LEON COUNTY ORDINANCE NO. 2026-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA; ESTABLISHING A TEMPORARY MORATORIUM FOR A DURATION OF 18 MONTHS PAUSING THE ACCEPTANCE, REVIEW, OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT PERMITS, DEVELOPMENT ORDERS, REZONING, OR SITE PLANS RELATED TO FACILITIES SERVING LARGE LOAD CUSTOMERS, INCLUDING LARGE-SCALE DATA CENTERS, WITHIN UNINCORPORATED LEON COUNTY, FLORIDA; ADOPTING FINDINGS; PROVIDING FOR THE STUDY AND DEVELOPMENT OF APPROPRIATE LAND USE REGULATIONS, INCLUDING COMPREHENSIVE PLAN AMENDMENTS, ADDRESSING SUCH FACILITY USES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners (Board) has the authority pursuant to Chapter 125, Florida Statutes, and Article VIII of the Florida Constitution to protect the public health, welfare, safety, and quality of life of its residents and to enact ordinances for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, Senate Bill 484, as enacted in Chapter 2026-65, Laws of Florida, and effective on July 1, 2026, emphasizes the unique planning, infrastructure, and compatibility considerations that facilities with substantial electric or other utility demands may present, such as facilities serving large load customers, including large-scale data centers, and provides that such considerations and their associated impacts shall be addressed through local comprehensive planning and land development regulations; and

WHEREAS, neither the Leon County Development Code ("Code") nor the Tallahassee-Leon County 2050 Comprehensive Plan ("Comp. Plan") directly address facilities serving large load customers or data centers of any size; and

WHEREAS, Leon County features a distinct, environmentally sensitive landscape characterized by extensive karst topography, numerous watersheds, aquifer recharge areas, sinkholes, and direct conduits to the underlying Floridan Aquifer, creating an exceptional vulnerability to groundwater contamination and ecological disruption; and

WHEREAS, state and regional planning efforts emphasize the importance of careful management of large groundwater withdrawals to ensure long-term environmental and economic stability for connected surface waters, natural ecosystems, and the economic well-being of Florida's communities; and

WHEREAS, facilities serving large load customers, including large-scale data centers, are reported to generate significant noise and vibration and are known to require substantial water resources for cooling systems and substantial electrical power to support continuous computing operations, which in some cases require infrastructure demands comparable to small municipalities; and

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

WHEREAS, Leon County currently lacks specific zoning provisions or development regulations addressing the unique operational characteristics, infrastructure requirements, and environmental considerations associated with facilities serving large load customers, including large-scale data centers; and

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

WHEREAS, local governments may enact a moratorium 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, 915 (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, 915 (Fla. 4th DCA 2004)(*referencing Corn v. City of Lauderdale Lakes,* 997 F.2d 1369, 1375 (11th Cir. 1993)); and

WHEREAS, local governments are entitled to enact moratoriums as a land-use tool to promote effective planning and preserve the status quo during this change. *(Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency,* 535 U.S. 302, 337, 122 S.Ct. 1465, L.Ed.2d 517 (2002)(holding temporary moratoria are used widely among land use planners to preserve the status quo while formulating a more permanent development strategy)); and

WHEREAS, the County will engage in the process of review, study, and information gathering to prepare and adopt amendments to its Code and/or Comp. Plan as may be necessary to address the demands of facilities serving large load customers, including large-scale data centers; and

WHEREAS, a temporary moratorium on the acceptance, review, or approval of applications for development permits, development orders, rezoning, or site plans related to facilities serving large load customers, including large-scale data centers, within unincorporated Leon County will allow time to review, study, gather information, evaluate the results of the July 1, 2027, interdisciplinary study related to large-scale data centers that the Office of Program Policy Analysis and Government Accountability is undertaking, and prepare and adopt an amendment or amendments to the Code and/or Comp. Plan, as may be required, to address facilities serving large load customers, including large-scale data centers, uses; and

WHEREAS, the Board wishes to establish a temporary moratorium of 18 months on the acceptance, review, or approval of applications for development permits, development orders, rezoning, or site plans related to facilities serving large load customers, including large-scale data centers, within unincorporated areas 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, as of the date of the Board's consideration of this ordinance, the Board has not considered any application for a facility serving large load customers, including large-scale data centers; and

WHEREAS, on July 14, 2026, the Board directed staff to prepare an ordinance instituting a temporary moratorium on the acceptance, review, or approval of applications for facilities serving large load customers, including large-scale data centers; and

WHEREAS, public notice of all hearings required by law has been provided in accordance with Chapters 125 and 163, Florida Statutes, and the Leon County Land Development Code; and

WHEREAS, this ordinance imposing an 18-month temporary moratorium on the acceptance, review, or approval of applications for facilities serving large load customers, including large-scale data centers, serves the health, safety, and welfare of the residents of and visitors to Leon County, Florida.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Leon County, Florida, as follows:

SECTION 1. FINDINGS OF FACT.

