A provision suspending state-mandated permit-processing timelines during the moratorium period. Lordstown is the canonical example: its ordinance provided that the moratorium "suspends and tolls any time periods, prescribed by law, within which the Planning and Zoning Department …is required to take action." Without tolling, a moratorium may create a legal conflict between the suspension of permit decisions and the statutory duty to act within a specified timeframe. The clause remains uncommon (4.3%), which suggests that most drafters overlook this procedural interaction.

Table 4: Sector-Specific Clause Prevalence in Moratorium Instruments

Provision	Count	%
Water Resource Assessment	45	12.9%
Incentive Guardrails	34	9.8%
Grid/Energy Impact Assessment	32	9.2%
Noise/Generator Provisions	20	5.7%
Fire Safety Requirements	12	3.4%
Decommissioning Bond	7	2.0%
Hazmat Training	3	0.9%
Farmland Preservation	3	0.9%
Safety Incident Trigger	0	0.0%
Property Value Guarantee	0	0.0%
Physical Hazard Assessment	0	0.0%
Aviation Clearance	0	0.0%

Note: Percentages are based on 348 total moratorium instruments. Provisions with zero prevalence represent categories from the extraction taxonomy that were not present in any instrument in the dataset.

5.2.2 Sector-Specific Provisions

Sector-specific clauses reflect the distinct impact profiles of each infrastructure type. Table 4 reports their prevalence across all 348 instruments.

Data center provisions. Three data center concerns appear with similar frequency: water resource assessment (12.9%), incentive guardrails (9.8%), and grid and energy impact assessment (9.2%). Water provisions respond to the cooling demands of large facilities, which may consume 300,000 to 500,000 gallons per day, with hyperscale campuses reaching several million. Grid provisions address the electrical load of a single campus (potentially 100 to 300 MW) and its effect on local utility rates. Incentive guardrails require cost-benefit analysis of tax incentives before approval. Noise and generator provisions appear in

5.7% of instruments, reflecting concerns about 24/7 mechanical operations adjacent to residential areas. **White County**, **Indiana** adopted particularly detailed post-moratorium regulations: generator testing limited to 10 AM–4 PM, EPA Tier 4 emission standards, mandatory water usage studies, and a 20-year property value guarantee for nearby homeowners.

BESS provisions. Fire safety requirements appear in 3.4% of instruments and hazardous materials response training in 0.9%. These provisions are overwhelmingly triggered by specific safety incidents, most prominently the January 2025 Moss Landing fire in **California**, rather than by the regulatory-gap or development-pressure triggers that characterize data center moratoria. Post-Moss Landing, at least six **California** jurisdictions adopted BESS moratoria or interim urgency ordinances referencing the fire directly, requiring NFPA 855 compliance, thermal runaway containment measures, and developer-funded emergency responder training (see Section 3.4).

Solar provisions. Decommissioning bond requirements appear in 2.0% of instruments. Solar installations have a 25–35 year useful life; without financial assurance for removal and site restoration, communities risk fields of degrading panels with no cleanup funding. Farmland preservation provisions (0.9%) address the competition between energy production and agricultural use, reflecting the rural siting pattern typical of utility-scale solar.

Wind provisions. No wind-specific provisions (physical hazard assessment, aviation clearance, or wildlife impact assessment) appear in my 348-instrument dataset. This absence does not mean wind moratoria lack these elements; rather, it reflects the dataset's composition, which is heavily weighted toward data center instruments (82.8% of the sample). The wind moratoria in my corpus tend to be older instruments from jurisdictions that adopted permanent setback regulations rather than formal moratoria.

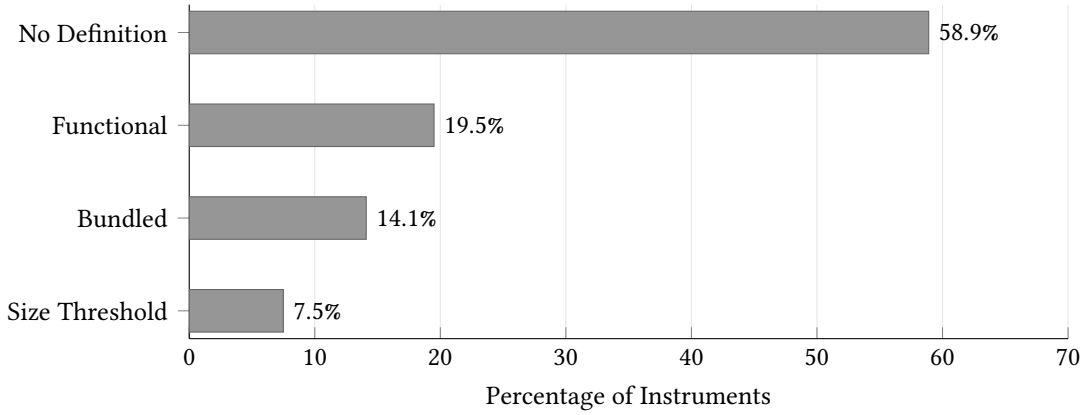
5.3 Definitional Approaches

How a moratorium defines its target use determines the instrument's scope, enforceability, and susceptibility to circumvention. I identify four distinct **definitional approaches** in the corpus, reported in Figure 11. The most striking finding is that a majority of instruments (58.9%) provide no definition at all.

No definition (58.9%). Over half of all moratorium instruments refer to the regulated use by name ("data centers," "battery energy storage systems") without defining the term. This is the weakest approach from a legal standpoint. Without a definition, the moratorium's scope depends on the common meaning of the term, which may be contested. A developer may argue that its facility is a "colocation center" or "server farm" rather than a "data center," falling outside the moratorium's reach. A landowner may argue that the term is unconstitutionally vague. The prevalence of undefined instruments suggests that many moratoria are drafted under time pressure, without legal review of the operative language.

Functional definition (19.5%). A functional definition describes what the facility does rather than relying on external classification systems. DeKalb County defined "data center" as "a physical room, building, or facility that houses infrastructure for building, running, delivering or transmitting applications and services, or for storing and managing the data associated with those applications or services." Lordstown offered a more detailed variant: "a facility, used for the storage, management, and dissemination of digital data,

Figure 11: Definitional Approaches in Moratorium Instruments



Note: Based on $n = 348$ structured extractions. "Functional" definitions describe the regulated use by its characteristics (e.g., power consumption, cooling requirements). "Bundled" definitions combine data centers with related uses such as cryptocurrency mining or AI computing facilities. "Size threshold" definitions apply only above a specified square footage, power draw, or similar metric.

which houses computer, telecommunication, and/or network equipment …including but not limited to power and cooling equipment."

Functional definitions are self-contained and do not depend on external classification updates. They risk being over-inclusive (capturing small server rooms) or under-inclusive (missing novel configurations). However, they represent the strongest approach for most jurisdictions.

Bundled definition (14.1%). A bundled definition groups the primary target use with related or analogous uses under a single moratorium. The purpose is to prevent circumvention through relabeling: calling a cryptocurrency mining facility a "server farm" to avoid a moratorium that covers only "data centers."

Chatham County covered "data centers, data processing facilities, cryptocurrency mining operations, and any use associated with data processing facilities." New Orleans covered "data centers, server farms, cryptocurrency mining facilities, and other facilities designed or used primarily to house information technology infrastructure." **Marshall County**, **Indiana** illustrates multi-sector bundling, covering data centers, BESS, farm-scale solar, and carbon capture in a single instrument. Across the dataset, 19.3% of instruments include cryptocurrency mining in their scope and 20.4% reference artificial intelligence computing.

Size-threshold definition (7.5%). A size-threshold definition applies the moratorium only above a specified floor, measured in square footage or electrical demand. This approach exempts small or incidental installations, reducing over-breadth and takings vulnerability. Observed thresholds range from 500 square feet (Lordstown, used as an exemption for server rooms) to 10,000 square feet (**Madison**, **Wisconsin**) and from 2 MW(**Clay County**, NC) to 20 MW(proposed in **New York** S9144). **Starke County**, **Indiana** set a 5,000-square-foot threshold for its "Hyperscale Data Center Project" definition. Size thresholds are appropriate where the concern is scale-dependent rather than use-dependent, but they create bright-line gaming opportunities. A developer can build at 4,999 square feet to avoid a 5,000-square-foot threshold.

NAICS code reference. A small number of **Ohio** jurisdictions (Norton and **Jerome Township**) define the regulated use by reference to North American Industry Classification System (NAICS) code 518210 ("Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services"). NAICS references are precise and easy to administer. They also risk obsolescence: if NAICS codes are revised, the moratorium's scope may shift. A facility operator may also argue that its primary NAICS code differs from 518.

5.4 Exemptions and Grandfathering

Exemptions reduce takings vulnerability by ensuring that a moratorium does not destroy reasonable investment-backed expectations—one of the three factors in the *Penn Central* balancing test (*Penn Central Transportation Co. v. New York City* 1978). Despite this constitutional importance, only 22.7% of the 348 instruments in my dataset include any exemption at all. The remaining 77.3% apply universally, without carve-outs.

Among the instruments that do include exemptions, I identify seven categories, listed in descending order of prevalence.

Existing operations (5.7%). Lawfully operating facilities may continue without disruption. DeKalb County exempted the "continued operation of any existing data centers that is operating lawfully as of the date of enactment." This is the most common exemption and the most clearly connected to vested-rights doctrine.

Approved projects (9.2%). Projects with existing building permits or other vested approvals may proceed. **Gates County**, NC and **Social Circle**, GA each exempted specific previously approved projects. **LaGrange**, GA named the Pegasus Parkway project by address in its exemption language.

Pre-filed applications (4.6%). Applications submitted before the moratorium's effective date may continue to be processed. La Grange and Oldham County, **Kentucky** both included this exemption. Pre-filed application exemptions reduce the risk that applicants who invested in preparing submissions will challenge the moratorium on vested-rights grounds.

Government facilities (2.0%). Municipal data infrastructure serving government operations is exempt. Lordstown excluded government-owned server rooms and emergency-service computing equipment.

Size threshold (4.0%). The moratorium applies only above a specified facility size, exempting small or incidental installations. This approach overlaps with the size-threshold definitional approach discussed in Section 5.3. Lordstown exempted server rooms under 500 square feet; Madison exempted data facilities under 10,000 square feet.

Manufacturing (0.6%). Manufacturing of data center components and hardware is exempt. Lordstown included this carve-out, extending it to component showrooms as well as production facilities.

Other exemptions (13.2%). Additional exemptions include jurisdictional carve-outs (Oldham County excluded incorporated cities within the county), telecommunications and broadband networks (Oldham

County exempted broadband infrastructure "already serving residents"), and residential computing equipment (**Gates County**, NC excluded personal servers in residential dwellings).

The low overall exemption rate (22.7%) is concerning. A moratorium that makes no provision for existing operations, approved projects, or pending applications exposes the adopting jurisdiction to claims that it has destroyed investment-backed expectations. Mandelker and Wolf (2015) identifies grandfathering provisions as a key factor that courts consider in evaluating the reasonableness of a temporary land-use restriction. Practitioners may wish to treat exemption drafting as a baseline consideration rather than an optional enhancement, though the specific exemption categories will vary by jurisdiction.

5.5 Empirical Prevalence

The five-tier taxonomy reveals a substantial gap between recommended practice and observed practice. This subsection summarizes the key prevalence findings across all 348 instruments.

Definitional weakness is pervasive. A majority of instruments (58.9%) provide no formal definition of the regulated use. Only 19.5% employ a functional definition—the approach most legal guidance recommends. The remaining instruments use bundled (14.1%) or size-threshold (7.5%) approaches. Jurisdictions that omit definitions expose themselves to scope disputes, circumvention through relabeling, and void-for-vagueness challenges.

Exemptions are the exception, not the rule. Fully 77.3% of instruments include no exemptions. Among those that do, the most common carve-outs protect approved projects (9.2%) and existing operations (5.7%), followed by pre-filed applications (4.6%) and size-threshold carve-outs (4.0%). Government facilities appear in only 2.0% of instruments. The near-absence of exemptions in most instruments is the single most common drafting deficiency I observe.

Legislative findings vary sharply in quality. Study intent (a statement that the governing body plans to use the moratorium period to evaluate the regulated use and develop permanent regulations) is the most commonly observed findings element (64.9%). Regulatory gap findings appear in 34.5% of instruments. Emergency or urgency findings appear in only 10.6%. As Table 3 shows, 24.7% of instruments omit findings entirely, and only 23.6% provide detailed findings. The plurality (32.5%) achieve only moderate detail. The quality of findings is the strongest predictor of legal defensibility (*Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency* 2002; Neumann 2025b), yet a majority of instruments fall short of the standard that courts expect.

Common procedural clauses are uncommon. The most frequently observed common clause is the extension mechanism (17.2%), followed by severability (12.4%) and conflict/repeal provisions (8.6%). Emergency declarations appear in 7.8% of instruments, pending application coverage in 7.2%, and open meetings compliance in 6.6%. Waiver provisions (6.0%), appeal processes (5.2%), tolling of statutory deadlines (4.3%), and no-vested-rights clauses (2.0%) are all rare. Figure 10 reports the full distribution.

Sector-specific provisions are rare even within their sectors. Among data center concerns, water assessment appears in 12.9% of instruments, incentive guardrails in 9.8%, and grid assessment in 9.2%.

Fire safety provisions for BESS appear in 3.4%. Decommissioning bonds for solar appear in 2.0%. No wind-specific provisions appear in the dataset. This pattern suggests that most moratoria are drafted as general-purpose instruments, without provisions tailored to the specific impacts that prompted the moratorium in the first place.

Observed durations track statutory ceilings. The observed duration distribution—median 365 days, interquartile range 182 to 365 days—closely tracks the statutory ceilings surveyed in Section 4.4, suggesting that jurisdictions in express-statute states set terms near the permitted maximum rather than well below it. In implied-authority states without statutory caps, durations are comparable, anchored by the one-year benchmark that the Supreme Court identified as a threshold for heightened scrutiny (*Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency* 2002). Despite the importance of sunset design, only 13.5% of instruments use the earlier-of provision that ties expiration to regulatory completion. Fixed periods (27.6%) and fixed calendar dates (12.4%) remain more common.

Instrument form varies by state. Resolutions account for 24.4% of instruments, ordinances for 21.3%, motions for 6.6%, and executive orders for 0.9%. The high share of resolutions reflects the **Georgia** pattern, where the state Supreme Court held that a temporary moratorium is not "final legislative action" subject to the Zoning Procedures Law (*City of Roswell v. Outdoor Systems, Inc.* 2001). In states that apply the equal-dignity doctrine, a resolution may be legally insufficient to suspend ordinance-level provisions. Practitioners should confirm the required instrument form under their state's law before drafting.

The data paint a consistent picture. Moratoria are adopted frequently but drafted unevenly. Universal clauses are generally present, but common provisions that strengthen legal defensibility (exemptions, waiver mechanisms, study plans, tolling clauses) are absent from most instruments. Sector-specific provisions appear in fewer than one in ten instruments. Section 7 presents a model framework designed to close these gaps.

6 From Moratorium to Regulation

A moratorium is not an end in itself. It is a temporary measure intended to produce permanent regulation—or, failing that, to expire. Yet the path from adoption to outcome is rarely linear. Moratoria extend, cascade across neighboring jurisdictions, and produce economic consequences that reach far beyond the adopting community. This section traces the moratorium lifecycle from trigger event through final resolution. It examines three case studies that illustrate different trajectories, documents the geographic contagion patterns visible in the data, and considers the economic and climate implications of prolonged local development pauses.

6.1 The Moratorium Lifecycle

I observe five recurring stages in the moratorium lifecycle. Not every moratorium passes through all five, and the time spent in each stage varies widely. But the pattern is consistent enough across sectors and states to serve as a useful analytical frame.

Stage 1: Trigger. Every moratorium begins with a **trigger event**: a development application that reveals a regulatory gap, a safety incident that raises public alarm, or a wave of community opposition that demands a governmental response. The trigger is typically the moment when a governing body recognizes that its existing zoning code does not adequately address a new land use. As Section 3 documents, the most common trigger across all sectors is a regulatory gap finding—the discovery that the local code does not define, classify, or regulate the target use at all. For data centers, the trigger is often a hyperscale application filed in a jurisdiction whose industrial zoning district permits the use by right. For BESS, the Moss Landing fire in January 2025 served as a triggering safety incident for communities across **California** and beyond (Reuters 2025). For wind and solar, trigger events often involve a proposed project whose scale exceeds anything previously contemplated in the jurisdiction's comprehensive plan.

Stage 2: Adoption. The governing body enacts a temporary prohibition on new applications, permits, or approvals for the target use. As discussed in Section 5, the legal form varies: ordinance, resolution, or motion, depending on state law and local practice. The adoption instrument typically announces a study plan and sets an initial duration. Adoption is usually rapid, often a single meeting cycle, reflecting the urgency that drives most moratoria. In my inventory, the median initial duration is 365 days, though terms range from 45 days (**Monterey Park**, **California**, using the state's interim urgency statute) to 24 months (**Marshall County**, **Indiana**).

Stage 3: Study and Deliberation. The moratorium period is the window during which the jurisdiction is expected to study the target use and develop appropriate regulations. The quality of this stage determines whether the moratorium achieves its purpose. Well-structured moratoria assign specific study tasks to planning staff, retain consultants, appoint advisory committees, and schedule public hearings. Poorly structured moratoria provide no work plan and risk what the Municipal Association of South Carolina warns against: a municipality that "simply sat on its hands during the pause in development activity" (Municipal Association of South Carolina 2020). The study phase typically involves three activities: (1) reviewing how peer jurisdictions regulate the target use, (2) assessing local infrastructure capacity (water, power, wastewater, transportation), and (3) drafting text amendments to the zoning code or unified development ordinance.

Stage 4: Outcome. I identify three outcome paths from my data. First, the moratorium **terminates in permanent regulation**: the jurisdiction adopts new zoning standards and lifts the moratorium upon their effective date. **Social Circle**, **Georgia** enacted a 90-day data center moratorium in September 2025, extended it once, and adopted permanent special use permit requirements in January 2026 that replaced the moratorium entirely. **Coweta County**, **Georgia** followed the same pattern, converting its 180-day moratorium into a permanent data center ordinance in December 2025. Second, the moratorium **expires without action**: the sunset date passes without the jurisdiction having adopted replacement regulations. **Douglas County**, **Georgia** and **Troup County**, **Georgia** both enacted 90-day moratoria in 2025 that appear to have expired without documented replacement ordinances. Third, the moratorium is **rescinded** before its expiration date, sometimes because the triggering application is withdrawn or the governing body concludes that the moratorium is no longer necessary. **Jones County**, **Georgia** rescinded its data center zoning amendments in November 2025 after discovering procedural notice defects, intending to restart with

a corrected process. Of the 222 entries in my cleaned inventory, the plurality remain active as of April 2026, reflecting the recency of the moratorium wave. A smaller set have been replaced by permanent regulations, confirming that the moratorium-to-regulation pipeline does function when jurisdictions commit resources to the study phase.

Stage 5: Extension Cycle. When the study phase takes longer than anticipated, jurisdictions extend their moratoria. My dataset records 17 extensions across 98 instruments, a rate of 17.3%. Extensions are not inherently problematic: some regulatory development genuinely requires more than six months. But repeated extensions raise legal risk and signal planning dysfunction. **DeKalb County**, **Georgia** exemplifies the extension cycle. The county enacted a 100-day data center moratorium in July 2025, then extended it twice through June 2026 as it worked to develop a tiered zoning classification system. **Clayton County**, **Georgia** similarly extended its moratorium from December 2025 through June 2026. In **Iowa**, **Clayton County** extended its data center moratorium through the end of 2026, and **Story County** used its statutory one-time extension to push its deadline from December 2025 to March 2026. The extension cycle creates a tension at the heart of moratorium law: jurisdictions need time to get the regulations right, but property owners and developers face mounting uncertainty with each renewal. The longer the pause persists, the harder it becomes to defend: *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency* (2002) cautioned that moratoria exceeding one year warrant heightened judicial scrutiny.

