

ORDINANCE NO. 2026-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, 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 PINELLAS PARK; PROVIDING LEGISLATIVE FINDINGS OF FACT; PROVIDING DEFINITIONS; DIRECTING CITY STAFF TO REVIEW AND PREPARE LAND DEVELOPMENT CODE AND RELATED REGULATORY AMENDMENTS; TEMPORARY MORATORIUM IMPOSED; PROVIDING DURATION OF TEMPORARY MORATORIUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (LDC-0626-00012)

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 Pinellas Park, 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 206-65, 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 Pinellas Park.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1: 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: The foregoing **WHEREAS** clauses are hereby adopted as legislative findings of the City Council of the City of Pinellas Park 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: 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 Pinellas Park while the City studies and prepares appropriate amendments to its Land Development Code and related regulations.

SECTION 4: For the purposes of this Ordinance, the following words, terms, and phrases, including their respective derivatives, have the following meanings:

- a. *Data Center* shall mean 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* shall mean 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* shall mean 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* shall mean 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* shall mean 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* shall mean 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* shall mean 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* shall mean 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: 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 Pinellas Park.

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: 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 Pinellas Park, Florida.

SECTION 7: 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: 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.

SECTION 9: 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 Pinellas Park 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: 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: This temporary moratorium shall not affect any development lawfully constructed within the area of the City of Pinellas Park, as of the effective date of this ordinance, pursuant to valid permits and approvals if the existing development is in compliance with all applicable City, State and Federal laws, codes, ordinances, rules, regulations and policies.

SECTION 12: Any and all ordinances in conflict herewith are hereby repealed or suspended to the extent any conflict exists during the Moratorium Period.

SECTION 13: It is declared to be the intent of the City Council of the City of Pinellas Park, 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 14: This Ordinance shall be in full force and effect immediately after its passage and approval in the manner provided by law.

PUBLISHED THE _____, DAY OF _____, 2026.

FIRST READING _____, DAY OF _____, 2026.

PUBLIC HEARING THE _____, DAY OF _____, 2026.

PASSED THIS _____, DAY OF _____, 2026.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS _____, DAY OF _____, 2026.

Sandra L. Bradbury
MAYOR

ATTEST:

Jennifer R. Carfagno, MMC
CITY CLERK

Business Impact Estimate

This form must be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: **Ordinance 2026-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, 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 PINELLAS PARK; PROVIDING LEGISLATIVE FINDINGS OF FACT; PROVIDING DEFINITIONS; DIRECTING CITY STAFF TO REVIEW AND PREPARE LAND DEVELOPMENT CODE AND RELATED REGULATORY AMENDMENTS; TEMPORARY MORATORIUM IMPOSED; PROVIDING DURATION OF TEMPORARY MORATORIUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

If one or more boxes are checked below, this means the City is of the view that a business impact estimate is ***not*** required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in Florida Statutes § 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under Florida Statutes § 163.3220-163.3243;

¹ See Section 166.041(4)(c), Florida Statutes.

- b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the City;
- c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): This is an ordinance to establish a moratorium to allow City staff to research impacts of data centers (at various scales) and prepare Land Development Code amendment proposals for the regulation of future applications.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

N/A

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

N/A

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

N/A

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

One business may be affected by this moratorium.

4. Additional information the governing body deems useful (if any):