



PALM BEACH COUNTY ULDC REVISIONS STAFF REPORT

BOARD OF COUNTY COMMISSIONERS FIRST READING AUGUST 27, 2026

A. Application Summary

I. General

Project Name: Large-Scale Data Centers Moratorium
Articles: 4
Project Manager: Darren Leiser, Assistant County Attorney III
Agency Manager: Wendy N. Hernández, Zoning Director

Title: a County-initiated revision to the Palm Beach County Unified Land Development Code (ULDC)
Request: to revise land development regulations specific to Large-Scale Data Centers in Article 4

Application Summary: The item before the Board is proposed revisions to add the Large-Scale Data Center use to the Palm Beach County Unified Land Development Code ("ULDC" or "the Code"). Specifically, the revisions add a definition for a Large-Scale Data Center use and include language establishing a Moratorium for facilities that fall under the definition of the use. The proposed revisions implement direction to staff by the Board of County Commissioners at the July 7, 2026 BCC Hearing.

II. Staff Assessment & Recommendation

ASSESSMENT: The proposed revisions establish the Large-Scale Data Center use in Article 4 of the ULDC, adding a definition and implementing a Moratorium on Large-Scale Data Centers. At the July 7, 2026 Hearing, the BCC directed staff to implement a one-year Moratorium on the acceptance, review, processing and approval of Zoning applications and related requests for Large-Scale Data Centers. Adding a definition, along with the specific language establishing the Moratorium provides clarity on Zoning applications that would be considered subject to the Moratorium.

STAFF RECOMMENDATION: Staff recommends approval of these revisions based on the findings and conclusions presented in this report.

III. Hearing History

BOARD OF COUNTY COMMISSIONERS HEARING (Permission to Advertise): At the July 14, 2026 Hearing, the BCC approved permission to advertise by a vote of 7-0.

ZONING COMMISSION HEARING: At the August 6, 2026, the ZC recommended approval of the proposed ULDC revision. The Board expressed concern with the proposed definition of Large-Scale Data Center, including the specific 50-megawatt threshold per the Florida Statute. Discussion was centered around the possibility of an applicant submitting an application for a Data Center with less electric load than 50 megawatts and questions regarding why other jurisdictions do not reference the megawatts. They provided comments that there is a need for additional supplemental standards to address the issues that were raised

LAND DEVELOPMENT REGULATION COMMISSION (LDRC) Determination: At the August 6, 2026, the ZC recommended that the proposed revision is found to be consistent with the Comprehensive Plan.

BOARD OF COUNTY COMMISSIONERS HEARING (First Reading): *Scheduled for August 27, 2026.*

BOARD OF COUNTY COMMISSIONERS HEARING (Second Reading/Adoption): *Scheduled for September 24, 2026.*

IV. Data & Analysis

The supporting data and analysis is provided within the following Exhibits.

No.	Exhibit Name	Page
A	Data and Analysis	E-1
B	Proposed ULDC Modifications	E-4
C	Business Impact Estimate	E-6
D	Planning Consistency Determination Letter	E-7

EXHIBIT A – Data and Analysis

This section provides data and analysis to support the proposed revisions.

A. Background

At the July 7, 2026 Hearing, the BCC directed staff to revise the ULDC to establish a one-year Moratorium on Zoning applications that would be considered a Large-Scale Data Center that are Large Load Customers per the definition in Section 366.043(2), Florida Statutes. Currently, the ULDC does not specifically address Large-Scale Data Centers as defined in the Statute. Recent Zoning applications to allow these types of facilities have shown that the ULDC does not adequately regulate them. Staff have already identified significant impacts associated with Large-Scale Data Centers, specifically as it relates to noise, water and electrical power consumption, water disposal, compatibility and other environmental considerations. The Moratorium will allow staff to conduct additional research and analysis of existing data and information related to Large-Scale Data Centers and propose revisions to the ULDC or the Comprehensive Plan to properly regulate these facilities. From the additional research and analysis, the resulting revisions may include requirements related to increased landscape buffers and separations, sound studies, utility coordination, development agreements etc.