6.2 Case Studies

Three case studies illustrate the range of outcomes: a moratorium that produced permanent regulation, a moratorium still in its extension cycle, and a jurisdiction that achieved regulatory change without a formal moratorium.

East Wenatchee, Washington: From Cryptocurrency Moratorium to Permanent Ordinance

East Wenatchee, **Washington** provides the clearest example in my dataset of a moratorium that fulfilled its intended purpose. In March 2018, the city adopted interim regulations (Ordinance 2018-06) addressing cryptocurrency mining and data-processing uses under **Washington**'s interim zoning statute, RCW 35A.63.220. The city's findings cited rapid growth in cryptocurrency mining, high continuous electric demand, potential fire and life-safety risks, and concern that local electric infrastructure planning could not keep pace with new load requests.

The city used its interim period to develop performance standards addressing the specific impacts identified in its findings. In November 2018, the city adopted an extension ordinance (City of East Wenatchee 2018) setting a twelve-month term expiring in November 2019. During this period, the city conducted public workshops, consulted with the local public utility district, and drafted permanent zoning controls. The result was Ordinance 2019-19 (City of East Wenatchee 2019), which replaced the interim controls with permanent standards governing cryptocurrency mining and related data-processing uses. These standards addressed location limits, PUD capacity verification, and performance requirements including noise controls. The permanent code was later recodified as EWMC 17.72.270 in Ordinance 2022-08.

The **East Wenatchee** case demonstrates three features of a successful moratorium-to-regulation transition. First, the interim period was used for genuine study, not delay. Second, the permanent standards were tailored to the specific impacts identified in the original findings: noise, electrical load, and fire safety. They did not impose a blanket prohibition. Third, the process operated within the framework of **Washington**'s statutory requirements, including the public hearing and findings-of-fact obligations that RCW 36.70A.390 imposes on interim zoning measures.

DeKalb County, Georgia: The Extended Study

DeKalb County, **Georgia** illustrates the challenges of the extension cycle. In July 2025, the county Board of Commissioners adopted a resolution declaring a 100-day moratorium on data center applications. The resolution cited resident concerns about diesel generator emissions, water and stormwater impacts, noise, and potential electric rate increases. The triggering proposal was a 1,000,000-square-foot data center campus on approximately 95 acres in Ellenwood.

The initial 100-day period proved insufficient. The county extended the moratorium twice, in October 2025 and December 2025, pushing the expiration date to June 2026. During this period, the county has been developing a five-tier data center classification system with location-specific standards and updating its comprehensive plan. The process has involved sustained public engagement, including community meetings that drew large turnout.

DeKalb County's experience is not unusual. Data center regulation requires the jurisdiction to address technical issues that most local planning staffs have not previously encountered: grid capacity, water consumption, noise attenuation, generator emissions, and traffic. Hiring consultants, conducting infrastructure assessments, and drafting text amendments all take time. But the repeated extensions also illustrate the legal risk identified in Section 2.4. Each extension must satisfy the same substantive and procedural requirements as the original moratorium. Courts will examine whether the jurisdiction made "all reasonable and feasible" progress during each period (Owens 2023).

Loudoun County, Virginia: Proactive Planning Without a Moratorium

Loudoun County, **Virginia** offers a counterpoint. The county is the anchor of the Northern Virginia corridor, which collectively hosts approximately 13% of global reported operational data center capacity and 25% of capacity in the Americas (Joint Legislative Audit and Review Commission 2024). Despite this concentration, and despite growing community concern about noise, water use, and land consumption, **Loudoun County** has not enacted a formal moratorium. The county's own FAQ states that the Board of Supervisors "does not have legal authority to impose a blanket data center moratorium" and must consider applications on their merits, consistent with **Virginia**'s status as a Dillon's Rule state (Loudoun County, Virginia 2025b).

Instead, the county pursued a two-phase regulatory update. In March 2025, the Board of Supervisors approved comprehensive plan and zoning ordinance amendments (CPAM-2024-0001 and ZOAM-2024-0001) (Loudoun County, Virginia 2025a) that shifted data centers from by-right permitted uses to Special Exception treatment in key industrial districts. Applications accepted before February 2025 were grandfathered under

the prior framework. A second phase of rulemaking is underway to address additional performance standards.

The **Loudoun County** approach demonstrates that proactive planning can achieve the same regulatory goals as a moratorium without the legal risks and economic disruption of a formal development pause. These goals include updated zoning standards, public engagement, and infrastructure assessment. However, this path requires institutional capacity that many smaller jurisdictions lack: dedicated planning staff, experience with the target land use, and political willingness to act before a crisis. **Loudoun County**'s nearly 50 million square feet of operational and under-construction data center space gave it decades of regulatory experience that a township in rural **Michigan** or **Georgia** encountering its first data center application simply does not have.

6.3 Cascading Effects

Moratoria do not occur in isolation. When one jurisdiction enacts a development pause, its neighbors often follow. I observe three distinct **cascading wave** patterns in my data.

The Georgia Wave. **Georgia** presents the most concentrated cascade. **Douglas County** adopted a 90-day data center moratorium in March 2025, the earliest in the state. **DeKalb County** followed in July 2025 with a 100-day moratorium that received wider media attention and accelerated the wave. By April 2026, at least 23 additional **Georgia** jurisdictions had adopted their own moratoria or temporary pauses on data center development. These include **Clayton County**, **Troup County**, **Coweta County**, **Social Circle**, **Jones County**, **LaGrange**, **Monroe County**, **Pike County**, **Lamar County**, **Covington**, **Roswell**, and **Griffin**. Several of the later-adopting jurisdictions cited the same concerns (grid strain, water demand, generator noise) and followed similar procedural approaches (resolutions rather than ordinances, 90-to-180-day durations). By January 2026, **Georgia** state legislators had introduced multiple bills proposing a statewide data center moratorium, reflecting the cumulative political pressure from local action.

The Michigan Wave. **Michigan** experienced a parallel cascade beginning in late 2025. My inventory records at least 34 **Michigan** townships and cities that have enacted, proposed, or actively considered data center moratoria as of April 2026. The wave began with townships in the Ann Arbor and southeast **Michigan** region: **Pittsfield Township** and **Howell Township** in November 2025. It spread rapidly through the winter. By April 2026, communities from **Springfield Township** in Oakland County to **Green Charter Township** in Mecosta County to **Saginaw** had adopted pauses. Several jurisdictions cited the experience of neighbors as part of their rationale. The **Northville** Community Development Director stated that the city "saw what was going on in surrounding communities" and wanted to "be proactive." **Michigan**'s status as a home rule state with broad implied moratorium authority under the Michigan Zoning Enabling Act facilitated rapid adoption across dozens of jurisdictions.

The BESS Cascade. Battery energy storage moratoria followed a different pattern, driven not by geographic proximity but by a shared triggering event. The January 2025 Moss Landing battery storage fire in **California** generated national media coverage and raised safety concerns in communities far from the incident site. My inventory records four BESS-specific moratoria, but these undercount the phenomenon

because many jurisdictions incorporated BESS into broader multi-sector pauses. **Logan County**, **Colorado**, for example, enacted a moratorium covering data centers, solar, wind, and battery storage simultaneously.

Mechanisms of Contagion. I identify four mechanisms that drive moratorium cascades. First, *media coverage*: local news reporting on a neighboring community's moratorium raises awareness among residents and elected officials in surrounding jurisdictions. Second, *shared planning infrastructure*: counties and cities that use the same regional planning commission, municipal attorney, or planning consultant tend to adopt similar regulatory approaches. Third, *regional planning organizations*: county or regional bodies that convene local officials create forums where moratorium strategies spread through direct peer-to-peer contact. Fourth, *developer forum-shopping*: when a moratorium blocks development in one jurisdiction, developers shift their site selection to neighboring communities. This creates the same development pressure, and the same reactive moratorium impulse, in the next jurisdiction over.

Regional Dead Zones. The practical consequence of cascading moratoria is the creation of **regional development dead zones**: contiguous areas where no jurisdiction will accept applications for the target use. In southeast **Michigan**, the density of moratoria means that a data center developer seeking to locate within a reasonable distance of Detroit-area fiber and power infrastructure faces temporary prohibitions across a wide geographic area. In central **Georgia**, the cascade from **DeKalb County** outward has effectively paused data center development across a broad swath of the metro Atlanta region. These regional effects amplify the economic consequences discussed in the next subsection and may shift investment to states with more predictable regulatory environments.

6.4 Economic and Climate Implications

The moratorium wave carries real economic and environmental costs. These costs fall unevenly—on developers, on the communities that enact moratoria, on neighboring jurisdictions that absorb displaced demand, and on the broader clean energy transition.

Project Delays and Blocked Investment. Data Center Watch (2025) estimated that $64 billion or more in data center projects had been blocked or delayed by local opposition as of early 2025. That figure has grown as the moratorium wave accelerated through late 2025 and into 2026. Individual projects affected by moratoria in my dataset include proposals valued at $1 billion or more. These include **Howell Township**, **Michigan** (Meta-backed campus), **Coweta County**, **Georgia** (Project Sail, reported at $17 billion), and **Troup County**, **Georgia** (Project West, reported at $9.7 billion). Not all of these projects would have been built absent moratoria, and some proposals may be inflated. But the aggregate effect on site selection and capital allocation is significant.

Investment Uncertainty. Beyond direct project delays, moratoria increase systemic uncertainty for infrastructure investment. Developers and their investors must account for the risk that a jurisdiction will enact a moratorium after land acquisition or site engineering has begun but before permits are issued. This uncertainty increases the cost of capital and shifts site selection toward states with statutory frameworks that constrain moratorium authority. It also shifts selection toward states where preemption statutes give developers confidence that local moratoria will not derail permitted projects. The resulting

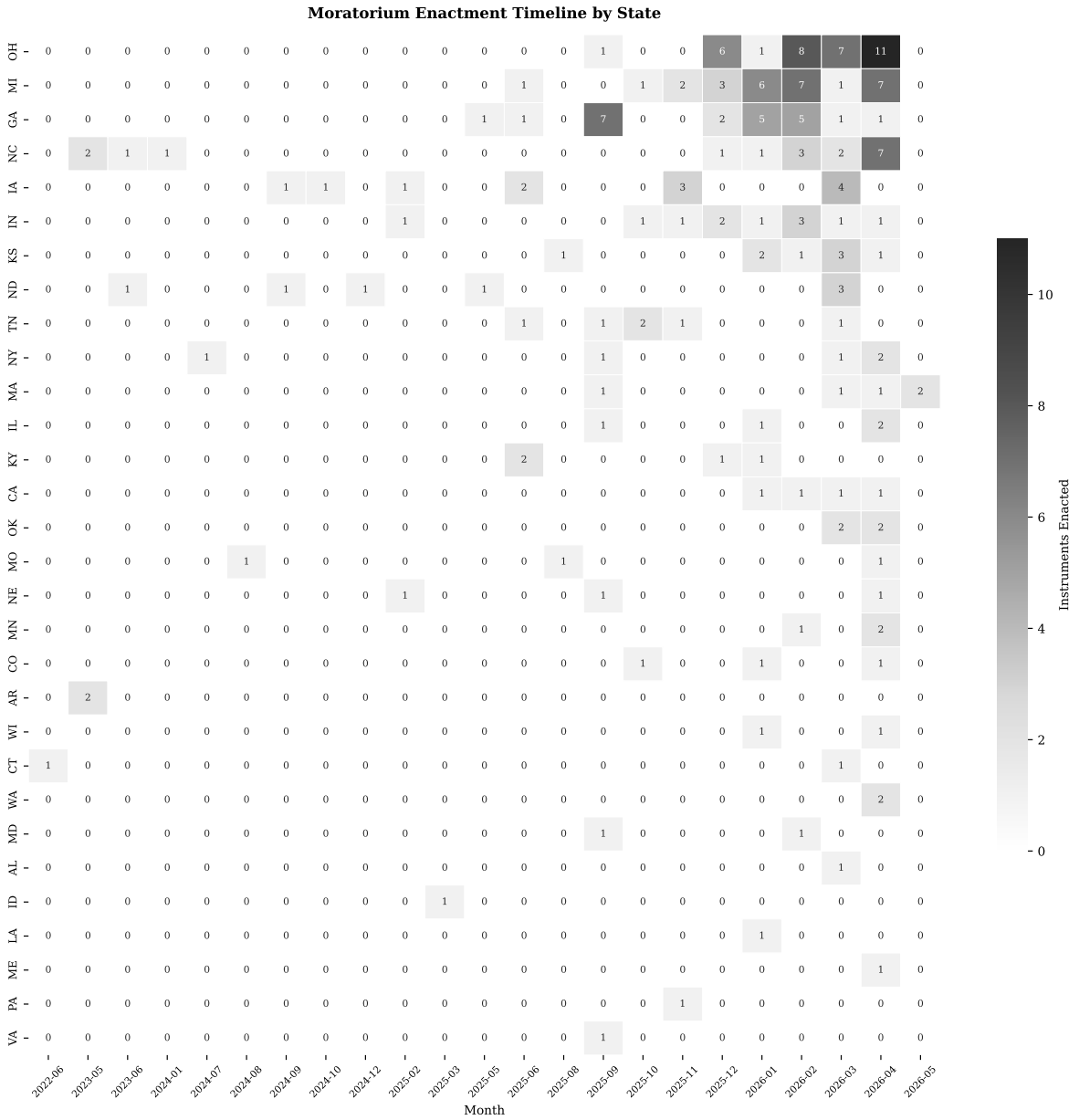


Figure 12: Moratorium enactment timeline by state and month. Each cell represents the number of instruments adopted in a given state during a given month. The cascade pattern is visible: activity begins in a few states and spreads rapidly through late 2025 and early 2026. States are ordered by total instrument count.

geographic concentration of development may intensify the infrastructure pressures that triggered the original moratoria in receiving jurisdictions.

Clean Energy Implications. The moratorium phenomenon is not limited to data centers. Solar, wind, and battery storage moratoria directly impede deployment of the infrastructure needed for the clean energy transition. Research has found that restrictive local zoning ordinances are a nationwide barrier to renewable energy siting in all 50 states. Extrapolating restrictive setback requirements nationwide could reduce available wind resources by up to 87% and solar resources by up to 38% (Lopez et al. 2023; Powell and O'Neil 2022). BESS moratoria slow the deployment of grid-scale storage that utilities need to integrate intermittent renewable generation. These effects compound: as data centers increase electricity demand, the grid needs more generation and storage capacity. But moratoria on renewable energy and storage facilities make it harder to build that capacity at the same time.

The Counterargument. The costs documented above—delayed investment, increased uncertainty, and slower clean energy deployment—are real, but they do not tell the whole story. Proponents of moratoria, including the jurisdictions that enact them, argue that a temporary pause produces better long-term outcomes than allowing unregulated development to proceed. A moratorium that results in well-designed performance standards, adequate infrastructure investment, and community-supported siting may prevent the costly externalities (noise complaints, water shortages, grid strain, property value effects) that unregulated development can impose. **Social Circle**, **Georgia** and **East Wenatchee**, **Washington** both emerged from their moratoria with regulatory frameworks that addressed the specific concerns that motivated the pause. **Coweta County**, **Georgia** converted its moratorium into a permanent ordinance within the original 180-day window.

The question is not whether moratoria are categorically good or bad, but whether they are well-designed and well-executed. A moratorium with a clear study plan, adequate resources, a defined duration, and a commitment to producing permanent regulation can serve the public interest. A moratorium adopted reflexively, extended repeatedly, and allowed to expire without replacement regulation wastes the time it was meant to buy. It imposes costs on developers, residents, and the broader community without delivering the regulatory improvements that justified the pause. Section 7 offers a framework designed to help jurisdictions achieve the former outcome and avoid the latter.

Scope note. This paper addresses the moratorium instrument itself—its legal basis, structure, and lifecycle—but does not provide model permanent zoning ordinances for the regulated uses. Jurisdictions that have completed their moratorium study phase and are ready to draft permanent regulations should consult sector-specific model ordinances and siting guides, including those published by the American Planning Association, NREL (solar and wind siting), the American Clean Power Association (wind model ordinance), and NYSERDA (battery storage siting guidance). For data centers, the **Loudoun County** zoning amendments discussed in Section 6.2 and emerging state-level frameworks in **Georgia** and **Michigan** offer early models for permanent regulation. The model moratorium framework in Section 7 and Appendix C is designed to bridge the gap *to* permanent regulation, not to replace it.

7 Model Moratorium Framework

The preceding sections documented what moratoria look like in practice. I examined their legal foundations (Section 2), their geographic and sectoral distribution (Section 3), the state authority under which they operate (Section 4), their internal structure (Section 5), and their lifecycle from adoption to resolution (Section 6). This section turns from description to prescription. Drawing on the five-tier clause taxonomy, the 50-state authority survey, and the empirical prevalence data, I present a cross-sector model moratorium framework. The full model ordinance text appears in Appendix C; here I describe the framework's design rationale, explain its core structure, and identify the most common drafting mistakes.

7.1 The Gap

No cross-sector model moratorium template exists. This is not for lack of places to look. I surveyed the published guidance of every major national planning and local government organization: the American Planning Association (American Planning Association 2024), the International City/County Management Association, and the National League of Cities. None has published a moratorium-specific model ordinance or template. The APA's Planning Advisory Service library contains model ordinances for dozens of land use topics, but moratoria are not among them.

I then examined state municipal leagues in the states with the highest moratorium activity. The Michigan Municipal League maintains sample ordinances but offers no moratorium template (Neumann 2025b). The Georgia Municipal Association, which serves the state with the second-highest moratorium count in my inventory, has not published moratorium guidance. The North Carolina League of Municipalities defers to the University of North Carolina (UNC) School of Government. The Virginia Municipal League and Iowa League of Cities likewise offer no moratorium-specific models.

Two state-level resources stand out. The UNC School of Government provides the most detailed practitioner guidance on moratorium drafting, organized around the four mandatory elements of North Carolina General Statutes Section 160D-107: problem statement, targeted approvals, termination date, and action plan (Owens 2023; Lovelady 2023). However, this guidance is written for a single state's statutory framework. The Municipal Association of South Carolina published concise best-practice guidance in 2020 that identifies five principles: adopt by ordinance, specify a clear purpose, set a limited duration, promptly begin study work, and hold a public hearing. However, it does not provide template language (Municipal Association of South Carolina 2020).

Sector-specific model ordinances exist but serve a different function. PennFuture published a model data center ordinance addressing water, power, noise, and aesthetics (PennFuture 2025). The American Clean Power Association released a model ordinance for utility-scale battery energy storage systems (American Clean Power Association 2024). NYSERDA published a battery storage model law that has been adopted in states beyond **New York** (New York State Energy Research and Development Authority 2019). The Sabin Center for Climate Change Law at Columbia Law School offers model wind and solar siting ordinances (Sabin Center for Climate Change Law 2024). These models address *permanent* regulatory frameworks—the kind of ordinance a jurisdiction might adopt *after* a moratorium expires. They do not address how to structure the moratorium itself.

The **Colorado** Planning for Hazards initiative offers a post-disaster building moratorium model with commentary (Colorado Department of Local Affairs 2023). While designed for natural disaster response, its structural approach (purpose statement, duration, notice, permit suspension, exemptions) maps well onto infrastructure moratoria. It is the closest existing template to a general-purpose moratorium model.

The absence of a cross-sector template matters because, as Section 5 documented, the majority of enacted moratoria contain significant gaps. Over half (58.9%) lack any definition of the regulated use. Only about one in five include exemption provisions. Only 17.2% contain an extension mechanism with procedural safeguards. A well-designed template can help practitioners identify and address these issues at the drafting stage rather than in litigation.

