

Summary of Ordinance

This Ordinance establishes a temporary moratorium on the construction or expansion of, and on the issuance of building permits, development permits, development orders, or the rezoning of property for data center facilities within the unincorporated areas of Lake County.

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code sections. The notation “* * *” shall mean that all preceding or subsequent text remains unchanged (excluding any renumbering or relettering that might be needed).

ORDINANCE NO. 2026 - ____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM FOR THE CONSTRUCTION, OR EXPANSION OF, AND FOR THE ISSUANCE OF BUILDING PERMITS, DEVELOPMENT ORDERS, OR THE REZONING OF PROPERTY FOR DATA CENTER FACILITIES WITHIN THE UNINCORPORATED AREAS OF LAKE COUNTY; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

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, 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, on June 23, 2026, the Board directed staff to prepare an ordinance instituting a temporary moratorium on the acceptance, review, or approval of applications for data centers, data center facilities, and data center utilities, or the issuance of building permits, development orders or the rezoning of property for data centers, data center facilities, and data center utilities; and

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

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

WHEREAS, data centers, data center facilities, and data center utilities may require substantial water resources for cooling systems and substantial electrical power, which in some cases require large infrastructure demands; and

1 **WHEREAS**, such large-scale facilities have the potential to place significant demands on
2 regional groundwater supplies, water treatment infrastructure, and electrical grid capacity,
3 particularly in rapidly growing areas; and
4

5 **WHEREAS**, the Board finds that Lake County currently lacks specific zoning provisions
6 or development regulations addressing the unique operational characteristics, infrastructure
7 requirements, and environmental considerations associated with data centers, data center facilities,
8 and data center utilities; and
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10 **WHEREAS**, the Board further finds that allowing such facilities to proceed without
11 appropriate regulatory standards could create risks to the County's water resources, electrical
12 infrastructure capacity, land use planning objectives, and long-term community development
13 strategy; and
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15 **WHEREAS**, Lakes County's close proximity to sensitive wetlands, and environmental
16 protection zones further underscores the importance of ensuring that new forms of industrial-scale
17 development are evaluated carefully and responsibly; and
18

19 **WHEREAS**, local governments may enact moratoriums if the moratorium is intended to
20 preserve the status quo and is rationally related to the government's attempt to enact changes to
21 development regulations. *WCI Communities Inc. v. City of Coral 50 Springs*, 885 So. 2d 912 (Fla.
22 4th DCA 2004); and
23

24 **WHEREAS**, Florida courts have held that permissible basis for land use restrictions
25 include concern about the effect of the proposed development on traffic, congestion, surrounding
26 property values, demands for public services, and on other aspects of the general welfare. *WCI*
27 *Communities Inc. v. City of Coral Springs*, 885 So.2d 55 912 (Fla. 4th DCA 2004; *see also Corn*
28 *v. City of Lauderdale Lakes*, 997 F.2d 1369, 1375 56 (11th Cir. 1993); and
29

30 **WHEREAS**, local governments are entitled to enact moratoriums as a land-use tool to
31 promote effective planning and to preserve the status quo during times of study and while changes
32 are enacted; and
33

34 **WHEREAS**, the County is actively engaged in the process of review, study, and planning
35 public hearings to prepare and adopt amendments to its Land Development Regulations, and/or
36 Code of Ordinances as may be necessary to address the demands of these facilities; and
37

38 **WHEREAS**, a temporary moratorium on the acceptance, review, or approval of
39 applications for development permits, development orders, rezoning, or site plans related to data
40 centers, data center facilities, and data center utilities within unincorporated Lake County will
41 allow time to review, study, hold public hearings, and to prepare and adopt an amendment or
42 amendments to the Lake County Land Development Regulations, and/or Code of Ordinances, as
43 may be required, to address such uses; and
44

45 **WHEREAS**, the Board wishes to establish a temporary moratorium of up to one (1) year
46 on the acceptance, review, or approval of applications for development permits, development
47 orders, rezoning, or site plans related to data centers, data center facilities, and data center utilities
48 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, the Board of County Commissioners 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 Lake County, Florida.

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

Section 1. Legal Findings of Fact. The foregoing recitals are hereby adopted as legislative findings of the 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 hereof.

