1st Reading _____
2nd Reading _____

ORDINANCE 2026-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, AMENDING THE CITY OF WESTLAKE CODE OF ORDINANCES BY AMENDING CHAPTER 101, "GENERAL AND ADMINISTRATIVE PROVISIONS," SECTION 101-197, "SPECIAL APPLICATIONS," TO UPDATE THE CRITERIA FOR SMALL-SCALE COMPREHENSIVE PLAN AMENDMENTS; AMENDING SECTION 101-1, "DEFINITIONS AND ACRONYMS," TO ESTABLISH A DEFINITION FOR "DATA CENTER"; AMENDING TABLE 101-1-2, "PERMITTED USES," TO ALLOW A DATA CENTER AS A CONDITIONAL USE IN THE MIXED USE ZONING DISTRICT; AMENDING CHAPTER 119, "ZONING," BY CREATING SECTION 119-XX, "DATA CENTERS," TO ESTABLISH CONDITIONAL USE, SITING, INFRASTRUCTURE, NOISE, WATER, EMISSIONS, AND DESIGN STANDARDS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 163.3187, Florida Statutes, authorizes a small-scale comprehensive plan amendment involving a use of 50 acres or fewer, subject to the requirements established therein; and

WHEREAS, the City Council finds that data centers constitute a distinct land use and should not automatically be classified as an office, warehouse, telecommunications facility, or public utility because of their unique and potentially substantial demands for electricity, water, cooling, emergency generation, and supporting infrastructure; and

WHEREAS, the City Council finds that requiring conditional use approval and objective siting, noise, infrastructure, environmental, and design standards for data centers will promote compatibility with surrounding development and protect the public health, safety, and welfare; and

WHEREAS, the City Council finds that these amendments provide clear, uniform, and legally consistent standards for the administration of the City's land development regulations.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA THAT:

SECTION 1. Recitals. The foregoing recitals are confirmed, adopted and incorporated herein and made a part hereof by this reference.

SECTION 2. Section 101-197, "Special applications," is hereby amended to read as follows:

(a) Small scale plan amendments. Comprehensive plan amendment applications that meet the following criteria will be processed as small-scale plan amendments. In order to be processed as a small-scale plan amendment:

(1) The proposed amendment ~~relates to a parcel that is~~ involves a use of ~~less than ten (10)~~ Fifty (50) acres or fewer in size;
(2) The proposed amendment ~~is only~~ proposes a change to the future land use map for a site-specific small scale development activity;
(3) The parcel that is the subject of the proposed amendment is not located within an area of critical state concern, unless the proposed amendment qualifies for the exception provided in Section 163.3187(1)(c), Florida Statutes;
(4) ~~The city must not have approved more than one hundred twenty (120) acres of small scale amendments in the calendar year in which the application is submitted~~ The proposed amendment does not involve a text change to the goals, objectives, or policies of the comprehensive plan, except as provided in subsection (5) below; and
(5) Text amendments associated with the small-scale plan amendment to the future land use map ("small scale map amendment") are directly related to and will be adopted simultaneously with the small scale map amendment.

SECTION 3. The City Council hereby amends Section 101-1 entitled "Definitions and acronyms" to read as follows:

Data Center means a building, facility, or group of buildings whose principal use is the housing and continuous operation of computer servers, data-storage systems, networking equipment, or related information-technology equipment for the remote storage, processing, management, or distribution of digital data. The use includes associated cooling systems, electrical equipment, emergency or standby generators, battery energy storage systems, security facilities, and other infrastructure primarily serving the data center. The term does not include computer equipment that is incidental and accessory to an otherwise permitted principal use.

SECTION 4. Table 101-1-2, "Permitted Uses," is hereby amended to add "Data Center" as a conditional use in the Mixed Use zoning district:

Use	District						
	R-1	R-2	CV	MU	TC	OSR	MD
Data Center				C			

SECTION 5. Chapter 119, "Zoning," is hereby amended by creating Section 119-XX, "Data centers," to read as follows:

Section 119-XX. Data centers.

(a) Conditional use approval required. A data center may be established only as a conditional use in the Mixed Use zoning district following approval by the City Council in accordance with the conditional use procedures and criteria of this Code and the supplemental standards of this section.