7.2 Core Structure

My model follows a thirteen-section structure. Sections 1 through 7 correspond to the seven Tier 1 universal clauses (U1–U7) identified in my taxonomy (Section 5). Sections 8 through 10 draw from the Tier 2 common clauses—study process, waiver and appeal, and additional procedural provisions—that appear frequently enough to warrant inclusion in a model template. Sections 11 and 12 return to Tier 1 universal clauses (U8 severability, U9 effective date), and Section 13 provides the adoption block. Appendix C presents the complete text with commentary; here I describe the architecture and highlight three sections that illustrate the template's design principles.

The thirteen sections are:

1. **Title and Short Title** — identifies the instrument type, target use, jurisdiction, and temporary character.
2. **Authority** — cites the state-specific enabling statute, home rule provision, or police power basis. Fill-in placeholders accommodate the full range of state frameworks identified in Section 4.
3. **Findings** — the most legally consequential section; structured with six subcategories: regulatory gap, impact enumeration, police power basis, study intent, emergency or urgency finding, and prior action reference for extensions.
4. **Definitions** — offers three definitional approaches (functional, size-threshold, and bundled) with guidance on when each is appropriate.
5. **Operative Prohibition** — specifies which government approvals are suspended, the geographic scope, and optional tolling of statutory deadlines.
6. **Duration and Sunset** — establishes a fixed term with an "earlier of" sunset trigger and extension procedures.
7. **Exemptions and Grandfathering** — identifies six standard exemption categories: approved projects, pre-filed applications, existing operations, de minimis uses, government facilities, and sector-specific carve-outs.
8. **Study Process and Work Plan** — assigns departmental responsibilities, establishes a phased timeline with milestones, and requires periodic progress reports.
9. **Waiver and Appeal** — provides a hardship escape valve with enumerated criteria and procedural protections.
10. **Additional Provisions** — addresses pending application coverage, conflicts with existing code, vested rights disclaimers, and open meetings compliance.

11. **Severability** — standard clause ensuring partial invalidity does not void the entire instrument.
12. **Effective Date** — options for immediate effect (with emergency finding), post-publication, or specified date.
13. **Adoption** — signature block and vote record.

Findings: the linchpin. The findings section is the single most important element for legal defensibility. Courts reviewing moratoria examine whether the governing body articulated a factual basis for the temporary restriction (*Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency* 2002). **North Carolina** requires findings in four statutory categories (N.C.G.S. § 160D-107). **Oregon** demands written findings that existing regulations cannot prevent irreversible public harm (ORS 197.520). Even in states without express requirements, detailed findings create a legislative record that shifts the burden to challengers.

The model structures findings as six discrete subcategories: (a) a regulatory gap finding establishing that existing regulations are inadequate; (b) an impact enumeration listing the specific harms motivating the pause; (c) a study intent finding stating what the jurisdiction plans to do during the moratorium period; (d) a police power basis citing the jurisdiction's constitutional or statutory authority; (e) an optional emergency or urgency finding for jurisdictions invoking expedited adoption procedures; and (f) a prior action reference for use in extension instruments, documenting progress during the initial period. Subcategories (a) through (d) should appear in every moratorium; (e) and (f) are included when applicable. The full template text with commentary appears in Section 3 of Appendix C.

Duration: the "earlier of" pattern. Duration provisions determine how long the moratorium lasts and what happens when it expires. The model uses what I term the **"earlier of" pattern**: the moratorium terminates on the first to occur of a fixed calendar date or the adoption of permanent regulations. This approach, observed in jurisdictions such as **Chatham County**, **North Carolina**, and **Mason**, **Michigan**, creates a self-executing sunset that prevents the moratorium from outlasting its purpose.

Section 6. Duration and Sunset.
(a) Duration. This **[Ordinance/Resolution]** shall remain in effect until the earlier of: (i) **[number]** days from the effective date; or (ii) the effective date of **[an ordinance / a zoning text amendment]** adopted by the **[Governing Body]** establishing permanent standards for **[use type]** facilities.
(b) Extension. The **[Governing Body]** may extend this moratorium for additional periods not exceeding **[number]** days each, provided that: (i) the extension is necessary to complete the study described in Section 8; (ii) a public hearing is held prior to adoption; and (iii) the **[Governing Body]** documents the specific progress made during the preceding period. The early-termination provision of subsection (a)(ii) applies during any extension period.

Commentary. *The extension provision draws on the progress-and-hearing requirements of **Oregon**'s ORS 197.520 and **Washington**'s RCW 35.63.200. Without a progress requirement, successive extensions risk converting a temporary measure into an indefinite prohibition. Among the moratoria in my corpus that include an extension mechanism, few impose progress conditions. The model requires documented progress and a new public hearing for each extension.*

Definitions: closing the 58.9% gap. As documented in Section 5.3, 58.9% of moratoria in my corpus lack any definition of the regulated use. This is the single most common structural deficiency. A moratorium without a definition leaves enforcement to ad hoc interpretation and invites both over-inclusion (sweeping in server closets) and evasion (relabeling a data center as a "technology campus"). The analysis in Section 5 identifies four empirical definitional approaches, including the most common—no definition at all. The model omits that non-approach and offers three options for the drafter to evaluate, depending on the jurisdiction's regulatory goals and counsel's assessment of state-specific requirements.

- **Functional definition** — describes the regulated use by what the facility does, regardless of its name. Used as the default in the model template.
- **Size-threshold definition** — applies only above a specified floor (square footage, power draw, or energy capacity). Best for distinguishing commercial-scale from incidental installations.
- **Bundled definition** — groups related uses (e.g., data centers, cryptocurrency mining, and AI computing facilities) under a single umbrella term. Prevents regulatory arbitrage through relabeling.

Template language for each approach, with commentary on when to use which, appears in Section 4 of the model ordinance (Appendix C).

7.3 Sector-Specific Supplements

The core thirteen-section framework is sector-neutral. It works for data centers, battery storage, solar, or wind. However, each sector presents distinct impacts that the moratorium's findings and study directives should address. The model includes four optional supplement modules, each keyed to the Tier 3 sector-specific clauses from my taxonomy. A jurisdiction adopting a moratorium appends the relevant module to the core framework.

- **Module A: Data Centers** — five study directives covering noise and generator testing, water consumption, grid capacity coordination, cryptocurrency and high-intensity computing capture, and economic development conditions.
- **Module B: Battery Energy Storage** — three clauses addressing NFPA 855 and UL 9540A compliance, emergency response assessment, and a **safety incident trigger** for post-incident moratoria such as those following the January 2025 Moss Landing fire.
- **Module C: Solar Energy** — three clauses covering farmland preservation, decommissioning financial assurance, and screening and visual impact requirements.
- **Module D: Wind Energy** — three clauses addressing shadow flicker and setback distances, FAA coordination under 14 CFR Part 77, and avian and bat mortality assessment.

The full text of each module with commentary and template language appears in Appendix C.

7.4 Duration Guidance

How long should a moratorium last? The answer depends on the scope of the regulatory task and the state's statutory framework. *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency* (2002) declined to set a categorical durational limit but signaled that moratoria stretching beyond one year face increasing constitutional doubt. State statutes impose varying ceilings. **Oregon** allows 120 days (ORS

197.520). **California** permits 45 days initially (Cal. Gov't Code § 65858). **Maine** allows 180 days (30-A M.R.S. § 4356). **Washington** permits six months to one year, depending on whether a work plan is adopted.

Table 5 presents my recommended duration matrix, calibrated to the complexity of the regulatory task. The recommendations reflect both statutory requirements and the observed distribution of durations in my inventory, where the median is 365 days and the interquartile range spans 180 to 365 days.

Table 5: Recommended Moratorium Duration by Regulatory Task

Regulatory Task	Recommended Duration
Simple code amendment (adding use definition)	60–90 days
Comprehensive zoning study	120–180 days
Infrastructure capacity assessment	6–12 months
Multi-sector study with comprehensive plan update	9–12 months
Post-incident safety assessment (BESS)	90–180 days

Note: All durations assume the "earlier of" sunset pattern described in Section 7.2. The moratorium terminates on the fixed date or upon adoption of permanent regulations, whichever occurs first.

Two design principles inform these observations. First, the moratorium generally should last long enough to complete genuine study work but no longer. A jurisdiction that needs only to add a use definition to its zoning code is unlikely to need twelve months. Second, the duration benefits from correspondence to a concrete work plan with identifiable milestones. The model's study process section (Section 8 of the template) requires a phased work plan for moratoria exceeding 90 days, with deliverables at each phase: research and data collection, stakeholder engagement, draft regulatory framework, public hearing, and final adoption.

Extension practice matters as much as initial duration. My data show that 17.2% of observed moratoria include an extension mechanism. The model limits extensions to one renewal of the original duration, supported by three procedural safeguards: new findings of necessity, a public hearing, and documented evidence of progress during the initial period. This approach draws on the extension requirements of **Oregon** (ORS 197.520), **Washington**, and **California** (Cal. Gov't Code § 65858), each of which conditions renewal on demonstrated progress. **North Carolina** prohibits extensions entirely unless the jurisdiction has taken "all reasonable and feasible steps" during the initial period (N.C.G.S. § 160D-107).

7.5 Common Pitfalls

My review of enacted moratoria reveals seven recurring drafting errors, each of which can undermine the moratorium's effectiveness or expose the jurisdiction to legal challenge.

1. **Adopting a resolution when an ordinance is required.** In **South Carolina**, the "equal dignity" rule requires that a moratorium suspending zoning ordinance provisions must itself be adopted as an ordinance; a resolution is legally insufficient (Municipal Association of South Carolina 2020). **Michigan**

case law reaches a similar conclusion under the Michigan Zoning Enabling Act (Neumann 2025a). **Georgia** is a notable exception: courts there have accepted resolutions for temporary moratoria on the theory that a "truly temporary" measure is not a "final legislative action." Counsel should verify the instrument-form requirement in the applicable state before proceeding. Using the wrong form can void the moratorium entirely.

2. **Thin or boilerplate findings.** Generic "health, safety, and welfare" recitals do not satisfy the purpose requirement. Courts and statutes demand findings that identify the specific regulatory gap, enumerate the concrete impacts motivating the moratorium, and articulate the intended study scope (Owens 2023). The difference between a moratorium that survives judicial review and one that does not often comes down to the specificity of its findings. The model structures findings in six subcategories precisely to prevent this shortcut.

3. **No study plan or work program.** A moratorium without a study plan signals that the governing body intends to pause development without doing the work the moratorium is supposed to enable. **Oregon** requires a "developed work plan and timeline" as a statutory element (ORS 197.520). North Carolina requires "a clear statement of the actions, and the schedule for those actions" (N.C.G.S. § 160D-107). Even where not statutorily mandated, the **South Carolina** guidance warns that "a court would not look kindly on a municipality that simply sat on its hands during the pause" (Municipal Association of South Carolina 2020). The model includes two work plan options: a phased plan with milestones for moratoria exceeding 90 days, and a general directive for shorter measures.

4. **Indefinite or missing duration.** Only 7.8% of moratoria in my corpus (the open-ended share of `temporal.duration_types`) lack a fixed expiration date. That low figure reflects the consensus that indefinite moratoria face severe legal risk. An indefinite moratorium is difficult to distinguish from a permanent ban and will draw heightened scrutiny under the *Penn Central* balancing test (*Penn Central Transportation Co. v. New York City* 1978). The model uses a fixed duration with the "earlier of" sunset pattern: the moratorium expires on a date certain or upon adoption of permanent regulations, whichever comes first.

5. **Retroactive application to vested rights.** Applying a moratorium retroactively to projects with approved permits or substantial investment-backed expectations raises constitutional concerns. **Indiana**'s 2025 moratorium statute expressly prohibits retroactive application to projects with existing approvals (IC 36-7-4-1109.5). Even where no statute addresses the issue, retroactive application creates strong takings claims under *Penn Central*. The model includes explicit exemption categories for approved projects, existing operations, and (at the drafter's election) pre-filed applications.

6. **No definition of the regulated use.** This is the most prevalent structural deficiency in my corpus: 58.9% of observed moratoria contain no formal definition of the activity they restrict. A moratorium that prohibits "data center" development without defining "data center" leaves enforcement to guesswork. Does it cover a 500-square-foot server room? A cryptocurrency mining operation in a shipping container? The model offers three definitional approaches and uses the functional definition as the default, supplemented by a size threshold to exempt incidental uses. Counsel should evaluate which approach best fits the jurisdiction's circumstances.

7. **Failure to act during the moratorium period.** The moratorium buys time for regulatory development. If the jurisdiction does not use that time, the moratorium becomes difficult to defend legally and politically. Documenting progress reports, public workshops, consultant studies, and draft ordinance language during the moratorium period strengthens the record. When a jurisdiction seeks an extension, the record of work completed during the initial period becomes the primary basis for demonstrating good faith. The model includes written progress reports at intervals of no more than 90 days and conditions any extension on documented evidence of progress.

These seven pitfalls are not exhaustive, but they account for the most common deficiencies I observe in enacted moratoria. The model framework in Appendix C is designed to address each one through its structural requirements. The template covers specific impact enumeration in the findings, a defined term for the regulated use, a fixed duration with the "earlier of" sunset, a phased study plan, and an exemption structure for vested rights. Jurisdictions that follow it will produce moratoria that serve their intended planning function while minimizing legal exposure.

8 Conclusion

Infrastructure development moratoria have become one of the most common regulatory responses to large-scale infrastructure proposals in the United States. My survey documents 222 moratoria across 30 states as of April 2026, enacted by counties, townships, cities, and villages confronting data centers, battery storage facilities, solar installations, and wind projects that their existing zoning codes were never designed to address. This paper set out to fill four gaps in the literature: the absence of a cross-sector inventory, a 50-state authority reference, an empirical clause taxonomy, and a model moratorium framework. I address each in turn before considering limitations, policy implications, and directions for future research.

Summary of Findings

Six findings emerge from my analysis.

First, infrastructure moratoria are a widespread, bipartisan, and local-first phenomenon. The 222 instruments in my inventory span states governed by both parties and communities with diverse political orientations (Section 3). The moratorium impulse arises from the communities that will host the infrastructure, not from distant legislatures. In my structured extraction dataset ($n = 348$), data centers account for 82.8% of instruments, cryptocurrency mining for 19.5%, and battery storage, solar, and wind for the remainder. **Ohio** now leads with 35 entries, followed by **Michigan** with 34, **Georgia** with 24, **North Carolina** with 19, and **Iowa** with 12.

Second, moratoria serve as a regulatory catch-up mechanism. In my structured extraction dataset, 64.3% of instruments include a finding of study intent—an express statement that the governing body plans to use the moratorium period to study impacts and develop permanent standards (Section 5.1). Another 39.8% cite a regulatory gap as the basis for the pause. These instruments are not, in the main, permanent prohibitions.

They are time-limited responses to a mismatch between the pace of infrastructure development and the pace of local regulatory adaptation.

Third, legal authority varies sharply across states. At least thirteen states have enacted express moratorium statutes with defined procedures and duration limits (Section 4.1). The majority rely on implied authority under the police power and home rule provisions, with moratorium validity governed by a reasonableness standard (Section 4.2). **Pennsylvania** and **Virginia** prohibit development moratoria categorically, and **West Virginia** has preempted local moratorium authority for data centers (Section 4.3). States with the most orderly moratorium practice (**Wisconsin**, **Minnesota**, **Oregon**, **North Carolina**) are those with the most detailed enabling statutes (Wis. Stat. § 66.1002; Minn. Stat. § 462.355; ORS 197.520; N.C.G.S. § 160D-107).

Fourth, current drafting practice is uneven. A majority of moratorium instruments (58.9%) provide no formal definition of the regulated use (Section 5.3). Nearly four in five (77.3%) lack exemptions for existing operations, approved projects, or pending applications (Section 5.4). Only 23.6% contain detailed legislative findings. Sector-specific provisions (water assessment, grid impact analysis, fire safety requirements) appear in fewer than one in ten instruments (Section 5.5). These deficiencies expose adopting jurisdictions to constitutional challenge and undermine the effectiveness of the moratorium as a planning tool.

Fifth, moratoria cascade. When one jurisdiction enacts a development pause, neighboring jurisdictions frequently follow (Section 6.3). **Georgia** went from one data center moratorium in March 2025 to at least 24 by April 2026. **Michigan** saw 34 townships and cities act within roughly a five-month window. Post-Moss Landing BESS moratoria spread from **California** to **New York** and beyond within weeks of the January 2025 fire. These cascades can create regional dead zones in which no jurisdiction will accept applications for the target use, amplifying both the economic consequences for developers and the political pressure for state-level legislative response.

Sixth, no cross-sector model moratorium template existed before this paper. I surveyed the American Planning Association, the International City/County Management Association, the National League of Cities, and state municipal leagues in every high-moratorium state (Section 7.1). Sector-specific permanent regulatory models exist for BESS, solar, and wind, but none addresses the moratorium instrument itself (American Clean Power Association 2024; New York State Energy Research and Development Authority 2019; Sabin Center for Climate Change Law 2024). The model framework presented in Section 7 and the full template in Appendix C fill this gap.

The Moratorium as Democratic Friction

Moratoria impose real costs. Project delays, investment uncertainty, and geographic displacement of development are measurable consequences (Section 6.4). One estimate placed blocked or delayed data center investment at $64 billion or more as of early 2025 (Data Center Watch 2025). Solar, wind, and battery storage moratoria slow the deployment of infrastructure needed for the clean energy transition (Powell and O'Neil 2022). These costs fall on developers, ratepayers, and the communities that forgo tax revenue and employment.

Yet moratoria also provide something that no other local regulatory tool delivers with comparable speed: a structured pause during which a community can study a novel land use, gather public input, assess infrastructure capacity, and draft tailored standards. The case studies in Section 6.2 show that the moratorium-to-regulation pipeline functions when jurisdictions commit resources to the study phase. **East Wenatchee**, **Washington** converted a cryptocurrency mining moratorium into permanent performance standards. **Coweta County**, **Georgia** replaced its 180-day pause with a permanent data center ordinance within the original window. **Social Circle**, **Georgia** moved from moratorium to special use permit requirements in under four months.

The appropriate frame is not whether moratoria are categorically desirable or harmful. It is whether they are well-designed and well-executed. A moratorium with detailed findings, a functional definition, the "earlier of" sunset pattern, a phased study plan, and exemptions for vested rights can serve the public interest while minimizing legal exposure and economic disruption. A moratorium adopted reflexively, drafted without definitions, extended repeatedly, and allowed to expire without replacement regulation wastes the time it was meant to buy.

Policy Implications

My findings suggest several considerations for three audiences. These observations are based on the patterns identified in this study and are not a substitute for jurisdiction-specific legal advice.

For local governments. The model framework in Appendix C provides a starting point for any jurisdiction considering a moratorium. Five elements deserve priority attention.

1. Detailed legislative findings that identify the specific regulatory gap and enumerate concrete impacts.
2. A functional or bundled definition of the regulated use, closing the 58.9% definitional gap I document.
3. An "earlier of" sunset provision that ties expiration to both a calendar date and the adoption of permanent standards.
4. An active study process with assigned responsibilities, milestones, and progress reporting.
5. Exemptions for existing operations, approved projects, and—at the drafter's election—pending applications.

Engaging municipal counsel before the first draft, rather than after adoption, is advisable.

For state legislators. States with the most orderly moratorium practice are those with the most detailed enabling statutes. Legislators in states that rely on implied authority should consider adopting express moratorium statutes that establish procedural requirements, duration limits, and findings mandates. **North Carolina**'s four-element framework (N.C.G.S. § 160D-107), **Wisconsin**'s twelve-month ceiling with public hearing requirements (Wis. Stat. § 66.1002), and **Oregon**'s work plan mandate (ORS 197.520) each offer proven models. Express statutes benefit both local governments (by providing a statutory safe harbor) and developers (by imposing time limits and procedural discipline). Preemption of local moratorium authority, as **West Virginia** has enacted for data centers, removes a legitimate planning tool without addressing the underlying regulatory gaps that drive moratorium adoption.