The foregoing recitals are hereby adopted as legislative findings of the Leon County Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption thereof.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to allow Leon County sufficient time to review, study, respond to statewide reports and information, gather public input, and prepare and adopt an amendment or amendments to the Code and/or Comp. Plan, relating to facilities serving large load customers, including large-scale data centers.

SECTION 3. TEMPORARY MORATORIUM ESTABLISHED.

A temporary moratorium is hereby established on the acceptance, review, processing, or approval of any rezoning applications, conditional use permits, development permits, site plan approvals, building permits, or other related development approvals for the construction, expansion, or operation of facilities serving large load customers, including large-scale data centers, within the unincorporated areas of Leon County.

SECTION 4. DEFINITIONS.

For the purposes of this moratorium, the following definitions apply:

"large load customer" is defined in section 366.043(2)(d), Florida Statutes, as: a customer with an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval at a single location. The term does not include a load aggregated across multiple locations owned by the same customer. However, the term includes all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the anticipated monthly peak load provided in this paragraph.

"data center" is defined in section 373.203(3), Florida Statutes, as: a facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be:

(a) A free-standing structure; or

(b) A facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

"large-scale data center" is defined in section 373.203(4), Florida Statutes, as: a single location, with a data center on site, that has an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval. The term does not include a load aggregated across multiple locations owned by the same customer. However, the term includes all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the anticipated monthly peak load provided in this subsection.

SECTION 5. EXEMPTIONS.

In consideration of Section 28 of Senate Bill 180, as enacted in Chapter 2025-190, Laws of Florida, properties within the jurisdiction of Leon County with documented damage from the Federal Disaster Declarations of Hurricanes Debby (DR-4806) or Helene (DR-4828) are exempt from this moratorium. However, any exempted property owner must still comply with federal and state law as well as all Code or Comp. Plan requirements. Leon County is not a county listed in the Federal Disaster Declarations for Hurricane Milton (DR-4834).

SECTION 6. STUDY AND EVALUATION.

During the moratorium period, Leon County staff shall conduct a comprehensive review of the potential impacts associated with facilities serving large load customers, including large-scale data centers, including but not limited to:

1. Groundwater withdrawal impacts, particularly as they relate to the Floridan Aquifer.

2. Water supply and wastewater treatment capacity, including potential impacts on municipal and regional water systems.

3. Electrical grid capacity and infrastructure requirements, including consultation with regional electric utilities regarding potential long-term demand impacts.

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

5. Environmental considerations, including impacts on karst topography, sinkholes, noise, vibrations, lighting, water quality and surrounding land uses.

6. Best practices adopted by other jurisdictions in Florida and throughout the United States for the regulation of data center development, including risk mitigation strategies for expansion, decommissioning, or abandonment.

SECTION 7. DEVELOPMENT OF BOARD UPDATE AND RECOMMENDATION.

County staff will survey lessons learned from other jurisdictions, proposals for related state agency rulemaking, updates to statewide utility tariff requirements and information, results of the statewide study from OPPAGA, and amendments to Florida Statutes; assess potential zoning districts and zoning limitations with input from subject matter experts and the public; and propose draft amendments to the Code and the Comp. Plan, if needed, to bring back to the Board for input and direction at planned intervals.

SECTION 8. DURATION.

This temporary moratorium shall remain in effect for a period of eighteen (18) months or until repealed, whichever first occurs.

SECTION 9. CONFLICT WITH OTHER ORDINANCES AND CODES.

All ordinances or parts of ordinances of the Code of Laws of Leon County, Florida, in conflict with the provisions of this Ordinance are hereby temporarily suspended to the extent of such conflict for the duration of this Ordinance.

SECTION 10. SEVERABILITY.

If any word, phrase, clause, section, or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 11. EFFECTIVE DATE.

This ordinance shall take effect upon filing with the Florida Department of State.

DONE, ADOPTED, AND PASSED by the Board of County Commissioners of Leon County, Florida, this _____ day of _____, 2026.

LEON COUNTY, FLORIDA

By:_____
Christian Caban, Chairman
Board of County Commissioners

ATTESTED BY:
Gwen Knight, Clerk of Court
& Comptroller, Leon County, Florida

By:_____

APPROVED AS TO FORM:
Chasity H. O'Steen, County Attorney
Leon County Attorney's Office

By:_____