

ORDINANCE NO. ____

PROPOSED ORDINANCE NO. 26-018

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKE LAND, FLORIDA RELATED TO DATA CENTERS AND LARGE LOAD CUSTOMERS; ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, REVIEW AND APPROVAL OF APPLICATIONS FOR DEVELOPMENT PERMITS, DEVELOPMENT ORDERS AND OTHER APPROVALS RELATED TO DATA CENTERS AND LARGE LOAD CUSTOMERS; DIRECTING THE REVIEW AND DEVELOPMENT OF APPROPRIATE AMENDMENTS TO THE CITY OF LAKE LAND LAND DEVELOPMENT CODE, COMPREHENSIVE PLAN AND OTHER REGULATIONS RELATING TO DATA CENTERS AND LARGE LOAD CUSTOMERS; ESTABLISHING THE DURATION OF THE MORATORIUM; MAKING FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lakeland, Florida (the "City"), is authorized by Article VIII, section 2(b) of the Florida Constitution and Chapter 166, Florida Statutes, to exercise municipal home rule powers for municipal purposes, except as otherwise provided by law; and

WHEREAS, the City is also authorized and required under Chapter 163, Part II, Florida Statutes, to adopt and maintain a comprehensive plan and land development regulations that promote orderly development, protect public infrastructure, and preserve the public health, safety, and welfare; and

WHEREAS, the City Commission has noted increasing interest in the development of Data Centers and related facilities, and the potential for such uses to create substantial demands upon public facilities, utilities, infrastructure, and surrounding land uses; and

WHEREAS, Chapter 2026-65, Laws of Florida, recognizes that land uses with substantial electric or other utility demands, including Data Centers and Large Load

Customers, may present unique planning, infrastructure, land use compatibility, environmental, and public facility considerations to be addressed through local comprehensive planning and land development regulations; and

WHEREAS, the City's Comprehensive Plan, Land Development Code, and related regulations do not specifically classify Data Centers as a distinct principal use or establish use-specific standards for their siting, review, compatibility, infrastructure demands, utility impacts, or unique operational characteristics; and

WHEREAS, the City Commission finds that a comprehensive review is required to determine the appropriate treatment of Data Centers and Large Load Customers within the City's Land Development Code, Comprehensive Plan, and related regulations, including their potential impacts on land use compatibility, electric utility capacity, water and wastewater facilities, transportation, stormwater, environmental resources, public safety, emergency response, and the adequacy of public facilities and services; and

WHEREAS, the City requires time to review, consider, prepare, process for adoption, and implement any appropriate amendments to the Comprehensive Plan, Land Development Code, or related regulations addressing Data Centers and Large Load Customers, and to preserve the status quo while that review is completed; and

WHEREAS, courts have recognized that local governments may use temporary land use moratoria to preserve the status quo while studying and adopting appropriate land development regulations; see WCI Communities, Inc. v. City of Coral Springs, 885 So. 2d 912 (Fla. 4th DCA 2004); Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, 535 U.S. 302 (2002); and

WHEREAS, the City Commission finds that a temporary moratorium as provided herein is reasonable in duration and necessary to allow for staff review, technical analysis, utility coordination, public input, drafting, legal review, notice, public hearings, adoption, and implementation of appropriate regulations relating to Data Centers and Large Load Customers;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:

SECTION 1. The foregoing findings are true and correct and are hereby adopted and made a part hereof.

SECTION 2. For purposes of this Ordinance, the following terms have the meanings set forth below:

(a) **“Data Center”** has the meaning provided in section 373.203(3), Florida Statutes, as enacted by Chapter 2026-65, Laws of Florida, and means a facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be a free-standing structure or a facility within a larger structure that uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

(b) **“Large Load Customer”** has the meaning provided in section 366.043(2)(d), Florida Statutes, as enacted by Chapter 2026-65, Laws of Florida, and means 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, but 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 threshold of 50 megawatts or more.

(c) **“Development Order”** has the meaning provided in §163.3164(15), Florida Statutes, and means any order granting, denying, or granting with conditions an application for a development permit.

(d) **“Development Permit”** has the meaning provided in §163.3164(16), Florida Statutes, and includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land..