For infrastructure developers. Proactive engagement with local planning processes before moratoria are enacted is more effective than opposition after the fact. Developers should propose Community Benefit Agreements, impact mitigation commitments, and host community payments that address the concerns (noise, water, grid strain, ratepayer cost-shifting, property values) that motivate moratorium adoption. Where a moratorium is already in place, participation in the study process can shape the permanent standards that emerge. **Loudoun County**, **Virginia** demonstrates that proactive planning by both the jurisdiction and the industry can achieve updated zoning standards without a formal development pause (Section 6.2).

Limitations

Five limitations bound this study. First, my inventory is a *temporal snapshot* through April 2026. The moratorium wave continues to accelerate; the counts reported here will be outdated by publication. Second, the extraction dataset reflects a *data center skew*: 82.8% of the 348 structurally extracted instruments target data centers. Renewable energy and BESS moratoria may be underrepresented because they are often embedded in restrictive ordinances rather than standalone moratorium instruments. Third, my structured extraction confidence ranges from 0.40 to 0.98 with a mean of 0.72, reflecting variation in source document quality—some instruments were extracted from meeting minutes or media reports rather than original ordinance text. Fourth, I document patterns and prevalence but do not test *causal hypotheses* about moratorium triggers or outcomes. Fifth, I capture moratorium *enactments* but not compliance or enforcement; whether a moratorium is followed in practice is a question my data cannot answer.

Future Research

Four lines of inquiry would extend this work. *Longitudinal tracking* of moratorium outcomes would answer the question my cross-sectional snapshot cannot: what share of moratoria lead to permanent regulation, what share expire without action, and what share convert into permanent bans? *Economic impact quantification* (measuring project delay costs, investment diversion, ratepayer effects, and forgone tax revenue) would ground the policy debate in empirical estimates rather than aggregate projections. *International comparison* of infrastructure siting moratoria in the European Union, the United Kingdom, Australia, and Canada would test whether the patterns I observe are specific to American federalism or generalizable. *Effectiveness assessment* would compare regulatory outcomes in jurisdictions that used moratoria against those that adopted proactive planning without a formal pause. This would address the fundamental question of whether moratoria produce better or worse long-term regulation.

Closing

The United States is building more infrastructure, faster, than at any time in recent memory. Data centers to serve artificial intelligence, battery storage to integrate renewable generation, and solar and wind installations to decarbonize the grid all require siting decisions that local governments have never before confronted at this scale. Moratoria are the mechanism through which these communities are buying time to respond. The tool is imperfect. It imposes costs, creates uncertainty, and functions well only when the jurisdiction that invokes it commits to doing the regulatory work the pause was designed to enable. But the alternative (permitting novel, high-impact infrastructure under codes that were written before it existed)

carries its own risks. Moratoria, properly drafted and diligently executed, remain the most accessible means by which local governments can reconcile the speed of private investment with the deliberation that sound land use planning requires.

References

Adopt, Amend Comprehensive Plan; Interim Ordinance, Minn. Stat. § 462.355(). URL: https://www.revisor.mn.gov/statutes/cite/462.355 (visited on 02/12/2026).

Almquist v. Town of Marshan, 308 Minn. 52, 245 N.W.2d 819().

American Clean Power Association (2024). *Model Ordinance: Utility-Scale Battery Energy Storage Systems*. URL: https://cleanpower.org/resources/model-ordinance-utility-scale-battery-energy-storage-systems/ (visited on 02/12/2026).

American Planning Association (2024). *Planning Advisory Service Reports*. URL: https://www.planning.org/pas/reports/ (visited on 02/12/2026).

An Act to Amend the Environmental Conservation Law, in Relation to Establishing a Moratorium on Consolidated Operations That Use Proof-of-Work Authentication Methods to Validate Blockchain Transactions, S.6486D/A.7389C(). URL: https://www.nysenate.gov/legislation/bills/2021/S6486 (visited on 02/14/2026).

Arnold Bernhard and Co., Inc. v. Planning and Zoning Commission of Town of Westport, 194 Conn. 152, 479 A.2d 801(). URL: https://case-law.vlex.com/vid/arnold-bernhard-and-co-895317769 (visited on 02/12/2026).

Berman v. Parker, 348 U.S. 26(). URL: https://supreme.justia.com/cases/federal/us/348/26/ (visited on 02/14/2026).

Board of Supervisors of Fairfax County v. Horne, 216 Va. 113, 215 S.E.2d 453().

Casco Township v. E. Brame Trucking Co. 34 Mich. App. 466, 191 N.W.2d 506().

Central Advertising Co. v. St. Joseph Township, 125 Mich. App. 548, 337 N.W.2d 15().

City of East Wenatchee (Mar. 2018). *Ordinance No. 2018-06: Interim Zoning Controls Relating to Cryptocurrency Mining Operations*. Six-month interim ordinance; renewed with a second interim ordinance after expiration in September 2018. URL: https://mrsc.org/getmedia/75e50302-ad13-4ab4-aa0a-f700b7f1360f/e2o2018-06.pdf.aspx (visited on 02/14/2026).

City of East Wenatchee (Nov. 5, 2019). *Ordinance No. 2019-19: Zoning Controls Relating to Cryptocurrency Mining Operations and Data Processing*. Permanent zoning controls adopted after two interim moratorium ordinances (Ord. 2018-06 and Ord. 2018-22). URL: https://www.codepublishing.com/WA/EastWenatchee/ (visited on 02/14/2026).

City of Roswell v. Outdoor Systems, Inc. 274 Ga. 130, 549 S.E.2d 90().

Colorado Department of Local Affairs (2023). *Post-Disaster Building Moratorium Model and Commentary*. URL: https://planningforhazards.colorado.gov/post-disaster-building-moratorium-model-and-commentary (visited on 02/12/2026).

Compliance and Implementation, R.I. Gen. Laws § 45-22.2-13(). URL: https://law.justia.com/codes/rhode-island/title-45/chapter-45-22-2/section-45-22-2-13/ (visited on 02/13/2026).

Daly, Lyle (Jan. 22, 2026). *How Much Are AI Companies Spending on Data Centers?* The Motley Fool. URL: https://www.fool.com/research/ai-companies-spending-on-data-centers/ (visited on 02/14/2026).

Data Center Watch (2025). *$64 Billion of Data Center Projects Have Been Blocked or Delayed Amid Local Opposition*. URL: https://www.datacenterwatch.org/report (visited on 02/12/2026).

Development Moratoria, Wis. Stat. § 66.1002(). URL: https://docs.legis.wisconsin.gov/document/statutes/66.1002 (visited on 02/12/2026).

First English Evangelical Lutheran Church of Glendale v. County of Los Angeles, 482 U.S. 304(). URL: https://supreme.justia.com/cases/federal/us/482/304/ (visited on 02/14/2026).

Food & Water Watch (Dec. 8, 2025). *National Data Center Moratorium Now!* Letter to Congress signed by over 230 national, state, and local organizations. URL: https://www.foodandwaterwatch.org/wp-content/uploads/2025/12/National-Data-Center-Moratorium.pdf (visited on 02/14/2026).

Graham Sustainability Institute (Oct. 2024). *Planning & Zoning for Battery Energy Storage Systems: A Guide for Michigan Local Governments*. Guide. URL: https://graham.umich.edu/product/bess-guide (visited on 02/12/2026).

Hasco Electric Corp. v. Dassler, 143 N.Y.S.2d 240().

Hess v. Cannon Township, 265 Mich. App. 582, 696 N.W.2d 742().

House, Kelly (Feb. 2, 2026). *Data Center Moratoriums Pile Up in Michigan. No One Knows if They'll Work.* Bridge Michigan. URL: https://bridgemi.com/michigan-environment-watch/at-least-19-michigan-towns-pause-data-centers-no-one-knows-if-itll-work/ (visited on 02/14/2026).

Hunter v. City of Pittsburgh, 207 U.S. 161(). URL: https://supreme.justia.com/cases/federal/us/207/161/ (visited on 02/13/2026).

Interim and Permanent Land Use Regulations Authorized—Designation and Regulation of Urban Residential Zones, KRS 100.201(). URL: https://www.lawserver.com/law/state/kentucky/ky-statutes/kentucky_statutes_100-201 (visited on 02/14/2026).

Interim Bylaws, 24 V.S.A. § 4415(). URL: https://legislature.vermont.gov/statutes/section/24/117/04415 (visited on 02/13/2026).

Interim Ordinance, Cal. Gov't Code § 65858(). URL: https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65858.&lawCode=GOV (visited on 02/12/2026).

Iowa Environmental Council (Oct. 2019). *Successful County Wind Siting Practices in Iowa*. Report. URL: https://www.iaenvironment.org/webres/File/IEC_WindSiting_Best%20Practices_Oct_2019.pdf (visited on 02/12/2026).

Jackson, Allison, Kate Doubleday, Brittany Staie, Allison Perna, Mariel Sabraw, Liz Voss, Apolonia Alvarez, Byron Kominek, and Jordan Macknick (2024). *County Land-Use Regulations for Solar Energy Development in Colorado*. Technical Report NREL/TP-6A20-88556. URL: https://docs.nrel.gov/docs/fy24osti/88556.pdf (visited on 02/12/2026).

Joint Legislative Audit and Review Commission (2024). *Data Centers in Virginia*. Virginia General Assembly. URL: https://jlarc.virginia.gov/landing-2024-data-centers-in-virginia.asp (visited on 02/13/2026).

Juergensmeyer, Julian Conrad, Patricia E. Salkin, and Ryan Max Rowberry (2023). *Land Use Planning and Development Regulation Law*. 5th ed. Hornbook Series. West Academic.

Knick v. Township of Scott, 588 U.S. 180(). URL: https://supreme.justia.com/cases/federal/us/588/17-647/ (visited on 02/14/2026).

Lingle v. Chevron U.S.A. Inc. 544 U.S. 528(). URL: https://supreme.justia.com/cases/federal/us/544/528/ (visited on 02/13/2026).

Local Government; Construction or Development of New Data Centers for a Specified Time; Prohibit, HB 1012(). URL: https://www.legis.ga.gov/legislation/72319 (visited on 02/13/2026).

Lopez, Anthony, Wesley Cole, Brian Sergi, Aaron Levine, Jesse Carey, Cailee Mangan, Trieu Mai, Travis Williams, Pavlo Pinchuk, and Jianyu Gu (2023). "Impact of Siting Ordinances on Land Availability for Wind and Solar Development". In: *Nature Energy* 8.9, pp. 1034–1043. DOI: 10.1038/s41560-023-01319-3.

Lopez, Anthony, Aaron Levine, Jesse Carey, and Cailee Mangan (2022a). *U.S. Solar Siting Regulation and Zoning Ordinances*. National Renewable Energy Laboratory. URL: https://data.openei.org/submissions/5734 (visited on 02/12/2026).

Lopez, Anthony, Aaron Levine, Jesse Carey, and Cailee Mangan (2022b). *U.S. Wind Siting Regulation and Zoning Ordinances*. National Renewable Energy Laboratory. URL: https://data.openei.org/submissions/5733 (visited on 02/12/2026).

Loudoun County, Virginia (Mar. 18, 2025a). *CPAM-2024-0001 and ZOAM-2024-0001: Data Center Zoning Amendments*. URL: https://www.loudoun.gov/5990/Data-Center-Standards-Locations (visited on 02/13/2026).

Loudoun County, Virginia (2025b). *Data Centers in Loudoun County*. URL: https://www.loudoun.gov/6188/Data-Centers-in-Loudoun-County (visited on 02/13/2026).

Lovelady, Adam (Feb. 2023). *Hit the Pause Button: Temporary Development Moratoria in North Carolina*. Coates' Canons: NC Local Government Law, UNC School of Government. URL: https://canons.sog.unc.edu/2023/02/hit-the-pause-button-temporary-development-moratoria-in-north-carolina/ (visited on 02/14/2026).

Lucas v. South Carolina Coastal Council, 505 U.S. 1003(). URL: https://supreme.justia.com/cases/federal/us/505/1003/ (visited on 02/12/2026).

Mandelker, Daniel R. and Michael Allan Wolf (2015). *Land Use Law*. 6th ed. LexisNexis.

Manner of Declaring Moratorium, ORS 197.520(). URL: https://oregon.public.law/statutes/ors_197.520 (visited on 02/12/2026).

Massachusetts Department of Energy Resources (2025). *Draft Battery Energy Storage Systems (BESS) Model Bylaw*. URL: https://www.mass.gov/doc/doer-draft-battery-energy-storage-systems-bess-model-bylaw/download (visited on 02/13/2026).

Matthews v. Board of Zoning Appeals of Greene County, 218 Va. 270, 237 S.E.2d 128().

Michigan Data Center Legislation Package, HB 5396–5399, SB 761–763(). URL: https://www.legislature.mi.gov/ (visited on 02/13/2026).

Michigan Zoning Enabling Act, MCL 125.3101 et seq. (Act 110 of 2006)(). URL: https://www.legislature.mi.gov/documents/mcl/pdf/mcl-Act-110-of-2006.pdf (visited on 02/12/2026).

Moratoria, N.C.G.S. § 160D-107(). URL: https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-107.pdf (visited on 02/12/2026).

Moratoria, 30-A M.R.S. § 4356(). URL: https://www.mainelegislature.org/legis/statutes/30-a/title30-asec4356.html (visited on 02/12/2026).

Moratoria, Interim Zoning Controls, RCW 35.63.200(). URL: https://app.leg.wa.gov/rcw/default.aspx?cite=35.63.200 (visited on 02/13/2026).

Mullane v. Central Hanover Bank & Trust Co. 339 U.S. 306(). URL: https://supreme.justia.com/cases/federal/us/339/306/ (visited on 02/13/2026).

Municipal Association of South Carolina (Apr. 2020). *Using a Development Moratorium Correctly*. URL: https://www.masc.sc/uptown/04-2020/using-development-moratorium-correctly (visited on 02/12/2026).

Naylor v. Township of Hellam, 565 Pa. 397, 773 A.2d 770().

Neumann, Brad (Dec. 15, 2025a). *A Zoning Moratorium Should Only Be Done with Caution*. Updated from an original article by Kurt H. Schindler; republished December 2025. Michigan State University Extension. URL: https://www.canr.msu.edu/news/zoning_moratoriums_should_only_be_done_with_caution (visited on 02/14/2026).

Neumann, Brad (Dec. 15, 2025b). *Caution: Zoning Moratorium Ahead*. Substantially updated and republished December 2025; originally published 2017. Michigan State University Extension. URL: https://www.canr.msu.edu/news/caution_zoning_moratorium_ahead (visited on 02/14/2026).

New York Department of State (2013). *Land Use Moratoria*. Part of the James A. Coon Local Government Technical Series. URL: https://dos.ny.gov/land-use-moratoria-0 (visited on 02/12/2026).

New York State Energy Research and Development Authority (2019). *New York State Battery Energy Storage System Guidebook*. Originally published September 2019; continuously updated with safety and code revisions through 2025. URL: https://www.nyserda.ny.gov/All-Programs/Clean-Energy-Siting-Resources/Battery-Energy-Storage-Guidebook (visited on 02/14/2026).

Owens, David W. (2023). *Moratoria*. UNC School of Government. URL: https://www.sog.unc.edu/resources/legal-summaries/moratoria (visited on 02/12/2026).

Penn Central Transportation Co. v. New York City, 438 U.S. 104(). URL: https://supreme.justia.com/cases/federal/us/438/104/ (visited on 02/12/2026).

PennFuture (2025). *Data Center Model Zoning Ordinance*. URL: https://www.pennfuture.org/Publication-Data-Center-Model-Ordinance (visited on 02/12/2026).

Powell, Devyn W. and Rebecca O'Neil (July 2022). *Restrictions and Barriers to Renewable Energy in Local Zoning Ordinances*. Technical Memorandum PNNL-SA-174105. URL: https://www.pnnl.gov/sites/default/files/media/file/Restrictions%20in%20Local%20Zoning%20-%20Memo%20-%20Jul22.pdf (visited on 02/12/2026).

Powell, Devyn W. and Jeremy B. Twitchell (Oct. 2023). *Local Zoning and Permitting for Battery Energy Storage Systems*. Presentation. Presented at the DOE OE Energy Storage Peer Review, hosted by Sandia National Laboratories. URL: https://www.sandia.gov/app/uploads/sites/82/2023/10/PR2023_1003_Powell_Devyn_Regulatory-Environment.pdf (visited on 02/12/2026).

Power Generation and Consumption Act, HB 2014(). URL: https://www.wvlegislature.gov/Bill_Text_HTML/2025_SESSIONS/RS/bills/hb2014%20sub1%20enr.pdf (visited on 02/13/2026).

Projects for Generation of Electricity; Exempted Entities; Prohibition by Political Subdivision or Local Authority After June 30, 2025; One-Year Limit; Extension or Renewal of Prohibition Not Allowed, IC 36-7-4-1109.5(). URL: https://iga.in.gov/laws/2025/ic/titles/36#36-7-4-1109.5 (visited on 02/14/2026).

Reuters (Jan. 17, 2025). *Vistra's Battery Storage Facility Goes Up in Flames, Spurs Evacuation Orders*. CNBC. URL: https://www.cnbc.com/2025/01/17/battery-facility-fire-at-california-power-plant-site-spurs-evacuation-orders.html (visited on 02/14/2026).

Sabin Center for Climate Change Law (2024). *Model Municipal Ordinances*. Columbia Law School. URL: https://climate.law.columbia.edu/content/model-municipal-ordinances (visited on 02/12/2026).

Safe and Secure Battery Storage Act, AB 434(). URL: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB434 (visited on 02/13/2026).

Salkin, Patricia E. and Jennie C. Nolon (2021). *Land Use Law in a Nutshell*. 3rd ed. West Academic.

Schafer v. City of New Orleans, 743 F.2d 1086().

Simpkins v. City of Gaffney, 315 S.C. 26, 431 S.E.2d 592().

Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, 535 U.S. 302(). URL: https://supreme.justia.com/cases/federal/us/535/302/ (visited on 02/12/2026).

Temporary Moratoria and Limitations on Building Permits and the Approval of Subdivisions and Site Plans, N.H. RSA 674:23(). URL: https://gc.nh.gov/rsa/html/LXIV/674/674-23.htm (visited on 02/13/2026).

Temporary Zoning Controls (County and Municipal), SDCL 11-2-10; 11-4-3.1(). URL: https://law.justia.com/codes/south-dakota/title-11/chapter-02/section-11-2-10/ (visited on 02/14/2026).

The White House (Jan. 20, 2025). *Temporary Withdrawal of All Areas on the Outer Continental Shelf from Offshore Wind Leasing and Review of the Federal Government's Leasing and Permitting Practices for Wind Projects*. URL: https://www.whitehouse.gov/presidential-actions/2025/01/temporary-withdrawal-of-all-areas-on-the-outer-continental-shelf-from-offshore-wind-leasing-and-review-of-the-federal-governments-leasing-and-permitting-practices-for-wind-projects/ (visited on 02/14/2026).

Twitchell, Jeremy B., Devyn W. Powell, and Matthew D. Paiss (2023). *Energy Storage in Local Zoning Ordinances*. Technical Report PNNL-34462. URL: https://www.pnnl.gov/main/publications/external/technical_reports/PNNL-34462.pdf (visited on 02/12/2026).

U.S. Department of Commerce (1926). *A Standard State Zoning Enabling Act Under Which Municipalities May Adopt Zoning Regulations*. Government Printing Office. URL: https://www.govinfo.gov/content/pkg/GOVPUB-C13-18b3b6e632119b6d94779f558b9d3873/pdf/GOVPUB-C13-18b3b6e632119b6d94779f558b9d3873.pdf (visited on 02/12/2026).

U.S. Department of Energy (2024). *Wind Energy Ordinances*. Wind Energy Technologies Office. URL: https://www.energy.gov/eere/wind/windexchange/ordinances (visited on 02/12/2026).

U.S. Environmental Protection Agency (2025). *Battery Energy Storage Systems: Main Considerations for Safe Installation and Incident Response*. EPA 530-F-25-013. URL: https://www.epa.gov/system/files/documents/2025-08/battery_energy_storage_systems_fact_sheet.pdf (visited on 02/14/2026).

