

ORDINANCE NUMBER 2026-05

AN ORDINANCE OF LEVY COUNTY, FLORIDA,
ESTABLISHING A TEMPORARY MORATORIUM WITHIN
THE UNINCORPORATED AREA OF LEVY COUNTY ON
THE SUBMISSION, ACCEPTANCE, PROCESSING,
REVIEW, APPROVAL, OR ISSUANCE OF APPLICATIONS
AND COUNTY APPROVALS FOR DATA CENTERS,
LARGE-SCALE DATA CENTERS, LARGE LOAD
CUSTOMER FACILITIES, AND ASSOCIATED FACILITIES;
DIRECTING COUNTY STAFF TO STUDY AND PREPARE
PROPOSED REGULATORY AMENDMENTS
ADDRESSING SUCH FACILITIES; PROVIDING FOR
APPLICABILITY, EXCEPTIONS, DURATION,
ENFORCEMENT, SEVERABILITY, NONCODIFICATION,
AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Levy County, Florida (the
“Board”), has authority pursuant to Article VIII, section 1(f) of the Florida Constitution and
Chapter 125, Florida Statutes, to protect the public health, safety, and welfare and to
enact ordinances for valid county purposes that are not inconsistent with general or
special law; and

WHEREAS, Levy County is located within a coastal region, an area that relies
heavily upon groundwater resources from the Floridan 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, on June 30, 2026, the Board directed staff and the county attorney to
prepare an ordinance instituting a temporary moratorium on the submission, acceptance,
processing, review, approval, or issuance of applications and county approvals for
developments involving data centers, large-scale data centers, large load customer
facilities, and associated facilities within the unincorporated areas of Levy County; and

WHEREAS, Chapter 163, Florida Statutes, authorizes and requires local
governments to adopt and enforce comprehensive plans and land development
regulations governing the use and development of land within their jurisdictions; and

WHEREAS, Chapter 2026-65, Laws of Florida, created section 163.326, Florida
Statutes, which recognizes that facilities with substantial electric or other utility demands,
including data centers and other large load customers, may present unique planning,
infrastructure, environmental, compatibility, and public-facility considerations; and

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1 **WHEREAS**, section 163.326, Florida Statutes, expressly provides that local
2 governments maintain authority to exercise the powers and responsibilities for
3 comprehensive planning and land development regulations granted by law with respect
4 to large load customers; and
5

6 **WHEREAS**, Chapter 206-65, Laws of Florida, also amended Chapter 373,
7 Florida Statutes, to address consumptive-use permitting for large-scale data centers and
8 recognizes the substantial water-resource considerations that may be associated with
9 such facilities; and
10

11 **WHEREAS**, data centers, large-scale data centers, large load customer facilities,
12 and associated facilities may require significant and continuous electric demand, water
13 supply, cooling infrastructure, wastewater capacity, stormwater infrastructure, backup
14 generation, fuel storage, battery storage, fire protection, emergency response planning,
15 security infrastructure, telecommunications infrastructure, and related public facilities and
16 services; and
17

18 **WHEREAS**, the construction and operation of such facilities may result in
19 potentially substantial noise, vibration, lighting, thermal, visual, and environmental
20 impacts, generate significant construction activity and traffic, including traffic during
21 construction activities, and place increased demands on roads, emergency services,
22 utilities, and other public infrastructure; and
23

24 **WHEREAS**, Levy County contains substantial areas designated or used for
25 agriculture and commercial forestry, together with extensive conservation, wetland,
26 floodplain, groundwater-recharge, and environmentally sensitive lands, and the
27 compatibility of industrial-scale computing facilities with those lands and with nearby
28 residential and community uses requires careful study and locally appropriate regulation;
29 and
30

31 **WHEREAS**, Levy County presently lacks comprehensive plan policies and land
32 development regulations specifically addressing the location, scale, design, operation,
33 infrastructure demands, cumulative impacts, emergency-service needs, water-resource
34 demands, environmental impacts, and decommissioning of data centers, large-scale data
35 centers, large load customer facilities, and associated facilities or any similar uses that
36 may be considered "data centers"; and
37

38 **WHEREAS**, "Data Centers" or other similarly named uses described in the above
39 recital are not currently allowed in any land use or zoning category in Levy County; and
40

41 **WHEREAS**, the County can not currently accept or approve applications for such
42 facilities before the County completes a review of the land use issues involved with the
43 development of such facilities and requires the necessary time to conduct such review to