(b) Application requirements. In addition to all generally applicable conditional use and development review requirements, the application shall include:

1. A site plan identifying all data-center buildings, electrical substations and yards, transmission facilities, generators, fuel storage, cooling equipment, battery energy storage systems, security facilities, and other supporting infrastructure.
2. The maximum requested electrical demand, anticipated phasing, and a power-delivery plan identifying proposed transmission routing, overhead facilities, substations, and points of interconnection.
3. Projected annual and peak water demand; the proposed cooling technology; potable, reclaimed, or alternative water sources; anticipated wastewater discharge; purification or treatment needs; and documentation of available utility capacity.
4. A preconstruction acoustic study prepared by a qualified acoustical professional evaluating existing ambient sound and projected operational sound in both dBA and dBC, including cooling equipment, transformers, routine generator testing, and reasonably foreseeable simultaneous equipment operation.
5. The number, fuel type, rating, emissions-control technology, testing schedule, and anticipated annual operating hours of all emergency or standby generators, together with identification of required federal, state, and local environmental permits.
6. Building elevations, equipment-screening plans, landscape plans, lighting plans, and visual simulations demonstrating compatibility with surrounding development.

(c) Supplemental standards.

1. Integrated review. All substations, electrical yards, generators, cooling equipment, fuel storage, battery energy storage systems, security facilities, and similar infrastructure primarily serving the data center shall be reviewed as part of the principal conditional use application and shall not be approved separately as by-right accessory or utility uses.
2. Residential separation. Data-center buildings, electrical substations and yards, generators, cooling equipment, and other exterior mechanical equipment shall be located at least 500 feet from property containing an existing or approved residential use, measured from the nearest point of the equipment or building to the nearest boundary of the residential property. The City Council may require a greater separation, not to exceed 1,000 feet, when warranted by the scale, electrical demand, noise characteristics, equipment location, or surrounding development pattern of the proposed facility.
3. Noise. Continuous operational sound attributable to the data center shall not exceed 50 dBA at the sending property line. The City Council may impose an additional dBC or low-frequency noise limitation based upon the preconstruction acoustic study. A post-construction compliance study shall be submitted within 90 days after commencement of operation and following any material expansion or equipment modification. Required mitigation shall be installed and verified before continued operation of noncompliant equipment.
4. Electrical demand. Development shall not exceed the maximum electrical

demand approved by the City Council. A material increase in approved electrical demand or a material change in the approved power-delivery plan shall require an amendment to the conditional use approval.

5. Water and wastewater. The facility shall use cooling technology and water sources consistent with the approved water-demand analysis and shall demonstrate adequate potable water, reclaimed water, wastewater, and treatment capacity, as applicable. A material change in cooling technology or annual water demand shall require City review and may require an amendment to the conditional use approval.
6. Emergency generation and emissions. Emergency and standby generation shall incorporate the highest practicable emissions-control technology demonstrated in the application, including Tier IV equipment or equivalent controls where technologically feasible. Generator testing shall occur only during hours approved by the City Council, except during an emergency. All equipment shall comply with applicable air-quality permits and conditions, including requirements addressing nitrogen oxides and fine particulate matter.
7. Architecture and screening. Buildings shall incorporate architectural articulation, changes in plane or material, fenestration or equivalent façade treatment, and other features sufficient to avoid uninterrupted blank façades. Mechanical equipment, electrical yards, substations, generators, fuel storage, and loading or service areas shall be screened from public rights-of-way and residential property through a coordinated combination of architecture, walls, landscaping, and berms.
8. Height, intensity, and phasing. Building height, floor area ratio, lot coverage, and development phasing shall be established through the conditional use and site-plan approvals based upon compatibility, infrastructure capacity, emergency access, and the ability to mitigate off-site impacts.
9. Public application record. Information necessary for the City's land-use decision shall be included in the public application record, except information specifically exempt from disclosure under Florida law. The City shall not rely upon confidential side submissions or private nondisclosure agreements as a substitute for evidence in the public record.
10. Compliance monitoring. The conditional use approval may require periodic reporting or testing addressing noise, electrical demand, water use, generator operation, emissions compliance, or other material operational characteristics. The property owner and operator shall be jointly responsible for compliance with all conditions of approval.

SECTION 6. Codification. It is the intention of the City Council that the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Westlake. Sections may be renumbered, re-lettered, and terminology may be adjusted to achieve proper codification.

SECTION 7. Conflicts. All ordinances or parts of ordinances, resolutions or parts of resolutions which are in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION 8. Severability. If any section, sentence, clause, or phrase of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance, which shall remain in full force and effect.

SECTION 9. Effective Date. This ordinance shall be effective upon adoption on second reading.
PASSED this _____ day of _____, 2026, on first reading.

PASSED AND ADOPTED this _____ day of _____, 2026, on second reading.

City of Westlake

_____
JohnPaul O'Connor, Mayor

G. Langowski	_____
G. Werner	_____
E. Gleason	_____
C. Leonard	_____
J.P. O'Connor	_____

ATTEST:

_____
Zoie P. Burgess, CMC, City Clerk

APPROVED AS TO LEGAL FORM:

_____
CITY ATTORNEY