Village of Euclid v. Ambler Realty Co. 272 U.S. 365(). URL: https://supreme.justia.com/cases/federal/us/272/365/ (visited on 02/12/2026).

Village of Willowbrook v. Olech, 528 U.S. 562(). URL: https://supreme.justia.com/cases/federal/us/528/562/ (visited on 02/13/2026).

Williamson County Regional Planning Commission v. Hamilton Bank of Johnson City, 473 U.S. 172(). URL: https://supreme.justia.com/cases/federal/us/473/172/ (visited on 02/14/2026).

A Moratorium Inventory

This appendix presents the complete inventory of infrastructure development moratoria identified through April 2026. Table 6 lists each moratorium by jurisdiction, state, date enacted, duration, sector, instrument form, and current status.

Table 6: Inventory of Infrastructure Moratoria in the United States

Jurisdiction	State	Date	Duration	Sector
Birmingham	AL	2026-03	180d	Data Center
Harrison	AR	2023-05	One year or un	Data Center, Crypto
El Monte	CA	2026-03	45d	Data Center
Montebello	CA	2026-02	45d	Data Center
Monterey Park	CA	2026-01	45d	Data Center
Oakley	CA	2026-04	45d	Data Center
Denver	CO	2026-04	Proposed	Data Center
Larimer County	CO	2026-01	30d	Data Center
Logan County	CO	2025-10	180d	Data Center, BESS, Sola
Groton	CT	2022-06	One year	Data Center
Morris	CT	2026-03	12mo	Data Center, BESS
Athens-Clarke County	GA	2025-12	Initial morato	Data Center
Brooks County	GA	2026-02	3mo	Data Center
Bulloch County	GA	2026-02	90d	Data Center
Clayton County	GA	2025-09	120d	Data Center
Cobb County	GA	2026-02	180d	Data Center
Covington	GA	2026-01	Until 2026-07-	Data Center
Coweta County	GA	2025-05	180d	Data Center
Decatur County	GA	2026-04	Indef.	Data Center
DeKalb County	GA	2025-06	100d	Data Center
Douglas County	GA	—	90d	Data Center
Fayetteville	GA	2026-01	90d	Data Center
Griffin	GA	2026-01	180d	Data Center, Crypto
Hall County	GA	2026-02	180d	Data Center
Jones County	GA	2025-09	90d	Data Center
LaGrange	GA	2025-09	180d	Data Center
Lamar County	GA	2025-09	Not confirmed	Data Center
Monroe County	GA	2025-12	Through 2026-0	Data Center
Newton County	GA	2026-02	Initial emerge	Data Center
Pike County	GA	2025-09	Not confirmed	Data Center
Polk County	GA	2026-03	60d	Data Center
Roswell	GA	2026-01	90d	Data Center
Social Circle	GA	2025-09	Indef.	Data Center
Thomas County	GA	2026-01	12mo	Data Center
Troup County	GA	2025-09	90d	Data Center

Table 6 – continued

Jurisdiction	State	Date	Duration	Sector
Adair County	IA	2026-03	Not captured i	Data Center
Clarke County	IA	2025-06	Temporary	Data Center
Clayton County	IA	2025-02	Originally thr	Data Center, Crypto
Franklin County	IA	2026-03	Temporary	Data Center
Jackson County	IA	2024-09	First instance	Crypto
Johnson County	IA	2025-11	Through 2026-1	Data Center
Jones County	IA	2024-10	Indef.	Data Center, Crypto, B
Mitchell County	IA	2025-11	Through 2026-1	Data Center
Shelby County	IA	2026-03	Through 2027-0	Data Center, Crypto
Story County	IA	2025-06	Through 2025-1	Data Center, Crypto, B
Tama County	IA	2025-11	Indef.	Crypto, BESS
Union County	IA	2026-03	Proposed	Data Center
Kootenai County	ID	2025-03	182d	Data Center
Champaign County	IL	2026-04	12mo	Data Center
City of Aurora	IL	2025-09	180d	Data Center, BESS
City of Collinsville (proposed, not enacted)	IL	—	Proposed	Data Center
Morgan County	IL	2026-04	6mo	Data Center
Village of Godfrey	IL	2026-01	180d	Data Center
Dearborn County	IN	2026-02	1yr	Data Center, BESS, Sola
DeKalb County	IN	2026-04	6mo	Data Center
Franklin County	IN	2025-12	12mo	Data Center
Fulton County	IN	2026-03	1yr	Data Center
Huntington County	IN	2026-02	Indef.	Data Center, BESS
Marshall County	IN	2025-02	2yr	Data Center, BESS, Sola
Pulaski County	IN	2026-01	12mo	Data Center
Putnam County	IN	2025-11	1yr	Data Center, Solar, Wir
Shelby County	IN	2026-02	6mo	Data Center
Starke County	IN	2025-12	1yr	Data Center
White County	IN	2025-10	6mo	Data Center
Brown County	KS	2026-03	18mo	Data Center, Crypto, B
Harvey County	KS	2026-01	Through 2029-0	Data Center
Kingman County	KS	2026-02	18mo	Data Center
Marion County	KS	2026-03	Through 2026-0	Data Center, BESS
McPherson County	KS	2025-08	Initially thro	Data Center, Crypto
Riley County	KS	2026-04	Reported as a	Data Center, BESS
Saline County	KS	2026-03	1yr	BESS
Sedgwick County	KS	2026-01	90d	Data Center
Breckinridge County	KY	2025-12	365d	Data Center
City of La Grange	KY	2025-06	150d	Data Center
Meade County Fiscal Court	KY	2026-01	365d	Data Center
Oldham County Fiscal Court	KY	2025-06	150d	Data Center

Table 6 – continued

Jurisdiction	State	Date	Duration	Sector
New Orleans	LA	2026-01	One year from	Data Center
St. Charles Parish	LA	—	Proposed	Data Center
Everett (restriction proposal, not moratorium)	MA	2026-04	Not a moratori	Data Center
Gill (proposal, not enacted as of 2026-04-29)	MA	2026-05	Proposed	Data Center, BESS
Heath (proposal, not enacted as of 2026-04-29)	MA	2026-05	Proposed	Data Center, BESS
Lowell	MA	2026-03	360d	Data Center
Shutesbury	MA	2025-09	Until 2026-06-	Data Center
Baltimore County	MD	2026-02	90d	Data Center
Prince George's County	MD	2025-09	180d	Data Center
Proposed or Rejected Local Pauses	MD	—	—	Data Center
Bangor	ME	2026-04	180d	Data Center
Armada Township	MI	—	[VERIFY]	Data Center
Big Rapids Charter Township	MI	2026-02	1yr	Data Center
Bruce Township	MI	—	[VERIFY]	Data Center
Clark Township	MI	2025-06	1yr	Data Center, Crypto
Detroit (requested)	MI	2026-04	2yr	Data Center
Dundee Township	MI	2026-04	[VERIFY: terms	Data Center
Fenton Township	MI	2026-02	Proposed	Data Center
Grand Blanc Township	MI	2026-01	1yr	Data Center
Green Charter Township	MI	2025-12	1yr	Data Center
Hayes Township	MI	2026-02	180d	Data Center
Howell Township	MI	2025-11	6mo	Data Center
Lenox Township	MI	2026-02	4mo	Data Center
Lodi Township	MI	2026-02	180d	Data Center
Lowell Township (proposed)	MI	2026-04	Proposed	Data Center
Manchester Township	MI	2025-10	2yr	Data Center
Mason	MI	—	90d	Data Center
Northville	MI	2026-01	12mo	Data Center
Other Reported Local Moratoria	MI	—	—	Data Center
Pittsfield Township	MI	2025-11	6mo	Data Center
Pontiac	MI	2026-01	6mo	Data Center
Saginaw	MI	2026-01	6mo	Data Center
Saline City	MI	2026-01	12mo	Data Center
Saugatuck Township	MI	2026-04	[VERIFY: not l	Data Center
Sault Ste. Marie Tribe of Chippewa Indians	MI	2026-04	Indef.	Data Center
South Lyon	MI	—	[VERIFY]	Data Center
Springfield Township	MI	2025-12	180d	Data Center
Sterling Heights	MI	2026-02	12mo	Data Center
Sylvan Township	MI	2026-04	6mo	Data Center
Taylor	MI	—	[VERIFY]	Data Center
Tyrone Township	MI	2025-12	6mo	Data Center

Table 6 – continued

Jurisdiction	State	Date	Duration	Sector
Village of Romeo	MI	2026-01	1yr	Data Center
Waterford Township	MI	2026-03	6mo	Data Center
York Township	MI	2026-02	6mo	Data Center
Ypsilanti Community Utilities Authority	MI	2026-04	12mo	Data Center
Carver	MN	2026-04	One year from	Data Center
Eagan	MN	2026-02	One year	Data Center
Minneapolis	MN	2026-04	Proposed	Data Center
Waite Park	MN	—	Proposed	Data Center
City of Peculiar	MO	2024-08	100d	Data Center
City of St. Charles	MO	2025-08	One year from	Data Center
Jackson County	MO	2026-04	Proposed	Data Center, BESS
Buncombe County (cryptocurrency mining; data-center-adjacent)	NC	2023-05	1yr	Data Center, Crypto
Chatham County	NC	2026-02	12mo	Data Center
Cherokee County (high-impact facilities; cryptocurrency mining; data-center-adjacent)	NC	2023-10	1yr	Data Center, Crypto
City of Brevard	NC	2026-03	90d	Data Center
City of Kings Mountain	NC	2026-02	182d	Data Center
Clay County (permanent restriction after earlier crypto moratorium)	NC	2026-01	Indef.	Data Center, Crypto
Gates County	NC	2025-12	1yr	Data Center
Henderson County (cryptocurrency mining; data-center-adjacent)	NC	2023-05	60d	Crypto
Madison County (cryptocurrency mining; data-center-adjacent)	NC	2023-06	12mo	Crypto
McDowell County (cryptocurrency mining; data-center-adjacent)	NC	2026-04	Expired by rep	Crypto
Orange County	NC	2026-04	1yr	Data Center
Rowan County	NC	2026-04	1yr	Data Center
Swain County	NC	2026-04	12mo	Data Center
Town of Apex	NC	2026-04	12mo	Data Center, Crypto
Town of Boone	NC	2026-03	1yr	Data Center, Crypto
Town of Canton	NC	2026-02	12mo	Data Center, Crypto
Town of Clyde	NC	2026-04	12mo	Data Center
Town of Wendell	NC	2026-04	Through 2026-1	Data Center, Crypto
Watauga County	NC	2026-04	Proposed	Data Center
Dunn County	ND	2026-03	12mo	Data Center, BESS, Sola
Mercer County	ND	2026-03	1yr	Data Center, Crypto
Morton County	ND	2024-09	Indef.	Data Center, Crypto
Oliver County (Phase 1)	ND	2024-12	Until land use	Data Center, Crypto, So
Oliver County (Phase 2)	ND	2025-05	90d	Data Center, Solar
Oliver County (Phase 3)	ND	2026-03	180d	Data Center
Williams County	ND	2023-06	6mo	Data Center
Hitchcock County	NE	2025-02	One year or un	Data Center, Crypto
Otoe County	NE	2026-04	Proposed	Data Center
Red Willow County	NE	2025-09	12mo	Data Center
Town of Dryden (Tompkins County)	NY	2024-07	Indef.	Data Center, Crypto

Table 6 – continued

Jurisdiction	State	Date	Duration	Sector
Town of Lansing (Tompkins County) - proposed, not enacted	NY	2025-09	Proposed	Data Center
Town of Lewiston (Niagara County) - proposed, public hearing held	NY	2026-04	Not identified	Data Center, Crypto
Town of Lysander (Onondaga County) - drafting authorized	NY	2026-04	Not yet drafte	Data Center
Town of Oneonta (Otsego County) - proposed, pending	NY	2026-03	Proposed	Data Center, Crypto
Archbold	OH	2026-02	N/A	Data Center
Avon	OH	2026-04	6mo	Data Center
Blanchester	OH	—	[VERIFY: not c	Data Center
Canton Township	OH	2026-04	12mo	Data Center
Cincinnati	OH	2026-02	Through end of	Data Center
City of New Carlisle	OH	2026-02	12mo	Data Center
City of Norton	OH	2025-12	180d	Data Center
City of Waterville	OH	2025-12	6mo	Data Center
Cleveland	OH	2026-04	Proposed	Data Center
Findlay	OH	2026-04	12mo	Data Center
Hubbard Township	OH	2026-02	12mo	Data Center
Jerome Township	OH	2025-09	9mo	Data Center
Kent	OH	2026-04	1yr	Data Center
Lake Township	OH	2026-03	12mo	Data Center
Massillon	OH	2026-04	180d	Data Center
Maumee	OH	2026-02	12mo	Data Center
Monclova Township	OH	2026-02	12mo	Data Center
Mount Orab	OH	2026-03	180d	Data Center
Pierce Township	OH	2026-02	8mo	Data Center
Plain Township	OH	2026-03	12mo	Data Center
Providence Township	OH	2026-04	12mo	Data Center
Ravenna	OH	2026-04	12mo	Data Center, Crypto
Richfield Township	OH	2026-02	12mo	Data Center
Scioto Township	OH	2026-03	Proposed	Data Center
Shawnee Township	OH	2026-04	18mo	Data Center, BESS, Sola
South Bloomfield	OH	2025-12	180d	Data Center
Spencer Township	OH	2026-03	12mo	Data Center
Sprigg Township	OH	2026-03	12mo	Data Center
Tallmadge	OH	2026-04	6mo	Data Center
Tiffin	OH	2026-04	12mo	Data Center
Vermilion	OH	2026-03	Through 2027-0	Data Center
Village of Ashville	OH	2025-12	180d	Data Center
Village of Lordstown	OH	2026-01	180d	Data Center
Washington Township	OH	2025-12	90d	Data Center
Waterville Township	OH	2025-12	12mo	Data Center
Oklahoma City	OK	2026-04	Until 2026-12-	Data Center
Pawhuska	OK	2026-04	Until 2026-12-	Data Center

Table 6 – continued

Jurisdiction	State	Date	Duration	Sector
Seminole Nation of Oklahoma	OK	2026-03	Not identified	Data Center
Tulsa	OK	2026-03	Through 2026-1	Data Center
Montour County	PA	2025-11	180d	Data Center
Bristol	TN	2025-10	Two years	Data Center, Crypto
Hawkins County	TN	2025-09	Indef.	Data Center, Crypto
Johnson City	TN	2025-06	12mo	Data Center, Crypto
Jonesborough	TN	2025-10	Proposed	Data Center, Crypto
Sullivan County	TN	2025-11	Four months	Data Center, Crypto
Washington County	TN	2026-03	Effective imme	Data Center, Crypto
Fluvanna County	VA	2025-09	Until 2026-01-	Data Center
City of Chelan	WA	2018-04	12mo	Crypto
City of Cheney	WA	2018-04	Six months	Crypto
City of East Wenatchee	WA	2018-03	Initial six-mo	Crypto
City of Entiat	WA	—	Initial interi	Crypto
City of Ephrata	WA	2018-10	12mo	Crypto
City of Leavenworth	WA	2018-03	12mo	Crypto
City of Moses Lake	WA	2018-05	12mo	Data Center, Crypto
City of Seattle	WA	2026-04	Proposed	Data Center
City of Wenatchee	WA	2018-02	Indef.	Data Center, Crypto
Douglas County	WA	2018-04	Not verified f	Data Center, Crypto
Town of Waterville	WA	2026-04	Not verified f	Crypto
City of Madison	WI	2026-01	One year	Data Center
Manitowoc County	WI	2026-04	18mo	Data Center

Source: Author's compilation from municipal records, state legislation, and public documents.

Data current through April 2026.

B 50-State Moratorium Authority Reference

This appendix provides a compact reference for moratorium legal authority in each of the fifty states. For each state, I identify the authority type, enabling statute (if any), maximum duration, and key procedural requirements. States are organized alphabetically. This reference is current as of April 2026.

Table 7: 50-State Moratorium Authority Reference

State	Authority	Statute	Max Duration	Key Requirements
Alabama	Implied	Ala. Code § 11-52-30	Reasonable	Ordinance; public welfare purpose; counties generally lack authority
Alaska	Implied	AS 29.40.040	Reasonable	General ordinance procedures; consistent with comprehensive plan
Arizona	Express	A.R.S. § 9-463.06; § 11-833	120 days[7]	Written findings; 30-day notice; public hearing; trial de novo available
Arkansas	Implied	Ark. Code § 14-56-417	180 days	Standard ordinance procedures; public hearing[8]
California	Express	Cal. Gov't Code § 65858	2 years[9]	Four-fifths supermajority; "current and immediate threat" finding; must continue processing applications
Colorado	Implied	C.R.S. § 29-20-101 et seq.	Reasonable	Public hearing; subject to takings protections
Connecti-cut	Implied	CGS Chs. 124, 126	Reasonable	Only zoning commission may impose; not legislative body
Delaware	Implied	22 Del. C. § 702	Not specified	Consistent with comprehensive plan; 18-month map update deadline
Florida	Implied	Fla. Stat. § 163.3180; § 252.422	Reasonable	Based on concurrency inadequacy; one-year ban on post-hurricane development moratoria (§ 252.422, SB 180, 2025)

Continued on next page

[7] Extensions in 120-day increments upon public hearing, written findings, and demonstrated progress.

[8] Data Centers Act (2023, amended 2024) preempts some local regulation of digital asset mining; implementing rules enjoined by federal court as of early 2026.

[9] 45-day initial term; extensions to 2-year aggregate maximum.

Table 7 continued

State	Authority	Statute	Max Duration	Key Requirements
Georgia	Implied	Ga. Code § 36-66-1 et seq.	Reasonable	Adopted by governing body; cannot defeat vested rights; resolution form accepted[10]
Hawaii	Implied	HRS § 46-4	Not specified	General ordinance adoption; subject to state preemption
Idaho	Express	Idaho Code § 67-6523; § 67-6524	182 days (emergency); 1 year (interim)[11]	Written findings of "imminent peril to public health, safety, or welfare"
Illinois	Implied	65 ILCS 5/11-13-1	Reasonable	Ordinance; public hearing; findings recommended[12]
Indiana	Express	IC 36-7-4-1109.5 (eff. 2025)	1 year	Sector-specific: electricity-generation projects only; public hearing; written findings; ordinance; no extension or renewal; retroactive application prohibited
Iowa	Implied	Iowa Code Chs. 414, 335	Reasonable	Public hearing; 15-day notice; home rule authority
Kansas	Implied	K.S.A. 12-741 et seq.	Reasonable	Statutory zoning procedures; good faith; nondiscriminatory
Kentucky	Express	KRS 100.201	12 months	Planning commission must adopt goals and land use element first; moratoria on cell towers prohibited
Louisiana	Implied	La. R.S. 33:140 et seq.	Reasonable	Public hearing; 10-day notice; home rule vs. non-home rule distinction applies

Continued on next page

[10] In *City of Roswell v. Outdoor Systems, Inc.*, 549 S.E.2d 90 (Ga. 2001), the Supreme Court held that a temporary moratorium is not "final legislative action" under the Zoning Procedures Law and therefore need not follow the ZPL's notice-and-hearing requirements.

[11] Emergency moratorium cannot be reimposed for at least one year after expiration.

[12] 55 ILCS 5/5-12020 expressly bans local moratoria on commercial solar and wind in agricultural and industrial districts.