SECTION 3. Except as provided in subsections 4(b) – (d) below, beginning on the effective date of this Ordinance and continuing for 12 months thereafter, unless earlier terminated by ordinance of the City Commission, the City shall not accept, process, review or approve any application for a Development Permit, Development Order, Comprehensive Plan Amendment or other approval related to a Data Center or Large Load Customer located either within the corporate limits of the City or outside the corporate limits of the City and served by the City’s electric, water, wastewater or other utilities, including any application or utility service request that would authorize or facilitate the establishment, construction, expansion or intensification of a Data Center or Large Load Customer (the “Moratorium”).

SECTION 4. This Ordinance applies to all applications submitted on or after the effective date of this Ordinance, and any pending application as to any Data Center or

Large Load Customer for which the City has not issued a final Development Order or Development Permit prior to the effective date of this Ordinance.

- (a) The submission, acceptance, review, or completeness determination of an application, including a concept plan review, preapplication conference, staff report, or other preliminary review, does not create a vested right to establish, construct, expand, intensify or operate a Data Center or Large Load Customer use.
- (b) Any Data Center or Large Load Customer use lawfully existing before the effective date of this Ordinance may be continued during the Moratorium so long as it remains otherwise lawful. No increase, expansion, or intensification of such use shall be permitted during the Moratorium. Structures utilized by such use may be maintained and repaired, provided that such maintenance or repair does not increase, expand, or intensify the nonconformity.
- (c) This Ordinance does not apply to a server room, computer room, telecommunications room, network closet, or similar functional area, or to ordinary telecommunications, computer, network, or security equipment, where such area or equipment is customarily incidental and subordinate to the principal use of the building or site for a purpose other than a Data Center and is used to support the occupant's own operations rather than the operations of off-site third parties.
- (d) Nothing in this Ordinance impairs any valid vested rights established under applicable law. Any person aggrieved by an administrative determination that

an application, use, or activity is subject to this Ordinance may seek review through any remedy available at law or in equity.

SECTION 5. During the Moratorium, City staff shall review the City's Comprehensive Plan, Land Development Code, and any related regulations and prepare proposed amendments addressing Data Centers and Large Load Customers. The review may include, but is not limited to, the following:

- (a) Whether Data Centers and Large Load Customers should be permitted, prohibited, or conditionally permitted within particular future land use categories, zoning districts, or planned unit developments;
- (b) Appropriate use classifications, review procedures, application requirements, and development standards for Data Centers and Large Load Customers;
- (c) Land use compatibility, including whether Data Centers and Large Load Customers can be located, designed, buffered, screened, and operated in harmony with surrounding land uses, context, building forms, public facilities, and environment;
- (d) Potential impacts on public facilities and services, including electric, potable water, wastewater, stormwater, transportation, fire protection, emergency response, and other affected City systems;
- (e) Environmental and natural resource considerations, including impacts to wetlands, floodplain management, stormwater, tree protection, water resources, noise, lighting, heat, and related site impacts;
- (f) Utility coordination and cost responsibility, including electric service capacity, interconnection, infrastructure needs, water demand, wastewater capacity,

financial assurances, and protection against cost shifting to other utility customers to the extent authorized by law;

- (g) Public safety and operational considerations, including backup generation, battery energy storage systems, fuel storage, fire suppression, hazardous materials, emergency response, and storm resiliency;
- (h) Fiscal, economic, and land use planning considerations, including infrastructure costs, utility revenues, tax base impacts, employment generation, and consistency with the City's long-term development strategy; and
- (i) Best practices adopted or under consideration by other jurisdictions, and the findings and recommendations of the Office of Program Policy Analysis and Government Accountability study required by Section 7 of Chapter 2026-65, Laws of Florida, as they become available.

SECTION 6. Should any section, paragraph, sentence, clause or phrase of this Ordinance conflict with any section, paragraph, sentence, clause or phrase of any prior City of Lakeland ordinance, resolution, or Code provision, then in that event the provisions of this Ordinance shall prevail to the extent of such conflict.

SECTION 7. If any word, sentence, clause, phrase or provision of this Ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remainder of this Ordinance shall not be affected thereby.

SECTION 8. This Ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 3rd day of August, A.D. 2026.

**CITY COMMISSION OF THE
CITY OF LAKELAND, FLORIDA**

By: _____
SARA ROBERTS MCCARLEY
MAYOR

ATTEST: _____
KELLY S. KOOS
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: _____
PALMER C. DAVIS
CITY ATTORNEY