The Florida Governor recently signed into law changes to the Florida Statutes that expressly recognize the authority of local governments to regulate large load customers. Specifically, the newly created Section 163.326 states that: “Local governments shall maintain the authority to exercise the powers and responsibilities for comprehensive planning and land development regulations granted by law with respect to large load customers.” The definition of a large load customer is set forth in the new Section 366.043(2), Florida Statutes, and is defined as:

“a customer with an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval at a single location. The term does not include a load aggregated across multiple locations owned by the same customer. However, the term includes all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the anticipated monthly peak load provided in this paragraph.”

The foregoing allows the County to establish land development regulations and make Comprehensive Plan amendments for large load customers. Because these changes to Florida Statutes were adopted after the adoption of Section 28, Ch. 2025-190, Laws of Florida, known as Senate Bill 180, and because they do not impose limitations on the County’s exercise of its authority over large load customers, these proposed revisions to the ULDC, and any proposed future revision will not conflict with Senate Bill 180).

Additionally, the proposed Moratorium Ordinance will apply to all new applications submitted on or after the effective date of the Ordinance and to any pending application that has not been deemed Sufficient by the County prior to the effective date of the Ordinance. Applications deemed complete by the County prior to the effective date of this Ordinance may continue to be processed under the regulations in effect at the time of Sufficiency determination and be subject to Conditions of Approval to mitigate substantial risk to public health, safety, or welfare.

B. Local Government Research

Local Governments throughout Florida have moved forward with Moratoriums for Data Centers to allow revisions to their comprehensive plans and land development regulations. Throughout Florida, there have been coordinated efforts by residents to voice their opposition to data centers due to their negative impacts on surrounding lands and residential communities. The table below identifies some local governments that have already adopted Moratoriums with the intent to establish regulations for data centers. Some local governments specifically refer to the electrical consumption load for data centers that would be considered under the Moratorium while others do not, resulting in the Moratorium possibly

applying to any data center considered under their established definition. County staff from Pasco and Bay Counties proposed the Moratorium applies to 50 megawatts and greater Large-Scale Data Centers per the Florida Statute definition; however, their respective Boards approved a reduced threshold as outlined in the table below. All local governments researched, except Miami-Dade County, Bay County, Jackson County and Leon County, have implemented a one-year Moratorium. The County Commissioners from Jackson County approved a complete ban on data centers. They initially directed staff to pursue a temporary Moratorium, however, at the following public hearing, the Commissioners further directed a revision to prohibit data centers throughout the unincorporated areas of the County.

Local Government	Duration	Electrical Power Threshold
Pasco County	1 year	2.5 Megawatts
Holmes County	1 year	50 Megawatts
Clay County	1 year	N/A
Nassau County	1 year	N/A
Leon County	18 months	50 Megawatts
Walton County	1 year	50 Megawatts
Bay County	6 months	5 Megawatts
Citrus County	1 year	N/A
Miami Dade	Until an Ordinance is adopted to provide regulations for data centers	N/A
Jackson County	Complete ban	All Data Centers

C. Proposed Revisions

This section of the report provides supporting information for the proposed ULDC revisions.

Article 4 of the ULDC is proposed to be revised to add the Large-Scale Data Center use, providing for a definition of the use and the addition of language to establish a one-year Moratorium on the acceptance, review, processing and approval of Zoning applications and related request for Large-Scale Data Centers. The proposed definition is identical to the one set forth in the newly enacted Florida Statutes. The proposed changes also include language specific to establishing a one-year Moratorium on Large-Scale Data Center as directed by the BCC on July 7, 2026. The Moratorium language provides for an effective date, applicable timeframe, and the type of applications and requests subject to the Moratorium.

A provision has been added to the proposed Moratorium prohibiting its application to any property that has been damaged by the hurricanes listed in Senate Bill 180 to ensure consistency with said Senate Bill's prohibition on enacting a moratorium on construction, reconstruction, or redevelopment of any property damaged by such hurricanes.