Table 7 continued

State	Authority	Statute	Max Duration	Key Requirements
Maine	Express	30-A M.R.S. § 4356	180 days[13]	Two statutory grounds: public facility shortage or inadequate regulations; strict procedural compliance
Maryland	Implied	Land Use Art. § 4-201(b)	Reasonable	General ordinance procedures; limited duration required
Massachusetts	Implied	M.G.L. Ch. 40A	Reasonable	General zoning bylaw procedures
Michigan	Implied	MCL 125.3506 (MZEA)	6 months[14]	Ordinance (not resolution); public hearing; written findings strongly recommended
Minnesota	Express	Minn. Stat. § 462.355	12 months[15]	Public hearing; municipality must be preparing or have adopted comprehensive plan
Mississippi	Implied	Miss. Code § 21-17-5	Reasonable	Standard ordinance procedures; 15-day hearing notice; agricultural operations protected
Missouri	Implied	RSMo §§ 89.010–89.140	Reasonable	Public hearing; 15-day legal ad notice
Montana	Express	MCA § 76-2-306; § 76-25-307	6 months–1 year[16]	Notice and public hearing for extensions; two-thirds vote[17]
Nebraska	Implied	Neb. Rev. Stat. §§ 19-901 to 19-915	Reasonable	Public hearing; consistent with comprehensive development plan
Nevada	Implied	NRS Ch. 278	Not specified	Strict Dillon's Rule; doubt resolved against municipality[18]

Continued on next page

[13]Renewable in 180-day increments upon finding that the problem persists and reasonable progress is being made.

[14]Case law limit. No Michigan appellate court has upheld a moratorium exceeding six months. One six-month extension may be defensible.

[15]Extensions totaling up to 18 additional months; plus additional one-year extension if no comprehensive plan adopted.

[16]30-month maximum under § 76-2-306 with extensions by two-thirds vote. One-year maximum, no extensions under § 76-25-307.

[17]Digital asset mining protected in industrial zones (SB 178, 2023); existing operations grandfathered.

[18]NRS 278.0208 preempts local restrictions on wind energy systems, including moratoria.

Table 7 continued

State	Authority	Statute	Max Duration	Key Requirements
New Hampshire	Express	RSA 674:23	1 year	Planning board recommendation; "unusual circumstances" required; SB 163 (2025) proposes repeal
New Jersey	Restricted	N.J.S.A. 40:55D-90	6 months[19]	Near-prohibition; property right to develop free from illegal moratorium
New Mexico	Implied	NMSA 1978 § 3-21-1 et seq.	Reasonable	Public hearing; 15-day published notice
New York	Implied	Town Law §§ 261–263; Mun. Home Rule Law § 10	Reasonable	Strong written record; defined scope; limited duration; reasonable waiver process
North Carolina	Express	N.C.G.S. § 160D-107	Reasonable[20]	Problem statement, alternatives considered, and action plan required; residential moratoria prohibited as grounds for plan adoption
North Dakota	Implied	N.D.C.C. Chs. 40-47, 11-33	Reasonable	Written resolution; published notice
Ohio	Implied	ORC Chs. 713, 519; Ohio Const. Art. XVIII	Reasonable[21]	Public hearing; home rule cities have broad authority; townships more constrained
Oklahoma	Implied	11 O.S.; 19 O.S. §§ 863–868	Reasonable	Planning Commission and Board of Adjustment required[22]
Oregon	Express	ORS 197.520–197.530	120 days–2 years[23]	45-day advance notice to DLCD; written findings; public hearing; "compelling need" standard

Continued on next page

[19]Health emergency only, requiring written opinion of qualified health professional. All other moratoria prohibited.

[20]Short-term (≤60 days): 7-day newspaper notice. Long-term (≥61 days): full notice-and-hearing procedures.

[21]R.C. § 303.58 (SB 52, 2021; amended HB 497, 2025) authorizes *permanent* county restrictions on utility-scale wind and solar—stronger than a moratorium.

[22]Okla. Stat. tit. 75A, § 102 (eff. 2024) preempts local regulation of digital asset mining.

[23]Two tracks. Public facilities shortage (sub. (2)): 6 months from corrective program, up to three 6-month extensions, 2-year maximum. Compelling need (sub. (3)(a)): 120-day initial term, renewable 6-month extensions.

Table 7 continued

State	Authority	Statute	Max Duration	Key Requirements
Pennsylvania	Prohibited	MPC, 53 P.S. § 10101 et seq.	N/A	Supreme Court held MPC does not authorize moratoria
Rhode Island	Express	R.I. Gen. Laws § 45-22.2-13	120 days / 12 months[24]	Vesting provision for substantially complete applications; 14-day first-class mail notice
South Carolina	Procedural	S.C. Code § 6-1-110; § 6-29	Reasonable	Ordinance only (not resolution or motion); minimum two readings one week apart
South Dakota	Express	SDCL 11-2-10; 11-4-3.1	1 year[25]	Public hearing; 10-day legal newspaper notice; health/safety/welfare purpose
Tennessee	Implied	Tenn. Code Ann. § 13-4-310	Reasonable[26]	Public hearing; 21-day notice; cannot defeat vested rights
Texas	Express	Tex. Loc. Gov't Code §§ 212.131–212.139	120 days / 90 days[27]	Two public hearings; two readings four days apart; written findings required
Utah	Express	Utah Code § 10-20-504; § 17-79-504	6 months[28]	Emergency situation or compelling reason; normal notice requirements waived
Vermont	Express	24 V.S.A. § 4415	2 years[29]	Public hearing; emergency measure; municipality must be conducting studies or hearings[30]

Continued on next page

[24]Three tracks. Emergency (sub. (d)(2)): 120-day maximum, no extensions. Comprehensive plan implementation (sub. (e)): moratorium must be imposed within 12 months of plan adoption; one 90-day extension. Residential housing (sub. (h), added 2024): 120-day maximum.

[25]May be renewed once for one additional year; two-year absolute maximum.

[26]Moratoria generally disfavored. Outright development bans prohibited absent public health emergency. T.C.A. § 7-51-2202 (2022) preempts de facto prohibitions on energy infrastructure.

[27]Residential moratoria: 120-day initial term, renewable with public hearing and written findings (no aggregate cap). Commercial moratoria: 90-day initial term, 180-day aggregate maximum, two-year reimposition waiting period. Adoption must occur within 12 days of first public hearing.

[28]Highway corridor moratoria may extend to 18 months total.

[29]One-year extension permitted; three-year maximum. Among the longest initial terms in explicit statutes.

[30]30 V.S.A. § 248 grants the Public Utility Commission exclusive siting jurisdiction over energy generation and transmission facilities, effectively preempting local moratoria on covered energy projects.

Table 7 continued

State	Authority	Statute	Max Duration	Key Requirements
Virginia	Prohibited	Va. Code §§ 15.2-2283 to 15.2-2289	N/A	Supreme Court held enabling statutes do not confer moratorium authority; strict Dillon's Rule
Washington	Express	RCW 35.63.200; 35A.63.220; 36.70A.390	6 months–1 year[31]	Public hearing within 60 days of adoption; findings of fact required
West Virginia	Restricted	W. Va. Code § 8A-7-1 et seq.	Reasonable	Supreme Court held blanket moratoria by resolution void (*Bittinger v. Corp. of Bolivar*, 395 S.E.2d 554 (1990)); equal dignity rule requires ordinance form; no express statutory moratorium authority; hybrid structure (municipalities may participate in opt-in Municipal Home Rule Program; counties remain under Dillon's Rule)[32]
Wisconsin	Express	Wis. Stat. § 66.1002	18 months[33]	Public hearing; ordinance must include summary, location, length, and problem statement; comprehensive plan required
Wyoming	Implied	Wyo. Stat. § 18-5-201 et seq.	Reasonable	General zoning procedures; home rule nominally available

Legend. **Express** = explicit moratorium statute. **Implied** = moratorium authority implied from police power, home rule, or general zoning enabling acts. **Restricted** = moratorium authority available only in narrow circumstances (e.g., health emergency). **Prohibited** = highest court has held that local governments lack moratorium authority. **Procedural** = statute addresses moratorium procedures but does not expressly authorize or prohibit. **Reasonable** = no fixed statutory ceiling; duration must satisfy judicial reasonableness review.

[31]Up to 1 year with work plan; renewable for 6-month periods with new findings and public hearing. No absolute maximum.

[32]HB 2014 (2025) preempts local authority over certified high-impact data centers, expressly prohibiting moratoria.

[33]12-month initial term; one 6-month extension. County boards prohibited from using this statute. State law also preempts local moratoria on wind energy systems.

C Model Infrastructure Development Moratorium

This appendix presents the full text of the model moratorium ordinance described in Section 7. The template is organized as a thirteen-section core framework followed by four sector-specific supplement modules. Bracketed placeholders, rendered as **[example]**, mark items that require jurisdiction-specific information. Commentary notes explain the legal rationale for each provision. Pitfall warnings flag common drafting errors that invite legal challenge. The clause-taxonomy codes in parentheses (e.g., U1, C1, S-DC1) correspond to the five-tier taxonomy developed in Section 5.

A practitioner may extract this template, fill the placeholders, select the applicable sector module, and delete inapplicable alternatives. The result is intended as a starting point for review and adaptation by municipal counsel familiar with the jurisdiction's specific legal requirements—not as a finished instrument ready for adoption. State law, local charter provisions, and site-specific facts will require modifications that this general template cannot anticipate.

Core Framework

Section 1. Title and Short Title (U1)

ORDINANCE NO. **[number]**

AN **[Ordinance/Resolution]** OF THE **[Governing Body]** OF **[Jurisdiction]**, **[State]**, ESTABLISHING A TEMPORARY MORATORIUM ON **[Regulated Use] [Facilities/Operations]**

This **[Ordinance/Resolution]** shall be known and may be cited as the "**[Jurisdiction]** Temporary Moratorium on **[Regulated Use] [Ordinance/Resolution]** No. **[number]**."

Commentary. *The title generally should name the instrument type, the jurisdiction, and the regulated use with specificity. A vague caption—"moratorium on certain development"—creates enforcement ambiguity and weakens public notice. In states requiring publication, the title constitutes the legal notice. North Carolina jurisdictions routinely cite the enabling statute (**[e.g., N.C.G.S. 160D-107]**) in the caption itself (N.C.G.S. § 160D-107). Use "ordinance" where state law applies the equal-dignity rule (**South Carolina**, **Michigan**, **Indiana**); use "resolution" where recognized by state practice (**Georgia**).*

Section 2. Authority (U2)

The **[Governing Body]** of **[Jurisdiction]** enacts this **[Ordinance/Resolution]** pursuant to:

(a) **[State code section]** authorizing interim development regulations or moratoria;
(b) **[Home rule provision]** of the **[State Constitution / City Charter]**;
(c) The general police power to protect the public health, safety, and welfare of the residents of **[Jurisdiction]**; and
(d) **[Specific zoning enabling act section]**.

Commentary. *Cite the most specific authority available. States with express moratorium statutes—**North Carolina** (N.C.G.S. § 160D-107), **Oregon** (ORS 197.520), **California** (Cal. Gov't Code § 65858), **Maine** (30-A M.R.S. § 4356), and **Wisconsin** (Wis. Stat. § 66.1002)—provide the strongest legal foundation. Where no express statute exists, home rule authority or general police power may suffice but is more vulnerable to challenge (see Municipal Association of South Carolina 2020). In Dillon's Rule states such as **Virginia**, local moratorium authority is constrained and counsel should confirm that the cited source affirmatively grants the power exercised. Delete inapplicable subsections; retain at least one.*

Pitfall: Wrong instrument form. In states applying the equal-dignity rule, a resolution or motion cannot suspend rights created by ordinance. Adopting a moratorium by resolution when an ordinance is required renders the action void. Confirm the required instrument form with state counsel before drafting.

Section 3. Findings (U3)

WHEREAS, the **[Governing Body]** finds and determines as follows:

(a) Regulatory Gap. The **[Jurisdiction]**'s current **[Zoning Ordinance / Unified Development Code / Land Development Regulations] [does not define / does not adequately regulate / does not specifically address] [regulated use]** facilities, and the absence of appropriate standards creates a regulatory gap that may result in **[specific adverse outcomes]**.

(b) Impact Enumeration. **[Regulated use]** facilities of the scale currently proposed or anticipated in **[Jurisdiction]** present potential impacts including, but not limited to:

- **[Energy consumption and electrical grid capacity]**;
- **[Water consumption and wastewater management]**;
- **[Noise generation, including backup generator testing and mechanical cooling systems]**;
- **[Traffic and transportation impacts during construction and operation]**;
- **[Visual and aesthetic impacts on surrounding properties]**;
- **[Property value effects on adjacent residential areas]**;
- **[Environmental impacts, including stormwater management, habitat, and air quality]**;
- **[Public safety, including fire response capability and hazardous materials management]**; and
- **[Fiscal impacts on municipal services and infrastructure]**.

(c) Study Intent. The **[Governing Body]** intends to use the moratorium period to **[conduct a comprehensive study of / develop performance standards for / update the Comprehensive Plan to address] [regulated use]** facilities, and to adopt permanent regulatory standards based on that study.

(d) Police Power Basis. The **[Governing Body]** has a duty to protect the health, safety, and general welfare of the residents and property owners of **[Jurisdiction]**, and a temporary pause on **[regulated use]** approvals is necessary to **[study these impacts / develop appropriate regulatory standards / update the comprehensive plan / align the zoning code with community needs]**.

(e) Emergency or Urgency Finding *(include if immediate effectiveness is required)*:
[Choose one or more]:

- Pending applications for **[regulated use]** facilities have been submitted that, if approved under current inadequate standards, could result in **[irreversible harm / incompatible development]**;

- The rapid pace of **[regulated use]** development proposals in **[Jurisdiction]** and surrounding jurisdictions creates an urgent need for regulatory action before additional applications are filed;
- **[Sector-specific urgency: for BESS, cite specific safety incident; for data centers, cite scale of pending proposals and infrastructure constraints]**.

(f) Prior Action Reference *(include only for extensions)*:
WHEREAS, the **[Governing Body]** previously adopted **[Ordinance/Resolution No.]** on **[date]** establishing a temporary moratorium on **[regulated use]** facilities; and
WHEREAS, **[despite diligent progress on the study / due to the complexity of the regulatory issues / because additional time is needed to complete the specific study element]**, the study and regulatory development process requires additional time to complete.

Commentary. *Legislative findings are the single most important element for legal defensibility. Courts reviewing moratoria examine whether the governing body made adequate findings, and the quality and specificity of findings directly affects takings vulnerability (*Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency *2002*; Penn Central Transportation Co. v. New York City *1978*). **North Carolina** requires findings in four specific categories: problem statement, targeted approvals, termination date, and action plan (N.C.G.S. § 160D-107). **Oregon** requires a showing that existing regulations cannot prevent irreversible public harm (ORS 197.520).*
The regulatory gap finding (a) is the most common and legally supportable basis. The impact enumeration (b) benefits from specificity; generic "health, safety, and welfare" language alone provides weaker support. I classify findings into three detail levels: minimal (bare recitation of police power), moderate (3–5 enumerated impacts), and detailed (6+ specific impacts with data or citations). Detailed findings tend to fare better in litigation.
*An emergency finding (e) enables immediate effectiveness in states such as **California**, which requires a four-fifths supermajority for urgency ordinances (Cal. Gov't Code § 65858), and **Ohio**, where emergency passage bypasses normal reading requirements. Extension findings (f) face heightened scrutiny; document specific progress and specific reasons for additional time.*

Pitfall: Thin findings. A moratorium that states only "the governing body finds it is in the public interest to impose a moratorium" is a near-certain target for challenge. Enumerate every relevant impact, cite specific pending applications or development trends where possible, and attach supporting documentation to the record. The stronger the findings, the harder the moratorium is to overturn.

Section 4. Definitions (U4 / Tier 4)

For purposes of this **[Ordinance/Resolution]**, the following terms shall have the meanings set forth below:

(a) [Regulated Use] Facility.

Option A: Functional Definition (used as the default in this template):
"**[Data Center]**" means a facility primarily used for the centralized housing, storage, networking, management, and dissemination of data, including associated electrical distribution, cooling, and support infrastructure, regardless of whether such facility is identified by any other name or classification. This definition includes but is not limited to:

- Colocation facilities, enterprise data centers, and hyperscale data centers;
- Facilities primarily used for artificial intelligence model training or inference; and
- Cryptocurrency or digital asset mining operations.

Option B: Size Threshold Definition (useful for distinguishing commercial from incidental use):
"**[Regulated Use]** Facility" means any **[regulated use]** facility with:

- An aggregate **[nameplate electrical capacity / power consumption]** of **[number]** kilowatts (kW) or greater;
- A total **[gross floor area / building footprint]** of **[number]** square feet or greater;
- **[For BESS: An aggregate energy capacity of [number] kilowatt-hours (kWh) or greater]**; or
- **[For solar: A nameplate generating capacity of [number] megawatts (MW) or greater, or covering an aggregate area of [number] acres or more]**.

Option C: Bundled Definition (for multi-sector moratoria):
"Covered Facility" means any of the following:

- **[Data center facilities as defined in subsection (i)]**;
- **[Battery energy storage systems as defined in subsection (ii)]**;
- **[Utility-scale solar energy systems as defined in subsection (iii)]**; and
- **[Commercial wind energy systems as defined in subsection (iv)]**.

(b) Governing Body. The **[Board of Commissioners / City Council / Board of Supervisors / Town Board]** of **[Jurisdiction]**.

(c) Effective Date. The date this **[Ordinance/Resolution]** takes effect pursuant to Section 12.

Commentary. *The definition determines the moratorium's scope and enforceability. I identify four definitional approaches in the literature (see Section 5.3). The functional approach (Option A) is the most common and flexible: by defining based on what the facility* does *rather than what it is called, it prevents circumvention through relabeling. The size-threshold approach (Option B) exempts small installations—residential solar, edge servers, small backup batteries—reducing both over-breadth and takings exposure. The bundled approach (Option C) prevents regulatory arbitrage across related uses but requires that the findings support the moratorium as to* each *bundled use.*
A fourth approach, the NAICS code reference (e.g., NAICS 518210), offers administrative precision but may lag industry evolution and invite disputes over primary classification. In most cases, a combination of Options A and B—a functional definition with a de minimis size threshold—will provide the broadest coverage with the least over-breadth, though counsel should evaluate the best fit for the jurisdiction's specific circumstances.

Pitfall: No definition at all. Several moratoria in my dataset impose a moratorium on "data centers" without defining the term. This invites disputes over scope—does a law firm's server room count?—and gives applicants a credible argument that their proposed facility falls outside the prohibition. Always define the regulated use, even if the definition is imperfect.

Section 5. Moratorium Established; Scope of Prohibition (U5)

(a) Moratorium. From and after the Effective Date of this **[Ordinance/Resolution]**, there is hereby established a temporary moratorium on the acceptance, processing, and approval or denial of applications for:

- Building permits;
- Zoning certificates or zoning compliance letters;
- Special use permits or special exception permits;
- Conditional use permits;
- Rezonings or zoning map amendments;
- Zoning text amendments related to **[regulated use]**;
- Site plan approvals;
- Land disturbance permits;
- Subdivision plats;
- Certificates of occupancy; and
- Business licenses or any other development approval or entitlement;

for **[Regulated Use]** Facilities, as defined in Section 4.

(b) Geographic Scope. This moratorium applies to **[choose one]**:

- All areas within the **[jurisdictional boundaries / unincorporated areas]** of **[Jurisdiction]**;
- The following zoning districts: **[list districts]**; or
- The following geographic area, as depicted on the map attached hereto as Exhibit A: **[describe area]**.

(c) Tolling. Any statutory or regulatory time periods for the processing, review, or action upon applications subject to this moratorium are hereby tolled for the duration of the moratorium.

Commentary. *The operative prohibition must be explicit about which government approvals are suspended. A vague prohibition creates ambiguity and potential for both over-enforcement and under-enforcement. The three phases—acceptance, processing, and approval or denial—can be addressed separately. The "or denial" language prevents staff from closing out pending applications during the moratorium period; without it, staff could deny applications and force applicants to refile after the moratorium expires. Some jurisdictions suspend only new intake while allowing pending applications to continue (see Section 7 for treatment of pending applications).*
The tolling provision (c) is important where state law imposes permit-processing deadlines ("shot clocks"). Without tolling language, a moratorium may conflict with statutory deadlines, potentially subjecting the jurisdiction to liability for constructive approval.
Geographic scope generally should match the findings. A jurisdiction-wide moratorium is simpler to administer but may face broader opposition. A zone-specific moratorium can be more tailored but invites spot-zoning challenges if the boundaries appear arbitrary.