Section 2. Purpose. The purpose of this Ordinance is to allow Lake County sufficient time to review, study, hold public hearings, and to prepare and adopt an amendment or amendments to the Land Development Regulations and/or Code of Ordinances, relating to data centers, data center facilities, and data center utilities.

Section 3. Temporary Moratorium Established. A temporary moratorium is hereby established on the acceptance, review, processing, or approval of any:

1. Rezoning Applications
2. Conditional Use Permits
3. Development Permits or Orders
4. Site Plan Approvals
5. Building Permits; or
6. Other development approvals for the construction, expansion, or operation of data centers, data center facilities, and data center utilities within the unincorporated areas of Lake County, as defined in Section 4 below.

Section 4. Definition.

1. For the purposes of this moratorium, data centers, data center facilities, and data center utilities is a building, a dedicated space within a building, or 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. Examples of such data, include, but are not limited to, computationally intensive applications such as cryptocurrency mining, artificial intelligence (A.I.) computing, weather modeling, genome sequencing, application hosting, cloud storage, video and technical streaming services, etc. Such facilities may include air handlers, power generators, water cooling and storage facilities, utility substations, and other infrastructure to support operations.

2. Notwithstanding the foregoing, the following shall be exempt from the moratorium:

- a. Data centers, server rooms, computer rooms, or information technology facilities owned or operated by a business, governmental agency, educational

1 institution, healthcare provider, or nonprofit organization for the primary
2 purpose of supporting that entity's internal operations, information systems,
3 cybersecurity, communications, business applications, or data storage.

4
5 b. Facilities used primarily to host enterprise information technology
6 infrastructure, cloud services dedicated to a single organization, disaster
7 recovery, backup operations, or routine business computing.

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9 c. Incidental or ancillary artificial intelligence applications that support the
10 operations of the owner or operator and are not offered as commercial artificial
11 intelligence computing services to third-parties.

12
13 **Section 5. Study and Evaluation.** During the moratorium period, Lake County staff
14 shall conduct a comprehensive review of the potential impacts associated with data centers, data
15 center facilities, and data center utilities, including, but not limited to:

- 16
17 1. Groundwater withdrawal impacts, particularly as they relate to the Floridan Aquifer
18 and aquifer management policies.
19
20 2. Water supply and wastewater treatment capacity, including potential impacts on
21 municipal and regional water systems.
22
23 3. Electrical grid capacity and infrastructure requirements, including consultation
24 with regional electric utilities regarding potential long-term demand impacts.
25
26 4. Land use compatibility, including appropriate zoning classifications and
27 development standards for such facilities.
28
29 5. Environmental considerations, including impacts on wetlands, ecosystems, noise,
30 lighting, and surrounding land uses.
31
32 6. Best practices adopted by other jurisdictions in Florida and throughout the United
33 States for the regulation of data centers, data center facilities, and data center
34 utilities.
35
36

37 **Section 6. Development of Regulatory Framework.** Following the completion of
38 and during the review process, County staff shall present best practices and make final
39 recommendations to the Board of County Commissioners regarding the adoption of appropriate
40 zoning regulations, permitting requirements, infrastructure standards, and environmental
41 safeguards governing data centers, data center facilities, and data center utilities within Lake
42 County.
43

44 **Section 7. Duration.** This temporary moratorium shall remain in effect for a period
45 of twelve (12) months from and including the effective date of this Ordinance or until the effective
46 date of an ordinance(s) amending the Lake County Land Development Regulations and/or the
47 Code of Ordinances relating to data centers, data center facilities, and data center utilities,
48 whichever first occurs.

Section 8. Conflicting Provisions. All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 9. Severability. If any section, sentence, clause, or phrase or word of this Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Ordinance; and it shall be construed to have been the Commissioners' intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other person, property or circumstances.

Section 10. Inclusion in the Code. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 11. Filing with the Department of State. The Clerk shall be and is hereby directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida Statutes.

Section 12. Effective Date. This Ordinance shall become effective as provided for by law.

Enacted this _____ day of _____, 2026.

Filed with the Secretary of State _____, 2026.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

Gary J. Cooney, Clerk
Board of County Commissioners
of Lake County, Florida

Leslie Campione, Chairman

This ____ day of _____, 2026.

Approved as to form and legality:

Melanie Marsh, County Attorney