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1 assure that the development of such facilities, if allowed, is not inconsistent ~~acceptance~~
2 ~~or approval of applications for such facilities before the County completes that review~~
3 ~~could result in development that is inconsistent~~ with regulations later determined
4 necessary to protect the public health, safety, welfare, natural resources, infrastructure,
5 and orderly development of Levy County; and
6

7 **WHEREAS**, temporary land-use moratoria are a recognized planning tool used to
8 preserve the status quo while a local government studies and adopts appropriate
9 comprehensive-plan and land-development regulations; and
10

11 **WHEREAS**, the Board finds that a temporary moratorium of limited duration is
12 reasonable and necessary to allow sufficient time for technical study, intergovernmental
13 and utility coordination, public participation, drafting, notice, and hearings, transmittal if
14 required, adoption, and implementation of appropriate regulations; and
15

16 **WHEREAS**, the Board finds that a temporary moratorium of limited duration is not
17 in and of itself a more restrictive or burdensome comprehensive plan amendment, land
18 development regulation, or development-review procedure within the meaning of section
19 252.422, Florida Statutes; and
20

21 **WHEREAS**, the Board intends this Ordinance to exercise only the County's lawful
22 land-use and development authority and not to regulate matters within the jurisdiction of
23 state or federal regulatory agencies, nor for this Ordinance to apply to any property
24 damaged by Hurricanes Debby, Helene, and/or Milton; and
25

26 **WHEREAS**, the Board has provided all notices and conducted all public hearings
27 required by law and finds that adoption of this Ordinance is in the best interests of Levy
28 County and its residents.
29

30 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners,
31 of Levy County, Florida, that:
32

33 **SECTION 1. RECITALS AND LEGISLATIVE FINDINGS OF FACT.** The
34 foregoing recitals are true and correct, are adopted as the legislative findings of fact of
35 the Board, and are incorporated into this Ordinance by reference.
36

37 **SECTION 2. PURPOSE AND INTENT.** The purpose of this Ordinance is to
38 establish a temporary pause on the submission, acceptance, processing, review,
39 approval, and issuance of new or incomplete applications and County approvals involving
40 Covered Facilities while the County reviews and, as appropriate, amends its
41 Comprehensive Plan, Land Development Code, Code of Ordinances, technical
42 standards, and application requirements.
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Note: deletions shown ~~stricken~~, additions shown underlined

SECTION 3. DEFINITIONS.

“Associated Facility” means any accessory, ancillary, adjacent, appurtenant, collocated, or supporting structure, building, equipment yard, mechanical yard, cooling facility, generator facility, battery energy storage facility, electrical equipment compound, substation or switching equipment, fuel storage facility, water-treatment or cooling-water facility, security facility, utility yard, telecommunications facility, or other structure, improvement, equipment, or use that is designed, intended, constructed, operated, or used primarily to support, serve, house, cool, power, secure, connect, or otherwise function in connection with a Covered Facility.

“Colocation Facility” means a facility in which space, power, cooling, network connectivity, equipment tracks, cabinets, cages, rooms, suites, or related infrastructure are leased, licensed, or otherwise made available to one or more third parties for the purpose of housing, operating, processing, storing, transmitting, or managing digital information or electronic equipment.

“County Approval” means any comprehensive plan amendment, rezoning, planned development approval, special exception, conditional use, variance, site plan approval, development agreement, development order, development permit, building permit, construction plan approval, plat or replat, certificate of concurrency, capacity reservation, certificate of use, certificate of occupancy, or other County authorization necessary to establish, construct expand, intensify, or operate a Covered Facility.

“Covered Facility” means a Data Center, Large-Scale Data Center, Large Load Customer Facility, or Associated Facility.

“Data Center” means a facility that primarily contains electronic equipment used to process, store, and transmit digital information and that may be a freestanding structure or a facility within a larger structure using environmental-control equipment to maintain proper operating conditions for electronic equipment. The term includes, without limitation, facilities principally used for cloud computing, colocation, artificial-intelligence computing or training, high-performance computing, application hosting, digital storage, data processing, data mining or cryptocurrency mining.

“Large Load Customer Facility” means a facility or use at a single location with an anticipated monthly peak electric load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval, consistent with section 366.043(2)(d), Florida Statutes, as amended. In determining whether the applicable threshold is met, the anticipated monthly peak loads of all customers or other entities that have entered into a colocation or similar agreement at the same location shall be included. The term does not include loads aggregated across multiple locations owned by the same customer. An

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1 electrical load at a single location may not be separated into multiple smaller connections
2 for the purpose of avoiding application of this definition.

