

PROPOSED
ORDINANCE NO. 13-26

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE OF THE CITY OF PENSACOLA, FLORIDA; IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, REVIEW, OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT PERMITS, REZONING, SITE PLANS, AND OTHER CITY APPROVALS FOR LARGE-SCALE DATA CENTERS AND LARGE LOAD CUSTOMER FACILITIES WITHIN THE PENSACOLA CITY LIMITS; PROVIDING FOR AUTHORITY; PROVIDING LEGISLATIVE FINDINGS OF FACT; PROVIDING DEFINITIONS; PROVIDING FOR THE IMPOSITION OF TEMPORARY MORATORIUM; PROVIDING FOR DURATION OF TEMPORARY MORATORIUM; PROVIDING FOR STUDY AND EVALUATION; EXCEPTIONS; CONFLICTS; SEVERABILITY; AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

WHEREAS, the City Council of Pensacola, Florida, is authorized by Chapter 163, Florida Statutes, and Article VIII of the Florida Constitution to establish and administer land development regulations and to protect the health, safety, and welfare of the citizens of Pensacola; and

WHEREAS, the City of Pensacola is located within a coastal region, an area that relies heavily upon groundwater resources from the Florida Aquifer System, which has historically been subject to significant management and conservation efforts, due to saltwater intrusion risks and long-term sustainability concerns; and

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

WHEREAS, large-scale data centers and large-load customer facilities 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 facilities, and electrical grid capacity, particularly in rapidly growing areas; and

WHEREAS, the City Council finds that Pensacola currently lacks specific zoning provisions or developmental regulations addressing the unique operational characteristics, infrastructure requirements, and environmental considerations associated with large-scale data centers and large-load customer facilities; and

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

WHEREAS, Pensacola's proximity to sensitive coastal ecosystems, wetlands, estuarine systems, and maritime forests further underscores the importance of ensuring that new forms of industrial-scale development are evaluated carefully and responsibly; and

WHEREAS, the City Council finds it necessary that a temporary, one-year moratorium is necessary and appropriate to allow City staff to study the issues and consider amendments to the Code of Ordinances, Comprehensive Plan, or Land Development Code, including time for staff review, public input, drafting, notice, hearings, adoption, and implementation of appropriate regulations; and

WHEREAS, the City Council has conducted the necessary hearings and has determined that the adoption of this Ordinance is in the best interests of the citizens of Pensacola, Florida;

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

SECTION 1. FINDINGS AND INTENT.

The foregoing recitals are true and correct and incorporated herein by reference as findings of the City Council of the City of Pensacola. The purpose of this Ordinance is to establish a temporary, citywide pause of new applications and approvals of large-scale data centers and large-load customer facilities in order to allow the City to review and if appropriate, amend its Code of Ordinances, Comprehensive Plan, or Land Development Code to address the impact of such uses.

SECTION 2. DEFINITIONS.

For purposes of this Ordinance, the following terms shall have the meanings set forth below:

Data center: 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, and which uses environmental control equipment to maintain proper conditions of the operation of electronic equipment.

Development regulations: means rezoning, special exception, conditional use, variance, site plan approval, development permit, building permit, construction plan approval, certificate of concurrency, capacity reservation, comprehensive plan amendment, or other City approval necessary to establish, construct, expand, or intensify a covered facility.

Large load customer facility: means a facility or use with an anticipated monthly peak electric load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval at a single location. The term includes customers or other entities that have entered into colocation or similar agreement at a single location where the aggregate anticipated monthly peak load at that location meets or exceeds 50 megawatts. A customer, applicant, owners, operator, or other entity may not separate electrical load into multiple smaller connections, meters, accounts, parcels, phases, tenants, or related facilities at a single location for the purpose of avoiding this definition.

Large-scale data center: means a single location, with a data center on site, that has an anticipated monthly peak electric load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval. The term includes customers or other entities that have entered into a colocation or similar agreement at a single location where the aggregate anticipated monthly peak load at that location meets or exceeds 50 megawatts.

Moratorium period: means the period beginning on the effective date of this Ordinance and ending one year thereafter, unless earlier terminated or extended by action of the Pensacola City Council as provided herein.

SECTION 3. TEMPORARY MORATORIUM ESTABLISHED.

A temporary moratorium is hereby imposed on the acceptance, processing, review, approval, or issuance of any application, development approval, development permit, building permit, construction plan approval, certificate of concurrency, capacity reservation, or other City approval for the establishment, construction, expansion, or intensification of any large scale data center or large-load customer facility within the city limits of Pensacola. 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.

SECTION 4. DURATION.

The moratorium shall commence on the effective date of this Ordinance and shall remain in effect for one year, unless earlier terminated by the Pensacola City Council. The City Council may extend the moratorium by ordinance after public hearing upon a finding that

additional time is necessary to complete the study, drafting, public review, transmittal, adoption, implementation, or legal review of Code of Ordinances, Comprehensive Plan or Land Development Code amendments addressing large-scale data centers or large load customer facilities.

SECTION 5. STUDY AND EVALUATION.

During the moratorium period, Pensacola city staff shall conduct a comprehensive review of the potential impacts associated with large-scale data center and large load customer facilities, including but not limited to:

1. Groundwater withdrawal impacts, particularly as they relate to the Floridan Aquifer and coastal 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 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, agricultural lands, noise, lighting, and surrounding land uses;
6. Best practices employed by other jurisdictions in Florida and through the United States for the regulation of large-scale data centers and large-load customer facilities development.

SECTION 6. EXCEPTIONS.

This moratorium shall not apply to:

1. Ordinary repair, maintenance, or replacement of existing lawful equipment, structures, or facilities, provided such work does not increase electric load, water demand, cooling capacity, floor area, generator capacity, battery storage capacity, or fuel storage capacity so as to establish, expand, or intensify a large-scale data center or large load customer facility;
2. Interior alterations to an existing facility that do not establish, expand, or intensify a large-scale data center or large load customer facility;
3. Emergency work necessary to protect public health, safety, or welfare;
4. Permits necessary to correct unsafe conditions or code violations;
5. Government-owned public safety, emergency management, emergency communications, or critical public infrastructure facilities;
6. Developments authorized by a final, unexpired City approval and building permit issued before the effective date of this Ordinance, provided the proposed work is consistent with such approvals and does not require a material modification; and
7. Any application or approval expressly exempted by the Pensacola City Council after a finding that application of the moratorium is not necessary to protect the

public health, safety, or welfare and would not impair the purposes of this Ordinance.

SECTION 7. CONFLICTS.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8. SEVERABILITY.

If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 9. EFFECTIVE DATE.

This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided, pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk