**ORDINANCE NO. 1523-26**

**AN ORDINANCE OF THE CITY OF ZEPHYRHILLS, FLORIDA ESTABLISHING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, PROCESSING, REVIEW, APPROVAL, OR ISSUANCE OF BUILDING PERMITS, REZONINGS, SITE PLANS, CONDITIONAL USE APPROVALS, VARIANCES, COMPREHENSIVE PLAN AMENDMENTS, OR OTHER CITY APPROVALS FOR THE CONSTRUCTION, ESTABLISHMENT, EXPANSION, OR INTENSIFICATION OF DATA CENTERS, DATA CENTER FACILITIES, LARGE-SCALE DATA CENTERS, AND LARGE LOAD CUSTOMER FACILITIES WITHIN THE MUNICIPAL LIMITS OF CITY OF ZEPHYRHILLS; PROVIDING LEGISLATIVE FINDINGS OF FACT; PROVIDING DEFINITIONS; DIRECTING CITY STAFF TO REVIEW AND PREPARE LAND DEVELOPMENT CODE AND RELATED REGULATORY AMENDMENTS; PROVIDING FOR SEVERABILITY, REPEALER, AND AN EFFECTIVE DATE.**

**WHEREAS,** as provided in section 2(b), Article VIII of the Constitution of the State of Florida, and section 166.021(1), Florida Statutes, the City of Zephyrhills, Florida (the "City"), a municipal corporation, enjoys all governmental, corporate, and proprietary powers necessary to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except as expressly prohibited by law; and

**WHEREAS,** as provided in section 166.021(3), Florida Statutes, the governing body of each municipality in the state has the power to enact legislation concerning any subject matter upon which the state Legislature may act, except when expressly prohibited by law; and

**WHEREAS**, section 166.041, Florida Statutes, establishes procedures for the adoption of municipal ordinances; and

**WHEREAS**, the City Council recognizes the importance of maintaining land development regulations that reflect current law, promote orderly development, protect public infrastructure, and preserve the health, safety, and welfare of the community; and

**WHEREAS**, data centers, data center facilities, large-scale data centers, and large load customer facilities may require significant and continuous electric demand, water supply, cooling infrastructure, wastewater capacity, stormwater infrastructure, backup generation, fuel storage, fire protection, emergency response planning, security infrastructure, and related public facilities and services; and

**WHEREAS,** such facilities may present unique planning, infrastructure, compatibility, environmental, utility, and public safety considerations; and

**WHEREAS,** Chapter 2026-65, Laws of Florida, created section 163.326, Florida Statutes, relating to large load customer considerations; and

**WHEREAS**, section 163.326, Florida Statutes, recognizes that certain land uses, including facilities with substantial electric or other utility demands, such as data centers and other large load customers, may present unique planning, infrastructure and compatibility considerations; and

**WHEREAS**, section 163.326, Florida Statutes, further recognizes that local governments maintain authority to exercise powers and responsibilities for comprehensive planning and land development regulation with respect to large load customers; and

**WHEREAS**, the City Council finds that the City's current Land Development Code and related development regulations do not contain sufficient specific standards addressing the siting, compatibility, infrastructure capacity, water demand, environmental impacts, emergency service impacts, and operational characteristics of data centers, data center facilities, large-scale data centers, and large load customer facilities; and

**WHEREAS**, the City Council finds that allowing such facilities to be constructed, established, expanded, intensified, approved, or vested before the City has completed appropriate study and regulatory review could create risks to the City's land use planning objectives, infrastructure capacity, water and wastewater systems, electric infrastructure coordination, emergency response capacity, environmental resources, surrounding properties, and long-term community development strategy; and

**WHEREAS**, Courts have recognized that local governments may enact temporary land use moratoria when such moratoria are intended to preserve the status quo and are rationally related to the government's effort to study and adopt appropriate land development regulations. *See WCI Communities Inc. v. City of Coral Springs*, 885 So. 2d 912 (Fla. 4th DCA 2004); *see Tahoe–Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency,* 535 U.S. 302, 337, 122 S.Ct. 1465, 152 L.Ed.2d 517 (2002); and