3
4 **“Large-Scale Data Center”** means a data center meeting the definition of a large-
5 scale data center in section 373.203, Florida Statutes, as amended.

6
7 **“Material Modification”** means a change to an existing approval that increases
8 or materially alters the approved floor area, electrical load, water demand, cooling
9 capacity, generator capacity, battery storage capacity, fuel storage capacity, site area,
10 building height, intensity, or operational impacts of a Covered Facility.

11
12 **SECTION 3. Moratorium.** A temporary moratorium is hereby imposed within the
13 unincorporated area of Levy County on the submission, acceptance, processing, review,
14 approval, or issuance of any application or County Approval for the establishment,
15 construction, expansion, intensification, or operation of a development involving a
16 Covered Facility. During the moratorium period, County staff shall not accept, process,
17 review, approve, or issue any application or County Approval subject to this Ordinance,
18 except as expressly provided herein. No applicant may evade the moratorium by dividing
19 a unified or functionally integrated project among multiple parcels, phases, entities,
20 tenants, meters, applications, or approval requests; nor by failing to provide sufficient
21 information to the County for its review.

22
23 **SECTION 4. Applicability and Pending Applications.** This Ordinance applies
24 to all applications submitted on or after its effective date and to any pending application
25 that the County had not determined to be complete before the effective date. An
26 application formally determined complete by the County before the effective date may
27 continue to be processed under the regulations in effect at the time of the completeness
28 determination, unless: (1) the application requires a new or materially modified request
29 for County Approval; (2) the applicant requests a Material Modification; or (3) the Board,
30 after notice and an opportunity to be heard, determines that continued processing would
31 create a substantial risk to the public health, safety, or welfare. Nothing in this Section
32 creates or recognizes a vested right, and all claims of vested rights remain subject to
33 Section 6 and applicable law.

34
35 **SECTION 5. Exceptions.** This Ordinance shall not apply to the following:

- 36 1. Ordinary repair, maintenance, or replacement of existing lawful
37 equipment, structures, or facilities, provided the work does not result in
38 a Material Modification to a Covered Facility.
39 2. Interior alterations to an existing lawful facility that does not result in a
40 Material Modification to a Covered Facility.
41 3. Emergency work necessary to protect the public health, safety, or
42 welfare.

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4. Permits necessary solely to correct an unsafe condition or code violation, provided the work does not result in a Material Modification to a Covered Facility.
5. Government-owned public safety, emergency management, emergency communications, or critical public infrastructure facilities.
6. Public utility infrastructure used to furnish utility service to the public generally, provided the infrastructure is not primarily designed, constructed, or operated to support, serve, power, cool, connect, or operate a Covered Facility.
7. Telecommunications, broadband, wireless, fiber-optic, cable, telephone, or emergency-communications facilities used primarily to provide communications service to the public or a governmental entity and not primarily used as a Data Center.
8. Ordinary computer rooms, server rooms, network closets, telecommunications rooms, or information-technology facilities accessory to and used primarily in support of a lawful principal use on the same premises, including offices, schools, hospitals, public facilities, financial institutions, retail establishments, agricultural operations, or industrial facilities, provided the accessory facility is not operated as a separate Data Center, Colocation Facility, cloud-computing facility, or cryptocurrency-mining facility, artificial-intelligence computing facility, or similar commercial or industrial use.
9. Development authorized by a final, unexpired development order and a final, unexpired building permit issued before the effective date, provided the work is consistent with those approvals and does not require a Material Modification.
10. Properties damaged by Hurricanes Debby, Helene, and/or Milton.

SECTION 7. STUDY AND DEVELOPMENT OF REGULATORY FRAMEWORK.

The Board directs County staff, in consultation with appropriate public agencies, utilities, technical experts, affected local governments, stakeholders, and the public, to review the Levy County Comprehensive Plan, Land Development Code, Code of Ordinances, development-review procedures, and technical standards and to prepare proposed amendments addressing Covered Facilities. The review shall include, at a minimum:

1. Land-use, zoning, siting, parcel-size, setback, separation, buffering, screening, landscaping, building-design, and compatibility standards.
2. Potential impacts from noise, vibration, lighting, glare, heat, air emissions, operational activities, and cumulative development.
3. Water supply, groundwater and Floridan Aquifer impacts, cooling systems, wastewater, stormwater, water conservation, drought conditions, and other natural-resource impacts.

