Introduced by Council Members Peluso and Holder:

ORDINANCE 2026-

AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, REVIEW OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT PERMITS, DEVELOPMENT ORDER, REZONING, OR SITE PLANS RELATED TO DATA CENTER FACILITIES; ADOPTING FINDINGS; ESTABLISHMENT OF TEMPORARY MORATORIUM ON DATA CENTERS; PROVIDING EXEMPTION FOR EXISTING DATA CENTERS; PROVIDING A WORKING DEFINITION OF "DATA CENTERS" FOR THE PURPOSE OF THIS LEGISLATION; CREATION OF A TASK FORCE TO PROVIDE FOR THE STUDY AND DEVELOPMENT OF APPROPRIATE LAND REGULATIONS ADDRESSING SUCH DATA CENTER USES; PROVIDING FOR DURATION OF MORTARIUM; PROVIDING FOR CONFLICTING PROVISIONS AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Council has the authority pursuant to Chapter 125, Florida Statutes, and Article VII of the Florida Constitution to protect the public health, safety and general welfare of its residents and to enact ordinances for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, Duval County is located within a coastal region, an area that relies heavily upon groundwater resources from the Floridan Aquifer system, which has historically been subject to significant management and conservation efforts.; and

WHEREAS, state and regional planning efforts emphasize the importance of careful management of groundwater withdrawals and water resources to ensure long-term environmental and economic stability;

and

WHEREAS, data centers, data center facilities, and data center utilities are known to require substantial water resources for cooling systems and substantial electrical power, which often require large infrastructure demands; and

WHEREAS, such facilities have the potential to place significant demands on regional groundwater supplies, water treatment infrastructure, and electrical grid capacity, particularly in rapidly growing areas; and

WHEREAS, the Council finds that the City currently lacks specific zoning provisions or development regulations addressing the unique operational characteristics, infrastructure requirements, and environmental considerations associated with data centers, data center facilities, and data center utilities; and

WHEREAS, the Council further finds that allowing such facilities to proceed without appropriate regulatory standards could create risks to the City's water resources, electrical infrastructure capacity, land use planning objectives, and long-term community development strategy; and

WHEREAS, local governments may enact moratoriums if the moratorium is intended to preserve the status quo and is rationally related to the government's attempt to enact changes to development regulations. *WCI Communities Inc. v. City of Coral Springs*, 885 So. 2d 912 (Fla. 4th DCA 2004); and

WHEREAS, Florida courts have held that permissible bases for land use restrictions include concern about the effect of the proposed development on traffic, congestion, surrounding property values, demands for public services, and on other aspects of the general welfare. *WCI Communities Inc. v. City of Coral Springs*, 885 So. 2d 912 (Fla. 4th DCA 2004); *see also Corn v. City of Lauderdale Lakes*, 997 F.2d 1369, 1375 (11th Cir. 1993); and

WHEREAS, the City is actively engaged in the process of review, study, and planning public hearings to prepare recommendations to revise its Land Development Regulations, and/or Code of Ordinances as may be necessary to address the demands of data center facilities; and

WHEREAS, during the 2026 Legislative Session, the Florida Legislature enacted Chapter 2026-65, Laws of Florida (SB 484) relating to large-scale data center development and creating section 163.326, Florida Statutes; and

WHEREAS, section 163.326 expressly recognizes that facilities having substantial electrical or utility demands, present unique planning, infrastructure capacity, land use compatibility, environmental, and public facility considerations that are intended to be addressed through local comprehensive planning and land development regulations. The Legislature further provided that local governments shall maintain the authority and responsibility to exercise comprehensive planning and land development regulation with respect to medium-scale and largescale data center development; and

WHEREAS, Chapter 2026-65 also establishes new statutory requirements concerning large-scale data centers, including statutory definitions, consumptive use permitting requirements, reclaimed water requirements, and water conservation planning, reflecting the Legislature's recognition that such facilities present planning issues not addressed by traditional industrial development; and

WHEREAS, Chapter 2026-65 directs the Office of Program Policy Analysis and Government Accountability ("OPPAGA") to conduct an independent interdisciplinary study addressing policy considerations relating to large-scale data centers, including land use, water resources, energy demand, public health and safety, facility siting, and mitigation measures. The Legislature has directed that the study be submitted no later than July 1, 2027; and