Section 6. Duration and Sunset (U6)

(a) Duration. This **[Ordinance/Resolution]** shall remain in effect until the earlier of:

(i) **[number] [days/months]** from the Effective Date; or

(ii) The effective date of **[an ordinance / a zoning text amendment / regulations]** adopted by the **[Governing Body]** establishing permanent standards for **[Regulated Use]** Facilities.

(b) Extension. The **[Governing Body]** may, by **[ordinance/resolution]**, extend this moratorium for additional periods not exceeding **[number]** **[days/months]** each, provided that:

(i) The **[Governing Body]** finds that the extension is necessary to complete the study and regulatory development process described in Section 8;

(ii) A public hearing is held prior to adoption of the extension; and

(iii) The **[Governing Body]** documents the specific progress made during the preceding moratorium period.

The early-termination provision of subsection (a)(ii) applies during any extension period.

Commentary. *Duration is "one of the important factors that a court must consider" in evaluating a moratorium under the takings clause (*Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency *2002). Based on my analysis (see Section 7.4), the following ranges reflect general patterns in statutory limits and judicial review:*

- ***60–90 days:*** *Safe harbor in most states; sufficient for simple regulatory updates.*
- ***120–180 days:*** *Reasonable for moderate study needs; within statutory limits in most states.*
- ***6–12 months:*** *Requires strong justification and a documented work plan.*
- ***12–24 months:*** *"Special skepticism" applies; requires compelling evidence of necessity and continuous progress.*
- ***Beyond 24 months:*** *Very high legal risk; courts are likely to view as a de facto prohibition unless extraordinary circumstances are demonstrated.*

The early-termination trigger in (a)(ii) is the gold standard. By providing that the moratorium ends automatically when permanent regulations are adopted, it demonstrates good faith and prevents the moratorium from lasting longer than necessary. Extension provisions (b) benefit from progress documentation requirements; ***Oregon*** *and* ***Washington*** *both mandate such showings (ORS 197.520).*

Pitfall: Indefinite duration. A moratorium that states "until further action of the Board" with no fixed endpoint is functionally a ban. It invites immediate takings challenge and fails to satisfy the temporariness requirement recognized in *Tahoe-Sierra* (*Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency* 2002). Always specify both a maximum calendar duration and an early-termination trigger.

Section 7. Exemptions and Grandfathering (U7)

The following are exempt from the moratorium established in Section 5:

(a) Approved Projects. **[Regulated Use]** Facilities for which all required development approvals were granted prior to the Effective Date of this **[Ordinance/Resolution]**.

(b) Pre-Filed Applications. Applications for **[Regulated Use]** Facilities that were determined to be complete and accepted for processing prior to the Effective Date of this **[Ordinance/Resolution]** **[shall / shall not]** continue to be processed.

(c) Existing Operations. The continued operation, maintenance, and repair of **[Regulated Use]** Facilities lawfully existing as of the Effective Date of this **[Ordinance/Resolution]**, provided that no expansion of the facility's **[footprint / capacity / power consumption]** is undertaken.

(d) De Minimis Uses. **[Regulated Use]** Facilities below the size threshold defined in Section 4.

(e) Government Facilities. *(If applicable)* **[Regulated Use]** Facilities owned or operated by **[Jurisdiction]** or another governmental entity for governmental purposes.

(f) Sector-Specific Exemptions. *(Select as applicable)*:

- For BESS: Residential battery storage systems with a capacity of **[number]** kWh or less;
- For data centers: Network infrastructure facilities operated by telecommunications providers regulated under **[state telecom statute]**; and
- For solar: Rooftop solar photovoltaic systems and ground-mounted systems of **[number]** kW or less.

Commentary. *Exemptions for vested rights and existing operations reduce takings vulnerability by ensuring the moratorium does not destroy reasonable investment-backed expectations (Penn Central Transportation Co. v. New York City 1978). The pre-filed application decision (b) is the most consequential exemption choice. Exempting pre-filed applications reduces legal risk but may undermine the moratorium's purpose if major projects are already in the pipeline. Covering pre-filed applications increases legal risk but prevents a "race to the filing window." The decision is best stated explicitly in either direction; silence on this point may invite litigation.*
*De minimis exemptions (d) are a best practice because they reduce over-breadth. In my dataset, thresholds range from 500 square feet (Lordstown, **Ohio**) to 10,000 square feet (Madison, **Wisconsin**) for data centers, and from residential-scale to 2 MW for renewable energy. Choose a threshold that captures commercial-scale facilities while excluding incidental uses.*

Pitfall: Retroactive application to vested rights. Applying a moratorium to projects with approved permits or substantial investment-backed expectations raises constitutional concerns under the *Penn Central* balancing test (*Penn Central Transportation Co. v. New York City* 1978). **Indiana**'s 2025 moratorium statute expressly prohibits retroactive application (IC 36-7-4-1109.5). Even without a statutory mandate, the exemption categories in subsections (a)–(c) above are generally advisable as baseline provisions rather than optional enhancements, though the specific exemption categories appropriate for any given moratorium will depend on state law and local circumstances.

Section 8. Study Process and Work Plan (C1)

(a) Study Authorization. The **[Planning Director / Community Development Director / designated official]** is hereby authorized and directed to conduct a study of **[Regulated Use]** Facilities and their impacts on **[Jurisdiction]**, including but not limited to:

- Review of existing zoning and land use regulations as they pertain to **[regulated use]**;
- Assessment of infrastructure capacity (electrical, water, transportation);
- Analysis of environmental impacts and mitigation strategies;
- Survey of regulatory approaches in comparable jurisdictions;
- Evaluation of economic impacts, including fiscal analysis;
- Assessment of community compatibility and potential conditions of approval; and
- Review of applicable industry standards **[e.g., NFPA 855 for BESS, Uptime Institute for data centers]**.

(b) Work Plan.
Option A: Phased Work Plan (generally appropriate for moratoria exceeding 90 days):

Phase	Activity	Timeline
1	Research and data collection	Days 1–**[60]**
2	Stakeholder engagement and public input	Days **[30]**–**[90]**
3	Draft regulatory framework	Days **[60]**–**[120]**
4	Public hearing and review	Days **[90]**–**[150]**
5	Final adoption	Days **[120]**–**[180]**

Option B: General Directive (acceptable for moratoria of 90 days or fewer):
The **[designated official]** shall report to the **[Governing Body]** with findings and recommendations within **[number]** days of the Effective Date of this **[Ordinance/Resolution]**.

(c) Progress Reports. The **[designated official]** shall provide written progress reports to the **[Governing Body]** at intervals of not less than **[30 / 60 / 90]** days.

(d) Responsible Departments. The following departments and agencies are directed to participate in the study:

- **[Planning and Zoning Department]**;
- **[Public Works / Utilities Department]**;
- **[Fire Department / Emergency Services]**;
- **[Economic Development Department]**; and
- **[County/City Attorney's Office]**.

Commentary. *A detailed work plan is required by statute in some states.* ***North Carolina*** *mandates "a clear statement of the actions, and the schedule for those actions" (N.C.G.S. § 160D-107).* ***Oregon*** *requires a "developed work plan and timeline" for extensions (ORS 197.520). Even where not statutorily required, a phased work plan strengthens legal defensibility by demonstrating genuine intent to study and regulate rather than simply to exclude the use (see also Municipal Association of South Carolina 2020).*
I distinguish three quality levels for study provisions (see Section 5): absent *(no work plan),* moderate *(general directive to study), and* detailed *(phased timeline with milestones and assigned departments). Jurisdictions that produced the most effective post-moratorium regulations—such as Gates County,* ***North Carolina****, and White County,* ***Indiana****—used detailed phased plans. Jurisdictions that sat on their hands during the moratorium period faced both legal vulnerability and public backlash when they sought extensions.*

Pitfall: No study plan at all. A moratorium that states an intent to "study the issue" but provides no work plan, timeline, or departmental assignment creates the appearance of a pretextual ban. The Municipal Association of South Carolina warns: "a court would not look kindly on a municipality that simply sat on its hands during the pause" (Municipal Association of South Carolina 2020).

Pitfall: Failure to act during the moratorium period. A moratorium buys time for regulatory development. If the jurisdiction does not use that time—no consultants retained, no studies commissioned, no draft regulations prepared—the moratorium loses both its legal defense and political legitimacy. When a jurisdiction seeks an

extension, the record of work completed during the initial period is the primary basis for demonstrating good faith. Progress reports at intervals of no more than 90 days, as required in subsection (c), create that record.

Section 9. Waiver and Appeal (C8/C9)

(a) Waiver Application. Any person aggrieved by the application of this moratorium may apply to the **[Governing Body / Board of Adjustment / designated body]** for a waiver, which may be granted upon a finding that:

(i) The proposed **[Regulated Use]** Facility will not result in the adverse impacts identified in Section 3;

(ii) The applicant demonstrates compliance with standards that would satisfy the objectives of the study described in Section 8; and

(iii) Denial of the waiver would result in **[unreasonable hardship / denial of all economically beneficial use]** of the property.

(b) Waiver Procedure. A waiver application shall be submitted to the **[designated official]** together with a filing fee of **[amount]**. The **[designated body]** shall act on the application within **[number]** days of receipt of a complete application.

(c) Appeal. Any person aggrieved by a decision under this section may appeal to **[court / board of adjustment]** in accordance with **[applicable appeal statute]**.

Commentary. *A waiver mechanism is not required by most moratorium statutes, but it is generally advisable. By providing an individual escape valve, the moratorium avoids the categorical-prohibition problem identified in Lucas v.* ***South Carolina*** *Coastal Council (Lucas v. South Carolina Coastal Council 1992). Under Penn Central (Penn Central Transportation Co. v. New York City 1978), courts consider whether the regulation provides an avenue for relief; a moratorium with no waiver or appeal provision is harder to defend against a takings challenge. New Orleans provides the most detailed appeal process in my dataset: a $1,000 filing fee, six enumerated review criteria (including "reasonable investment-backed expectations"), a 60-day recommendation period, and a 60-day Council action deadline. Most jurisdictions use simpler waiver provisions, but any structured process is better than none.*

Section 10. Additional Provisions (C5, C6, C11, C12)

(a) Pending Application Coverage (C12).
Applications for **[Regulated Use]** Facilities submitted but not yet approved prior to the Effective Date of this **[Ordinance/Resolution]** **[are / are not]** subject to this moratorium. *If subject:* Such applications shall be held in abeyance until the moratorium expires or is earlier terminated pursuant to Section 6.

(b) Conflict with Existing Code (C5).
To the extent that any provision of the **[Zoning Ordinance / Municipal Code]** conflicts with this **[Ordinance/Resolution]**, this **[Ordinance/Resolution]** shall control for the duration of the moratorium.

(c) No Vested Rights (C11).
Nothing in this **[Ordinance/Resolution]** shall be construed to create any entitlement, vested right, or expectation of approval for any **[Regulated Use]** Facility application.

(d) Open Meetings Compliance (C6).
The **[Governing Body]** confirms that the adoption of this **[Ordinance/Resolution]** complies with the **[State Open Meetings Act / applicable notice and meeting requirements]**.

Commentary. *The pending-application decision (a) is often the most politically contentious provision. State it explicitly in either direction; ambiguity invites litigation and developer lobbying. The conflict provision (b) is standard belt-and-suspenders language ensuring the moratorium prevails over any inconsistent code section. The no-vested-rights clause (c) prevents applicants from arguing that the moratorium's adoption created an expectation of future approval. Open meetings compliance (d) forestalls procedural challenges; it is particularly common in* ***Ohio*** *moratorium ordinances, where it cites Ohio Revised Code Section 121.22.*

Section 11. Severability (U8)

If any section, subsection, sentence, clause, or phrase of this **[Ordinance/Resolution]** is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this **[Ordinance/Resolution]**. The **[Governing Body]** hereby declares that it would have adopted this **[Ordinance/Resolution]** and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.

Commentary. *Standard but essential. Without a severability clause, a court striking one provision could void the entire moratorium. The second sentence—the "declaration of independent validity"—strengthens the clause by creating a legislative record that each provision was intended to stand alone.*

Section 12. Effective Date (U9)

This **[Ordinance/Resolution]** shall take effect **[choose one]**:

- Immediately upon adoption *(requires emergency declaration in findings; may require supermajority vote)*;
- Upon publication as required by **[state/local publication statute]**; or
- On **[specific date]**.

Commentary. *Immediate effectiveness is almost always desirable for moratoria. Any gap between adoption and effectiveness creates a window in which developers may file applications.* ***California*** *requires a four-fifths supermajority vote for immediate effectiveness (Cal. Gov't Code § 65858).* ***Ohio*** *requires a two-thirds supermajority and an emergency declaration. Jurisdictions without a supermajority option must comply with standard publication requirements, but may wish to adopt the moratorium as quickly as procedures allow.*

Section 13. Adoption

ADOPTED by the **[Governing Body]** of **[Jurisdiction]**, **[State]**, this **[day]** day of **[month]**, **[year]**, by a vote of **[ayes]** to **[nays]**.

_____ _____

[Presiding Officer], **[Title]** **[Clerk / Secretary]**, **[Title]**

Attest:

_____

[Clerk / Secretary]

Commentary. *The adoption block records the vote tally, which may be relevant to determining compliance with supermajority requirements (**California**, **Ohio** emergency ordinances). Ensure the attestation meets state requirements for authentication and recording.*

Sector-Specific Supplements

The following modules address impacts and study requirements specific to each infrastructure sector. Attach the applicable module(s) to the core framework as additional sections. A multi-sector moratorium using a bundled definition (Section 4, Option C) would typically include all applicable modules.

Module A: Data Center Supplement

S-DC1. Noise and Generator Assessment. The study authorized in Section 8 shall address:

- Maximum decibel standards at property boundaries, with particular attention to nighttime noise from continuous cooling systems;
- Backup generator testing schedules, noise attenuation requirements, and community notification procedures;
- Compliance with **[state/local noise ordinance citation]**; and
- Appropriate setback distances from residential uses and other sensitive receptors.

S-DC2. Water Consumption Assessment. The study shall include:

- Analysis of water consumption rates for evaporative cooling systems, including estimated daily and annual demand;
- Assessment of municipal water supply capacity and competing demands, particularly during drought conditions;
- Evaluation of alternative cooling technologies, including air-cooled, closed-loop, and recycled-water systems; and
- Consultation with the **[water utility / water authority]** regarding capacity constraints.

S-DC3. Electrical Grid Impact Assessment. The study shall include:

- Coordination with **[electric utility / RTO / ISO]** regarding available transmission and distribution capacity;
- Assessment of substation capacity and upgrade timelines;
- Analysis of impacts on grid reliability and rates for existing customers; and
- Evaluation of on-site generation requirements and renewable energy procurement standards.

S-DC4. Cryptocurrency and High-Intensity Computing. The definition in Section 4 **[includes / shall be amended to include]** cryptocurrency mining, digital asset mining, and other computationally intensive operations that share the impact profile of data center facilities, including high energy consumption, continuous noise generation, and minimal on-site employment.

S-DC5. Economic Development Conditions. The study shall evaluate:

- Employment density and workforce development requirements;
- Tax abatement and payment-in-lieu-of-taxes (PILOT) agreement parameters;
- Community benefit agreement frameworks; and
- Renewable energy procurement or carbon offset requirements.

Commentary. *Data centers present a distinct impact profile: very high energy and water consumption, continuous operational noise, large physical footprints, and relatively low employment density. The cryptocurrency-bundling provision (S-DC4) prevents regulatory arbitrage; in my dataset, jurisdictions that fail to include cryptocurrency in their initial definitions risk regulatory arbitrage as operators reclassify facilities to avoid coverage. The PennFuture Model Data Center Ordinance (PennFuture 2025) provides a useful template for the permanent regulations that may emerge from the study process.*

Module B: Battery Energy Storage System (BESS) Supplement

S-BS1. Fire Safety Standards. The study authorized in Section 8 shall address:

- Compliance with NFPA 855 (Standard for the Installation of Stationary Energy Storage Systems) and UL 9540A thermal runaway testing requirements;
- Minimum setbacks from occupied structures, property lines, and sensitive receptors;
- Fire suppression systems designed for lithium-ion battery chemistries, including ventilation and gas-detection requirements;
- Spacing and separation requirements between battery modules and containers; and
- Coordination with the **[State Fire Marshal / local fire authority]** for plan review and inspection.

S-BS2. Emergency Response. The study shall include:

- Assessment of local fire department capacity to respond to battery storage incidents, including thermal runaway and toxic gas release;
- Development of training requirements for first responders, funded by the facility operator;

- Emergency response plan review and approval procedures; and
- Requirements for hazardous materials information, including Safety Data Sheets (SDS), to be maintained on-site and filed with the local fire department.

S-BS3. Safety Incident Finding. *(Include if a specific incident triggers the moratorium.)*
The **[Governing Body]** specifically finds that **[describe incident, e.g., the Moss Landing BESS facility fire of January 2025]** demonstrates the need for enhanced local safety standards for battery energy storage systems, and that the current **[building code / fire code / zoning ordinance]** does not adequately address the risks identified by that incident.

Commentary. *BESS moratoria are overwhelmingly triggered by fire safety concerns. The American Clean Power Association model ordinance (American Clean Power Association 2024) and the NYSERDA Battery Energy Storage System Guidebook (New York State Energy Research and Development Authority 2019) provide the leading post-moratorium regulatory templates. The University of Michigan Graham Institute guide (Graham Sustainability Institute 2024) offers practical recommendations grounded in peer-reviewed research. NFPA 855 compliance is generally treated as a minimum floor rather than a ceiling: several jurisdictions in my dataset adopted setback and suppression requirements that exceed NFPA 855 minimums (see also Powell and Twitchell 2023; Twitchell et al. 2023).*

Pitfall: Citing a safety incident without connecting it to regulatory gaps. A moratorium that merely recites "the Moss Landing fire occurred" but does not explain how the jurisdiction's current code fails to address the risks that incident exposed will not survive judicial scrutiny. The finding must draw a line from the incident to the specific regulatory inadequacy the moratorium is designed to address.

Module C: Solar Energy Supplement

S-SO1. Agricultural Land Preservation. The study authorized in Section 8 shall address:
- Maximum percentage of **[agricultural / prime farmland]** acreage within **[Jurisdiction]** that may be converted to solar energy production;
- Protection requirements for prime farmland as classified by **[USDA / state agricultural agency]**;
- Agrivoltaic and dual-use design possibilities that permit continued agricultural activity on the same parcel; and
- Compatibility with **[state farmland preservation program / agricultural district designation]**.

S-SO2. Decommissioning Requirements. The study shall include:
- Financial assurance mechanisms (surety bond, letter of credit, or escrow) sufficient to fund site restoration;
- Decommissioning timeline requirements, including a maximum period for removal after cessation of operations;
- Standards for land restoration to pre-development condition or better; and
- Periodic review and adjustment of financial assurance amounts to reflect current removal costs.

S-SO3. Screening and Visual Impact. The study shall address:

- Vegetative screening and buffer requirements along public roads and adjacent residential parcels;
- Glare analysis and anti-reflective panel requirements; and
- Fencing, signage, and perimeter treatment standards.

Commentary. *Solar moratoria are frequently motivated by farmland preservation concerns—a land-use competition between energy production and agriculture that does not arise in the same way for data centers or BESS. The decommissioning provision (S-SO2) addresses a 25–35 year lifecycle risk: without financial assurance, abandoned installations leave communities with degrading equipment and no cleanup funds. NREL's county-level solar regulation database (Jackson et al. 2024) and the Sabin Center model solar siting ordinance (Sabin Center for Climate Change Law 2024) provide additional guidance for the permanent regulations that typically follow the moratorium.*

Module D: Wind Energy Supplement

S-WI1. Physical Hazard Assessment. The study authorized in Section 8 shall address:

- Shadow flicker analysis and maximum exposure standards at occupied structures (typically 30 hours per year);
- Ice throw and blade throw risk assessment, including minimum safety zones (typically 1.5 times the total turbine height);
- Minimum setback distances from occupied structures, property lines, and public roads; and
- Sound level analysis and maximum decibel standards at property boundaries.