**WHEREAS,** the City Council finds that a temporary moratorium is necessary and appropriate to preserve the status quo while City staff, consultants, and legal counsel review the City's Land Development Code and related regulations and prepare appropriate amendments addressing data centers, data center facilities, large-scale data centers, and large load customer facilities; and

**WHEREAS,** the City Council finds that a one-year moratorium 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; and

**WHEREAS,** the City Council finds that this Ordinance serves a valid municipal purpose and is necessary to protect the public health, safety and welfare of the residents, businesses, property owners, and visitors of the City of Zephyrhills.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, AS FOLLOWS:**

**Section 1. Authority.**

This Ordinance is enacted pursuant to Chapter 163, Florida Statutes, and Chapter 166, Florida Statutes, under the home rule powers of the City.

**Section 2. Legislative Findings of Fact.**

The foregoing **WHEREAS** clauses are hereby adopted as legislative findings of the City Council of the City of Zephyrhills and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 3. Intent.**

The intent of this Ordinance is to establish a temporary moratorium on the acceptance, processing, review, approval, or issuance of applications and approvals for data centers, data center facilities, large-scale data centers, and large load customer facilities within the municipal limits of the City of Zephyrhills while the City studies and prepares appropriate amendments to its Land Development Code and related regulations.

**Section 4. Definitions.**

For the purposes of this Ordinance, the following words, terms, and phrases, including their respective derivatives, have the following meanings:

a. *Data Center* means a facility, building, dedicated space within a building, or group of buildings whose primary purpose is to process, store, transmit, distribute, host, or manage digital information, data, or electronic information, and which contains computer systems, servers, networking equipment, telecommunications equipment, data processing systems, digital storage systems, environmental control equipment, cooling systems, power distribution equipment, or other associated components.

b. *Data center facility* means a data center and any accessory, supporting, or related infrastructure, equipment, structure, or use, including but not limited to air handlers, chillers, cooling towers, water cooling systems, water storage facilities, electrical rooms, electrical substations transformers, switchgear, backup generators, battery energy storage systems, fuel storage, security infrastructure, telecommunications infrastructure, and other infrastructure used to support data center operations.

c. *Covered Facility* means any Data Center, Data Center Facility, Large-Scale Data Center, or Large Load Customer Facility, as those terms are defined in this Ordinance.

d. *Large load customer facility* means any facility, use, development, or operation with an anticipated monthly peak electric load of fifty megawatts or more, calculated as the highest average load over a fifteen-minute interval at a single location. A customer, applicant, owner, operator, tenant, affiliate, or related entity may not separate or divide electrical load into multiple smaller connections, meters, accounts, parcels, phases, tenants, buildings, or related facilities at a single location for the purpose of avoiding this definition. The term includes customers or other entities that have entered into a colocation, hosting, leasing, service, or similar agreement at a single location where the aggregate anticipated monthly peak load at that location meets or exceeds fifty megawatts.

e. *Large-scale data center* means a data center, data center facility, or single location containing one or more data center uses that has an anticipated monthly peak electric load of fifty megawatts or more, calculated as the highest average load over a fifteen-minute interval. The term includes customers, tenants, users, operators, or other entities that have entered into colocation, hosting, leasing, services, or similar agreement at a single location where the aggregate anticipated monthly peak load at that location meets or exceeds fifty megawatts.

f. *Development approval* means any rezoning, comprehensive plan amendment, conditional use approval, special exception, variance, site plan approval, development agreement, development order, development permit, building permit, construction plan approval, engineering approval, certificate of concurrency, capacity reservation, utility capacity approval, or other City approval necessary to establish, construct, expand, intensify, or operate a Covered Facility.

g. *Expansion or intensification* means any physical, operational, electrical, utility, site, structural, or equipment related change that increases or is reasonably expected to increase floor area, impervious area, electric load, water demand, wastewater generation, cooling capacity, generator capacity, battery storage capacity, fuel storage capacity, server capacity, operational intensity, or public facility demand associated with a Covered Facility.

h. *Moratorium Period* means the period beginning on the effective date of this Ordinance and ending one year thereafter, unless earlier terminated or extended by ordinance of the City Council.