Whereas, a temporary moratorium on the acceptance, review, or approval of applications for development permits, development orders, rezoning, or site plans related to data centers, data center facilities, and data center utilities within the City will allow time to review, study, hold public hearings, and to prepare recommendations to revise the Land Development Regulations, and/or Code of Ordinances, as may be required, to address such uses; and

Whereas, the Council wishes to establish a temporary moratorium of up to one (1) year on the acceptance, review, or approval of applications for development permits, development orders, rezoning, or site plans related to data centers, data center facilities and data center utilities within the City and such moratorium is reasonable and necessary to accomplish the goal of revising its regulations to ensure the community welfare is well-balanced and the public health, safety and general welfare are preserved; and

WHEREAS, the Council finds this ordinance imposing a temporary moratorium on the acceptance, review, or approval of applications for data centers, data center facilities, and data center utilities serves the health, safety, and welfare of the residents of and visitors to the City of Jacksonville.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Jacksonville:

Section 1. Findings of fact. The foregoing recitals are hereby adopted as legislative findings of the Council and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof. The purpose of this Ordinance is to allow the City sufficient time to review, study, hold public hearings, and to prepare recommendations to revise the City's Land Development Code and/or Code of Ordinances, relating to data centers, data center facilities, and data center utilities.

Section 2. Establishment of Temporary Moratorium. A temporary

moratorium is hereby established on the acceptance, review, processing or approval of any rezoning applications, conditional use permits, development permits or orders, site plan approvals, building permits, or other approvals for the development of new data centers, data center facilities, and data center utilities as the primary use or generating fifteen megawatts (15MW) of energy and above within the City limits.

Section 3. Exemptions. Notwithstanding the foregoing, this moratorium shall not apply to any data center or data center facility lawfully existing and operating within the City as of the effective date of this Ordinance, including modifications, expansions, or improvements thereto that are otherwise permitted by law, and shall not prohibit the continued operation of such existing facilities. This Ordinance shall not apply to complete applications determined sufficient before November 1, 2026, existing lawful data center, routine maintenance, repair or replacement of existing facilities, interior renovations, emergency work, utility maintenance, or facilities that do not constitute a data center.

Section 4. Definition of data center. For the purpose of this moratorium, data centers, data center facilities, and data center utilities is a building, a dedicated space within a building, or a group of buildings housing computer systems and associated components, such as telecommunication and data processing systems, to be used for remote storage processing, or distribution of large amounts of data.

Section 5. Creation of task force; study and evaluation of impacts. During the moratorium period, a task force led by City staff, comprised of representatives from, at a minimum, the Office of Economic Development, Department of Public Works, Environmental Quality Division, and Planning Department, shall conduct a comprehensive review of the potential impacts associated with data

centers, data center facilities, and data center utilities, including but not limited to the following topics:

1. Water supply and wastewater treatment capacity, including aquifer management policies and potential impacts on municipal and regional water systems;

2. Electrical grid capacity and infrastructure requirements, including potential long-term demand impacts;

3. Land use compatibility, including appropriate zoning classifications and development standards for such facilities;

4. Community impacts regarding utility affordably and reliability;

5. Other environmental considerations, including but not limited to assessment of hazard profile and impacts to air quality, noise, lighting, vibrations, and surrounding ecosystems and land uses; and

6. Best practices adopted by other jurisdictions in Florida and throughout the United States for the regulation of data centers, data center facilities and data center utilities.

In conducting its review, the task force may solicit input from and invite participation by other governmental agencies, utility providers, industry representatives, environmental organizations, academic institutions, neighborhood representatives, and other stakeholders with relevant expertise or interests. Such participation shall be advisory in nature and shall not alter the City's authority to make final policy and regulatory recommendations.

During and upon completion of the review process, the task force shall present its findings, identify best practices, and provide recommendations to the Council regarding revisions to the Land Development Regulations, permitting requirements, infrastructure standards, and environmental safeguards governing data centers, data center facilities, and data center utilities within the City.

Section 6. Duration of moratorium. This temporary moratorium

shall remain in effect for a period of twelve (12) months from and including the effective date of this Ordinance.

Section 7. Conflicting provisions and severability. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any section, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional by valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this ordinance and the remainder shall continue in full force and effect to the extent legally possible.

Section 8. Effective Date. This Ordinance shall become effective upon signature by the Mayor or upon becoming effective without the Mayor's signature.

Form Approved:

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Office of General Counsel

Legislation Prepared By: Terrence L. Harvey

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