D. Changes Since the ZC Hearing

At the ZC Hearing on August 6, 2026, the Commissioners expressed concern with the application of the proposed Moratorium and the possibility of an Applicant submitting an application for a Data Center with less electric load than 50 megawatts. Based on this discussion, Staff have made the following revisions as indicated with added text in double underline and removed text stricken:

- The definition for Large-Scale Data Center has been revised to more closely match the definition per Section 373.203(4), Florida Statutes, clarify how the definition and the proposed Moratorium is applied.
- A requirement has been added for an Applicant that submits an application for a Data Center, during the period of the Moratorium, to demonstrate that the proposed Data Center has an anticipated monthly peak load of less than 50 megawatts. This requirement ensures that any proposed Data Centers are appropriately handled during the one-year Moratorium.

E. Business Impact Estimate

In 2024, the Florida Legislature adopted Senate Bill 1628 to remove the exemption for business impact statements related to comprehensive plan and land development regulation ordinances, unless those changes are privately proposed. Consequently, this County initiated land development revision requires a business impact estimate. An analysis of the business impact estimate is provided in Exhibit C to demonstrate compliance with the statute on a template provided by the County Attorney's Office.

F. Consistency with Comprehensive Plan

A review by the Planning Division indicates that the proposed amendments will not result in inconsistencies with the Palm Beach County Comprehensive Plan, as outlined in a Consistency Determination letter in Exhibit D.

EXHIBIT B

LARGE-SCALE DATA CENTER MORATORIUM

This exhibit revises the following Article(s):

ARTICLE 4 – USE REGULATIONS

Revision Key: Proposed revisions are shown with new text as underlined, deleted text in strike-out, and relocated text italicized. ~~Stricken and italicized~~ means text to be totally or partially relocated. Relocation notes are shown in brackets as **[Relocated to:]** or **[Relocated from:]**. Unaltered text omitted for brevity is indicated by a series of four bolded ellipses....

Part 1. ULDC Art. 4.B.5.C, Use Regulations, Use Classification, Industrial Uses, Definitions and Supplementary Use Standards for Specific Uses, is hereby amended as follows:

CHAPTER B USE CLASSIFICATION

Section 5 Industrial Uses

....

C. Definitions and Supplementary Use Standards for Specific Uses

....

19. Large-Scale Data Center

a. Definition

~~A single location, with a data center on site, that has an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval. The term does not include a load aggregated across multiple locations owned by the same customer. However, the term includes all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the anticipated monthly peak load provided in this Subsection.~~ A single location with a facility that primarily contains electronic equipment used to process, store, and transmit digital information which may be either a free-standing structure; or a facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment; and has an anticipated monthly peak load of 50 megawatts or more, calculated as the highest average load over a 15-minute interval. A single location is synonymous with the definition of Site per Art. 1.H.2, Definitions. The term does not include a load aggregated across multiple locations owned by the same customer. However, the term includes all customers or other entities that have entered into a colocation or similar agreement at a single location that otherwise meets the anticipated monthly peak load provided in this subsection.

....

Part 2. ULDC Art. 4.B.5.C, Use Regulations, Use Classification, Industrial Uses, is hereby amended as follows:

25 **CHAPTER B USE CLASSIFICATION**

26 **Section 5 Industrial Uses**

27

28 **D. Moratorium**

- 29 1. The Board of County Commissioners of Palm Beach County does hereby impose a moratorium
30 beginning on the effective date of this Ordinance, upon the acceptance of Comprehensive Plan
31 amendment applications, Zoning applications, and all applicable requests for Zoning approval
32 for Large-Scale Data Centers for unincorporated Palm Beach County. While the moratorium is
33 in effect the County shall not accept, process, or approve any application relating to the Zoning
34 approval of a Large-Scale Data Center or any application for a Comprehensive Plan
35 amendment related to a Large-Scale Data Center. The Moratorium shall not apply to properties
36 damaged by Hurricanes Debby, Helene, or Milton.
- 37 2. Any application submitted during the period of the Moratorium shall include a demonstration
38 that the proposed Data Center has an anticipated monthly peak load of less than 50 megawatts,
39 calculated as the highest average load over a 15-minute interval. Documentation indicating
40 compliance shall be certified by a Professional Engineer, licensed in the State of Florida.
- 41 3. This Ordinance shall expire upon the earlier of the following: one year from the effective date
42 of this Ordinance or upon the effective date of Unified Land Development Code amendments
43 and/or Comprehensive Plan amendments dealing with Large-Scale Data Centers.

44

EXHIBIT C

BUSINESS IMPACT ESTIMATE

Meeting Date: July 14, 2026 – BCC Zoning Hearing

Proposed Ordinance Title/Reference:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; AMENDING THE UNIFIED LAND DEVELOPMENT CODE, ORDINANCE 2003-067, AS AMENDED, AS FOLLOWS: REVISION FOR **LARGE-SCALE DATA CENTERS**, AMENDING ARTICLE 4 – USE REGULATIONS; PROVIDING FOR: INTERPRETATION OF CAPTIONS; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; A SAVINGS CLAUSE; INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND, AN EFFECTIVE DATE.

Summary of Proposed Ordinance and Statement of Public Purpose to be Served:

The item before the Board are proposed revisions to add the Large-Scale Data Center use to the Palm Beach County Unified Land Development Code (“ULDC” or “the Code”). Specifically, the revisions add a definition for a Large-Scale Data Center use and includes language establishing a Moratorium for facilities that fall under the definition of the use. The proposed revisions implement direction to staff by the Board of County Commissioners at the July 7, 2026 BCC Hearing.

Estimate of Direct Economic Impact on Private/For Profit Businesses:

- a. Estimate of Direct Business Compliance Costs: As a result of the proposed Moratorium, there will be no new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible.
- b. New Charges/Fees on Businesses Impacted: As a result of the proposed Moratorium, there will be no new charge or fee subject to the proposed ordinance or for which businesses will be financially responsible.
- c. Estimate of Regulatory Costs: As a result of the proposed Moratorium, there will be no additional regulatory costs.

Good Faith Estimate of Number of Businesses Likely Impacted:

It is estimated that two businesses per year will not be able to file for Zoning applications for Large-Scale Data Centers due to the Moratorium.

Any Additional Information: None.

EXHIBIT D
PLANNING CONSISTENCY DETERMINATION LETTER



**Planning, Zoning
& Building Department**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Compliance 233-5500
Contractor Regulations 233-5525
Administration Office 233-5005
Finance 233-5026
Executive Office 233-5228
www.pbc.gov/pzb

**Palm Beach County
Board of County
Commissioners**

Sara Baxter, Mayor

Marci Woodward, Vice Mayor

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Gregg K. Weiss

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**INTER-OFFICE COMMUNICATION
PLANNING, ZONING AND BUILDING DEPARTMENT
PLANNING DIVISION**

TO: The Honorable Chair and Members of the Zoning Commission

FROM: Travis Goodson, Principal Planner, Planning Division

DATE: July 21, 2026

RE: Comprehensive Plan Consistency Determination for Proposed
Unified Land Development Code (ULDC) Revisions

The Planning Division has determined that the proposed ULDC revisions, Self-Service Storage Facilities (SSSFs) and Data Center Moratorium, as found in the packet provided by the Zoning Division and scheduled for the August 6, 2026 meeting, is generally consistent with the Comprehensive Plan.

Any changes to this amendment, other than corrections of grammatical or spelling errors, will require additional Planning Division review.

C: Jeff Gagnon, AICP, Interim Planning Director, Planning Division
Wendy N. Hernandez, Zoning Director
Jerome Ottey, Principal Site Planner, Zoning Division
Alexander Biray, Senior Site Planner, Zoning Division