**Section 5. Temporary Moratorium**

A temporary moratorium is hereby imposed on the acceptance, processing, review, approval, or issuance of any Development Approval for the establishment, Expansion or Intensification of any Covered Facility within the municipal limits of the City of Zephyrhills.

During the Moratorium Period, City staff shall not accept, process, review, approve, or issue any such application or approval, except as expressly provided in this Ordinance. Examples of uses or activities covered by this Ordinance include, but are not limited to, cryptocurrency mining, artificial intelligence computing, machine learning computing, high-performance computing, weather modeling, genome sequencing, application hosting, cloud storage, data hosting, data processing, and similar computationally intensive uses.

**Section 6. Duration.**

The temporary moratorium imposed by section 5 of this Ordinance expires as of the earliest of the following occurrences:

a. Twelve (12) months from the effective date of this Ordinance; or

b. A date before the expiration in subsection 6(a) above, if provided by Ordinance of the City Council of the City of Zephyrhills, Florida.

**Section 7. Applicability and Pending Applications.**

This Ordinance applies to all new applications submitted on or after the effective date of this Ordinance.

This Ordinance also applies to all pending applications, including any application submitted before the effective date of this Ordinance, regardless of whether the application has been deemed complete.

No applicant shall obtain vested rights by submitting an application on or after the effective date of this Ordinance.

**Section 8. Study and Evaluation.**

The City Council hereby directs City staff, in consultation with the City Attorney, consultants, utility providers, and other appropriate agencies or stakeholders, to review the City's Land Development Code and related development regulations and prepare proposed amendments addressing the siting, design, review, compatibility, infrastructure capacity, environmental impacts, water resource impacts, emergency service impacts, public safety impacts, and public facility impacts of Covered Facilities. During the Moratorium Period, City staff shall conduct a comprehensive review of the potential impacts associated with Covered Facilities, including but not limited to:

1. Groundwater withdrawal impacts, particularly as they relate to the Floridan Aquifer and regional aquifer management policies.

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 wetlands, coastal ecosystems, noise, lighting, 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.

**Section 9. Enforcement.**

Any Development Approval issued in violation of this Ordinance shall be null and void. Any person who commences or continues the construction, establishment, Expansion, or Intensification of a Covered Facility in violation of this Ordinance shall be subject to code enforcement proceedings and the penalties provided in the City of Zephyrhills Code of Ordinances. The city may seek injunctive or other equitable relief in a court of competent jurisdiction to enforce this Ordinance. Each day a violation continues shall constitute a separate offense.

**Section 10. Notice to Applicants.**

Within thirty (30) days after the effective date of this Ordinance, City staff shall provide written notice of this moratorium to all applicants with pending applications for Development

Approvals for Covered Facilities. City staff shall also post notice of this moratorium on the City's official website and at City Hall. Such notice shall include a summary of the moratorium, the anticipated duration, and contact information for the City Clerk.

**Section 11. Repealer.**

Any and all ordinances in conflict herewith are hereby repealed or suspended to the extent any conflict exists during the Moratorium Period.

**Section 12. Severability.**

It is declared to be the intent of the City Council of the City of Zephyrhills, Florida, that if any section, subsection, sentence, clause, or provision of this ordinance is held invalid, the remainder of the Ordinance shall be construed as not having continued the said section, subsection, sentence, clause, or provision and shall not be affected by such holding.

**Section 13. Effective Date.**

This Ordinance shall become effective upon passage on the second reading and signing by the Mayor.

The foregoing Ordinance No. 1523-26 was read and passed on the first reading in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 8th day of June, 2026.

Attest: _____
Ricardo Quiñones, City Clerk

_____
Steven F. Spina
Council President

The foregoing Ordinance No. 1523-26 was read and passed on the second reading, following a public hearing, in an open and regular meeting of the City Council of the City of Zephyrhills, Florida, on this 22nd day of June, 2026.

Attest: _____
Ricardo Quiñones, City Clerk

_____
Steven F. Spina
Council President

The foregoing Ordinance No: 1523-26 was approved by me this 22nd day of June, 2026.

_____
Melonie Bahr Monson, Mayor

Approved as to legal form and content:

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Matthew E. Maggard, Esq.
City Attorney