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4. Electric, telecommunications, transportation, and other infrastructure needs, including substations, transmission facilities, backup power, battery storage, fuel storage, construction traffic, heavy-haul routes, and required infrastructure improvements.
5. Fire protection, hazardous materials, emergency response, public-safety capacity, emergency access, security, and coordination with law enforcement and emergency-management agencies.
6. Impacts to wetlands, floodplains, groundwater recharge areas, springsheds, wildlife habitat, conservation lands, agricultural and silvicultural lands, historic and archaeological resources, and other environmentally sensitive areas.
7. Application requirements, technical studies, phasing, monitoring, reporting, enforcement, modification and expiration of approvals, decommissioning, financial assurance, site restoration, adaptive reuse, and whether different standards should apply to particular categories of Covered Facilities.
8. All other reasonably related activities required for the comprehensive study and evaluation of Covered Facilities.

County staff shall present proposed amendments and recommendations to the Board by August 30, 2027. If proposed amendments are not ready for consideration by that date, staff shall present a written status report describing the work completed, the issues remaining, and the anticipated schedule for presenting proposed amendments.

SECTION 8. Duration; Early Termination; Extension. The moratorium imposed by this Ordinance shall commence on October 1, 2026, or upon filing with the Florida Department of State, whichever occurs later, and shall remain in effect through September 30, 2027. The Board may terminate the moratorium, in whole or in part, by ordinance upon determining that the moratorium is no longer necessary to protect the public health, safety, and welfare or to complete the study and regulatory process authorized by this Ordinance.

SECTION 9. No Regulation of Public Service Commission or Other Agency Matters. Nothing in this Ordinance shall be construed to regulate electric utility rates, tariffs, rate classifications, cost allocation, service agreements, interconnection requirements, electric-service curtailment, consumptive-use permitting, or any other matter within the exclusive jurisdiction of the Florida Public Service Commission, a water management district, the Florida Department of Environmental Protection, or another state or federal agency. This Ordinance regulates only local land use, development, and County Approvals to the extent authorized by law.

SECTION 10. Enforcement. The County may enforce this Ordinance through any lawful remedy, including withholding, suspending, or revoking a County Approval issued

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1 in violation of this Ordinance; code enforcement proceedings; injunctive or declarative
2 relief; civil penalties authorized by law; or any other remedy available at law or in equity.
3 Each application submitted, work commenced, or day of continuing violation may
4 constitute a separate violation to the extent permitted by law.
5

6 **SECTION 11. Conflicts.** All ordinances or parts of ordinances in conflict with this
7 Ordinance are repealed to the extent of the conflict for the duration of this Ordinance.
8

9 **SECTION 12. Severability.** If any section, subsection, sentence, clause, phrase,
10 or provision of this Ordinance is held invalid or unconstitutional by a court of competent
11 jurisdiction, the invalidity or unconstitutionality shall not affect the remaining provisions,
12 which shall remain in full force and effect.
13

14 **SECTION 13. Noncodification.** The Board directs that this Ordinance not be
15 codified in the Levy County Code of Ordinances, Comprehensive Plan, or Land
16 Development Code because it is temporary in nature. The Clerk may renumber or reletter
17 provisions and correct scrivener's errors without changing substantive meaning.
18

19 **SECTION 14. Effective Date.** In accordance with section 125.66, Florida
20 Statutes, the Clerk to the Board of County Commissioners is directed to file this Ordinance
21 with the Florida Department of State within ten (10) days after its adoption. This Ordinance
22 shall become effective on October 1, 2026, or upon filing with the Florida Department of
23 State, whichever occurs later.
24

25 [REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]
26

27 [SIGNATURE PAGE FOLLOWS]
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16 **PASSED AND DULY ADOPTED** on _____, 2026.

17
18 **BOARD OF COUNTY COMMISSIONERS**
19 **OF LEVY COUNTY, FLORIDA**
20

21
22 _____
23 Tim Hodge, Chair

24 ATTEST: Clerk of the Circuit Court
25 and Ex-officio Clerk to the Board
26 of County Commissioners
27

28 _____
29 Matt Brooks, Clerk

30 Approved as to form and legal sufficiency
31

32 _____
33 County Attorney

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