S-WI2. Aviation Clearance. The study shall include:

- FAA determination of no hazard to air navigation for each proposed turbine location;
- Compliance with obstruction marking and lighting requirements; and
- Coordination with military airspace authorities if the project area lies within or adjacent to military training routes or restricted airspace.

S-WI3. Wildlife Impact Assessment. The study shall address:

- Pre-construction avian and bat habitat surveys;
- Post-construction mortality monitoring protocols;
- Coordination with **[state wildlife agency / U.S. Fish and Wildlife Service]** regarding threatened and endangered species; and
- Mitigation strategies, including curtailment during peak migration periods.

Commentary. *Unlike the data center and BESS provisions above, these wind-specific clauses are drawn from siting best practices rather than observed moratorium instruments. No wind-specific provisions appeared in my 98-instrument analysis dataset. The provisions below address the physical and environmental concerns that commonly motivate wind energy moratoria.*

Wind energy moratoria present unique physical-hazard considerations—shadow flicker, blade throw, and ice throw—that have no parallel in other infrastructure sectors. Setback requirements are the dominant regulatory tool: most counties require property-line setbacks of 1.1 to 1.25 times the total turbine height, though some jurisdictions have imposed setbacks of 3,000 feet or more that function as de facto bans. The Sabin Center model wind siting ordinance (Sabin Center for Climate Change Law 2024) and the Iowa Environmental Council's best-practices guide provide useful templates for the permanent ordinance that typically follows the moratorium study period.

Pitfall: Using a moratorium as a permanent ban. Some jurisdictions have adopted serial moratorium extensions or replaced moratoria with setback requirements so restrictive that no turbine can be sited. Courts have recognized that a regulation may constitute a de facto ban even if it does not expressly prohibit the use. If the governing body's intent is to prohibit wind energy entirely, a transparent zoning amendment process—rather than an indefinite moratorium—is the more appropriate and legally supportable path.

D Data and Methodology

This appendix describes the methods I used to construct the moratorium inventory presented in this paper. I detail the three-phase data collection pipeline, the coding methodology, my primary and secondary sources, the limitations of the dataset, and the materials available for replication.

Dataset Construction

I built the moratorium dataset through a three-phase pipeline: document collection, document classification, and structured extraction.

Phase 1: Document Collection. I deployed AI-assisted research agents across all 50 states to identify moratorium-related documents. Each agent operated within a single-state scope, searching municipal websites, state legislative databases, county board meeting minutes, planning commission agendas, and news archives using jurisdiction-specific strategies tailored to that state's government transparency infrastructure. I supplemented the agent-collected documents with systematic searches for publicly available PDF ordinances, resolutions, and legislative text across all 50 states, and with legal research reports generated through Vincent, vLex's AI legal research platform, which provided access to case law, statutes, and secondary legal sources not available on open government websites. This phase produced approximately 4,400 original documents totaling approximately 12 GB, archived in their native formats (PDF, HTML, and Word). All originals are preserved with provenance metadata including the source URL, download timestamp, and retrieval method.

Phase 2: Document Classification. I classified 3,925 PDF documents using a large language model with structured output. For each document, I extracted text from the first five pages using PDF text extraction software. Scanned PDFs that lacked embedded text were first processed with optical character recognition. Each document received a structured classification—document type (from 20 categories), subject matter, whether it constituted a primary legal source, whether it was moratorium-related—and a confidence score. Table 8 summarizes the classification results.

The 565 error stubs—roughly 14% of the corpus—deserve explanation. Many originated from documents that were behind paywalls, had been removed from their original locations, or were otherwise inaccessible at the time of retrieval. I excluded these from all downstream analysis.

Phase 3: Structured Extraction. From the 709 moratorium-related documents, I extracted structured data using a large language model with a detailed extraction schema. The **extraction schema** captured approximately 60 fields per document, organized into five tiers that mirror the clause taxonomy described in Section 5: identification and provenance (7 fields), universal clauses covering authority, findings, definitions, prohibitions, duration, and exemptions (Tier 1, 14 coded fields), common clauses such as severability, extension mechanisms, and waiver provisions (Tier 2, 10 boolean fields), sector-specific clauses for data centers, solar, wind, and battery storage (Tier 3, 12 boolean fields), and quality metadata including confidence scores and narrative summaries. The full schema is published in the supplementary materials.

Table 8: Document classification results (Phase 2).

Category	Count
Reports	1,229
Bill text	468
Meeting minutes	393
Agenda packets	390
Inaccessible documents (paywalls, broken links, access restrictions)	565
Moratorium-related (all types)	709
of which: ordinances	9
of which: resolutions	30
of which: type "moratorium"	64
of which: agenda packets	114
of which: meeting minutes	80
Primary legal sources (all types)	1,123
Other (filings, correspondence, presentations, news articles, etc.)	433
Classification errors	38
Total classified	**3,925**

Note: Categories are not mutually exclusive; a document may appear in multiple classification types.

Source: Author's classification pipeline. Inaccessible documents represent pages that returned paywall screens, HTTP 404 errors, or access restrictions rather than substantive content.

This phase yielded 348 structured records that met the minimum confidence threshold of 0.40, drawn from 526 successful extractions on the 709-document moratorium-related corpus.

Coding Methodology

I applied a **five-tier clause taxonomy** developed from close reading of 15 primary ordinance and resolution texts. The taxonomy identifies 44 distinct clause types organized as follows: 9 universal clause types (Tier 1) present in virtually every moratorium—several of which contain subcategories, yielding 14 individually coded fields in the extraction schema—10 common clauses (Tier 2) that appear frequently but not universally, 12 sector-specific clauses (Tier 3) unique to particular infrastructure types, 4 definitional approaches (Tier 4), and 4 instrument forms (Tier 5). The full taxonomy is documented in Section 5.

Each extraction received a confidence score assigned by the language model, reflecting the clarity and completeness of the source document. Scores ranged from 0.40 to 0.98, with a mean of 0.72. Documents below the 0.40 threshold were excluded. Low-confidence records typically corresponded to scanned PDFs with poor OCR quality, meeting minutes that discussed a moratorium without containing the instrument text, or multi-page agenda packets where the moratorium text was embedded within other materials.

I manually reviewed all extraction records to verify jurisdiction names, correct state codes, and flag edge cases. Six records were reclassified or removed during this review: two were regulatory ordinances rather than moratoria, one was a permanent ban mischaracterized as a moratorium, one was a rejected proposal, and two were unverifiable entries lacking any corroborating source.

The cleaned inventory table in Appendix A contains 222 entries across 30 states. The cleaned inventory and the structured-extraction subset come from the same data-collection pipeline but use different cleaning rules: the inventory removes federal entities, non-governmental actors, and duplicate extensions, then sorts by state and jurisdiction; the structured-extraction subset is the set of records that passed a confidence threshold of 0.4 in the LLM extraction pass. The inventory also incorporates additional moratoria identified through news reporting (verified against primary sources where possible), state legislative tracking services, and a sibling research project surveying data center policy across all 50 states.

Sources

I drew on five categories of source material, listed in order of priority.

Primary legal instruments. Municipal ordinances, county resolutions, city council motions, and executive orders constitute the highest-quality sources in the dataset. Where available, I obtained the enacted instrument text directly from the jurisdiction's official website or its records clerk. Seventy-two documents in the classified corpus are moratorium-related primary legal sources.

Government records. Board of commissioners minutes, planning commission agendas, public hearing transcripts, and zoning staff reports provided context for the moratorium's adoption, the deliberations leading to it, and the work plan during the moratorium period.

State legislative databases and legal research platforms. I tracked moratorium-related legislation through state legislative information systems (e.g., LegiScan, state general assembly websites) and legislative research office reports. I also used Vincent, vLex's AI legal research platform, to identify relevant case law, enabling statutes, and secondary legal sources—particularly attorney general opinions and appellate decisions interpreting moratorium authority—that were not available through open government websites. These sources were particularly useful for identifying state-level preemption bills, express moratorium statutes, and the judicial decisions interpreting them.

Federal and industry databases. The NREL ordinance databases for solar and wind energy provided a baseline inventory of renewable energy moratoria. U.S. Energy Information Administration and regional grid operator reports supplied context on grid capacity and energy demand.

News reporting. Journalism served as a discovery mechanism for moratoria not yet reflected in government databases. I treated news sources as leads rather than authorities: every moratorium identified through news reporting was verified against the primary instrument or official government records where feasible. In 12 cases, news reporting remains the sole source for a moratorium entry, and these are flagged accordingly in the inventory.

Limitations

Seven limitations warrant disclosure.

Coverage bias. The dataset is biased toward jurisdictions that publish government records online. Small rural townships, which may adopt moratoria through paper-only processes, are likely underrepresented.

Scanned document quality. Fourteen PDFs required optical character recognition. OCR output is inherently noisier than native-text extraction, which may reduce field-level accuracy for those records.

Error stubs. Approximately 20% of the document corpus (496 of 2,433 PDFs) consisted of paywall screens, broken links, or access restrictions rather than substantive documents. These represent documents I identified but could not retrieve, creating unknown gaps in coverage.

Temporal cutoff. Data collection ended in April 2026 (cutoff: 2026-04-29). New moratoria are being adopted at a pace of several per month, particularly for data centers. Any inventory published as of this writing will be incomplete by the time it is read.

Sector composition. Data center moratoria account for 82.8% of the 348 structurally extracted instruments. This reflects both genuine prevalence and a data collection strategy that began with the data center sector and expanded to renewable energy and battery storage. Solar, wind, and BESS moratoria may be underrepresented relative to their true incidence.

Extraction confidence. The mean confidence score of 0.72 indicates good overall reliability. Accuracy varies by field: jurisdiction name and state are nearly always correct, while nuanced fields like definitional approach and study process detail level are more prone to error. I did not conduct a formal inter-rater reliability study.

Descriptive scope. This paper documents the prevalence, geography, legal structure, and clause composition of infrastructure moratoria. I do not test causal hypotheses about the effects of moratoria on development outcomes, property values, or energy deployment. The inventory supports descriptive and comparative analysis but not causal inference.

Replication

I provide the following materials to support replication and extension of this research.

- **Original documents.** All 4,400+ source documents are archived (approximately 12 GB) in their native formats with provenance metadata (source URL, download timestamp, retrieval method).
- **Extraction schema.** The JSON Schema defining the 60-field structured extraction format is published alongside this paper. Validation schemas are included.
- **Moratorium inventory.** The cleaned inventory is available as a CSV file containing 222 entries with fields for jurisdiction, state, date enacted, duration, legal basis, sector, current status, and outcome.
- **Analysis scripts.** Python scripts for PDF classification, structured extraction, and statistical analysis are available upon request.
- **Clause taxonomy.** The five-tier, 44-clause-type taxonomy used for coding is documented in full in Section 5 and in a standalone research memo included in the supplementary materials.

The source code and dataset will be released as an open-source repository. In the interim, interested readers may contact the author at michael.bommarito@gmail.com for access.

Glossary of Key Terms

The following terms appear throughout this paper. Definitions are simplified for non-specialist readers; the body text provides fuller treatment where noted.

Agrivoltaic (dual-use)
A system that combines solar energy production with continued agricultural use on the same land—for example, solar panels raised high enough for livestock to graze underneath.

BESS (Battery Energy Storage System)
A facility that stores electricity in batteries for later discharge to the grid, often at utility scale (tens or hundreds of megawatts).

By-right use
A land use that zoning allows without special approval. A developer need only obtain a building permit. Contrast with *special use permit*.

Colocation facility
A data center owned by one company that rents space, power, and cooling to multiple tenants, each installing their own servers. Contrast with *hyperscale* facilities operated by a single company.

Community benefit agreement (CBA)
A contract between a developer and a community or local government in which the developer provides specified benefits—jobs, infrastructure, payments—in exchange for community support.

Comprehensive plan
A jurisdiction's long-range plan for land use, transportation, utilities, and growth. Many states require zoning decisions to be consistent with the comprehensive plan.

De facto ban
A regulation that does not explicitly prohibit a use but makes it practically impossible—for example, a setback so large that no parcel can accommodate it.

De minimis
Too small to matter. A de minimis exemption excludes uses below a specified size threshold (such as a small server closet or a residential solar panel) from a moratorium's coverage.

Decommissioning
The process of shutting down, dismantling, and removing infrastructure (such as solar panels or wind turbines) at the end of its useful life and restoring the land to its prior condition.

Dillon's Rule
The doctrine that local governments possess only the powers expressly granted by the state, those necessarily implied, or those essential to the municipality's declared purposes. Contrast with *home rule*. See Section 2.2.

Due process
The constitutional requirement that the government act fairly. *Procedural* due process requires adequate notice and an opportunity to be heard. *Substantive* due process requires that regulations have a rational justification and not be arbitrary.

Enabling statute
A state law that authorizes local governments to exercise a specific power, such as zoning or imposing moratoria.

Equal dignity rule
The principle that a moratorium must be adopted in the same legal form (typically an ordinance) as the zoning regulation it temporarily replaces.

Equal protection
The constitutional requirement that the government treat similarly situated people and properties alike. A moratorium that targets one landowner or treats identical uses differently without justification is vulnerable to an equal protection challenge.

Fairly debatable standard
The judicial standard under which a zoning decision will be upheld if reasonable minds could differ on its validity. Courts apply this standard rather than substituting their own judgment.

Financial assurance (surety bond, letter of credit, escrow)
A financial guarantee ensuring that money is available to decommission a facility even if the operator goes bankrupt. Required in many solar and wind ordinances.

Findings of fact (legislative findings)
Written statements in a legislative instrument documenting the factual basis for the action. Courts look for findings to determine whether a moratorium is reasonable and not arbitrary.

Grandfathering
Exempting existing uses, approved projects, or pending applications from the restrictions of a new regulation or moratorium.

Home rule
A constitutional or statutory grant of self-governing authority that allows local governments to exercise powers not expressly prohibited by the state. Contrast with *Dillon's Rule*. See Section 2.2.

Hyperscale (data center)
A very large data center (typically 100,000+ square feet, 20+ megawatts) operated by a single company such as Amazon, Google, or Microsoft. These facilities are the most common trigger for data center moratoria.

Interim zoning ordinance
A temporary zoning regulation adopted while permanent rules are developed. A statutory synonym for *moratorium* in many states. See Section 2.3.

Moratorium
A temporary prohibition on specified development activity, adopted to preserve the status quo while a jurisdiction studies and develops permanent regulations. See Section 2.3.

NAICS code
North American Industry Classification System—a standardized six-digit number the federal government assigns to every type of business. Some moratorium instruments define the regulated use by NAICS code (e.g., 518210 for data processing and hosting).

NFPA 855
National Fire Protection Association standard for the installation of stationary energy storage systems. The primary safety code governing utility-scale battery storage facilities. Many BESS moratoria cite the lack of local adoption of NFPA 855 as a justification for the pause.

Ordinance
A local law enacted by a governing body through formal legislative procedures (readings, public hearing, vote). Carries the force of law. Contrast with *resolution*.

Overlay district
A zoning classification layered on top of existing base zoning that imposes additional requirements within a defined geographic area, without changing the underlying district.

Penn Central test
The three-factor balancing test courts use to determine whether a regulation constitutes a *taking*: (1) the economic impact on the property owner, (2) the interference with reasonable investment-backed expectations, and (3) the character of the government action. See Section 2.4.

Per se taking (categorical taking)
A government action that courts treat as automatically requiring compensation—specifically, a regulation that permanently eliminates *all* economically beneficial use of a property. The Supreme Court held that temporary moratoria do not trigger this rule.

Performance standards
Zoning requirements that regulate a use based on measurable impacts (noise levels, water consumption, setback distances) rather than banning or allowing it outright. A moratorium study typically aims to develop performance standards for the regulated use.

PILOT (payment in lieu of taxes)
A negotiated agreement under which a developer makes fixed annual payments to the local government instead of paying standard property taxes.

Planning commission
A board of appointed citizens that reviews proposed land use changes and zoning amendments and makes recommendations to the governing body. Most states require planning commission review before a governing body can adopt or amend a zoning ordinance.

Police power
The inherent authority of government to regulate private activity to protect public health, safety, and welfare. The constitutional foundation for zoning and moratoria. See Section 2.1.

Preemption
State law that overrides or restricts local regulatory authority over a particular subject. May be express (statutory prohibition) or implied (state occupation of the field). See Section 4.5.

Rational basis review
The most lenient standard of judicial review. The government need only show that a regulation is rationally related to a legitimate purpose. Most moratoria are evaluated under this standard.

Recitals ("Whereas" clauses)
The introductory paragraphs of an ordinance or resolution, typically beginning with "Whereas," that state the factual background and legal authority for the action. Courts rely on recitals to evaluate whether the governing body had adequate grounds.

Regulatory taking
A government regulation that restricts private property use so severely that it constitutes a *taking* requiring compensation under the Fifth and Fourteenth Amendments. See Section 2.4.

Resolution
A formal expression of a governing body's opinion or intent. Generally less binding than an ordinance and adopted with fewer procedural requirements.

Rezoning (zoning map amendment)
A legislative act that changes the zoning classification of a specific parcel (for example, from agricultural to industrial), which changes the types of uses permitted on that parcel.

Safe harbor (statutory)
A provision in state law specifying that if a local government follows certain procedures, its action is legally protected from challenge. A moratorium enacted under a safe harbor statute is more defensible than one relying on implied authority.

Section 1983 (42 U.S.C. § 1983)
A federal statute that allows individuals to sue state and local government officials for violations of constitutional rights. Property owners who believe a moratorium violates the Takings Clause, due process, or equal protection can bring claims under this statute.

Sensitive receptor
A location where people are especially vulnerable to impacts—homes, schools, hospitals, daycare centers, nursing homes. Setback distances are often measured from these locations.

Setback
The minimum distance a building or structure must be placed from a property line, road, or other feature. Extreme setbacks can function as a *de facto ban.*

Severability clause
A provision stating that if any part of a law is held invalid, the remaining provisions continue in effect.

Shadow flicker
The repetitive, strobe-like effect of shadows cast by spinning wind turbine blades passing between the sun and a nearby building. A common basis for setback requirements in wind energy ordinances.

Special use permit (also conditional use permit)
An approval required for land uses that are allowed in a zoning district only subject to conditions and review. Requires an application, hearing, and findings.

Spot zoning
Singling out a small parcel for zoning treatment inconsistent with the surrounding area, usually to benefit or harm one property owner. Courts generally strike down spot zoning as arbitrary.

Sunset clause
A provision that automatically terminates a law or regulation on a specified date unless affirmatively renewed.

Supermajority
A voting threshold higher than a simple majority—typically two-thirds or four-fifths of the governing body. Some states require a supermajority to adopt emergency moratoria.

Text amendment
A change to the written language of a zoning ordinance (as opposed to a map amendment). When a moratorium ends, the jurisdiction typically adopts text amendments adding definitions and performance standards for the regulated use.

UL 9540A
Underwriters Laboratories test method for evaluating thermal runaway fire propagation in battery energy storage systems. Companion to NFPA 855; requires testing to demonstrate that a thermal runaway event in one battery cell or module will not propagate to adjacent units.

Thermal runaway
: A self-accelerating chain reaction in a lithium-ion battery where overheating in one cell causes neighboring cells to overheat, potentially leading to fire or explosion. The primary safety concern driving BESS moratoria.

Tolling
: The legal suspension of a running deadline. When a moratorium "tolls" a permit-processing clock, the deadline pauses during the moratorium and resumes afterward.

Variance
: An officially approved exception to a zoning requirement granted to a specific property because strict application of the rule would cause undue hardship. Typically granted by a *board of adjustment*.

Vested rights
: Legal rights that attach to a property owner—typically upon filing a complete application or obtaining a permit—and that cannot be defeated by subsequent changes in the law.