

ORDINANCE NO. 2026 - 017

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 ENACTING A ONE-YEAR MORATORIUM ON THE ACCEPTANCE, REVIEW, PROCESSING, AND APPROVAL OF ZONING APPLICATIONS AND RELATED REQUESTS FOR ZONING APPROVALS FOR LARGE-SCALE DATA CENTERS THAT ARE LARGE LOAD CUSTOMERS AS DEFINED IN SECTION 366.043, FLORIDA STATUTES, 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.

WHEREAS, Section 163.3202, Florida Statutes, mandates the County compile Land Development Regulations consistent with its Comprehensive Plan into a single Land Development Code; and

WHEREAS, pursuant to this statute the Palm Beach County Board of County Commissioners (BCC) adopted the Unified Land Development Code (ULDC), Ordinance 2003-067, as amended from time to time; and

WHEREAS, on May 7, 2026, the Governor approved Chapter 2026-65, Laws of Florida (Senate Bill 484); and

WHEREAS, Chapter 2026-65, Laws of Florida created Section 163.326, Florida Statutes, the intent of which is to allow local governments, including Palm Beach County, to regulate data centers and large load customers through local comprehensive planning and land development regulations; and

WHEREAS, Section 163.326(2), Florida Statutes states that local governments “shall maintain the authority to exercise the powers and responsibilities for comprehensive planning and land development regulation granted by law with respect to large load customers;” and

WHEREAS, these statutes were enacted after Chapter 2025-190, Section 28, Laws of Florida, was enacted, which prohibits counties listed in the Federal Disaster Declarations for Hurricanes Debby, Helene, or Milton from proposing or adopting more restrictive or burdensome amendments to their comprehensive plans or land development regulations or more restrictive or burdensome procedures concerning review, approval, or issuance of a site plan, development permit, or development order until October 1, 2027; and

WHEREAS, Palm Beach County was listed in the Federal Disaster Declaration for Hurricane Milton; and

WHEREAS, because Senate Bill 484 was enacted after Chapter 2025-190, Section 28, Laws of Florida, and expressly authorizes local governments and counties to regulate large load customers through comprehensive planning and land development regulations, it supersedes the restrictions set forth in Chapter 2025-190, Section 28, Laws of Florida; and

1 **WHEREAS**, in order to promote effective development regulation of large-scale data centers,
2 which, as defined in this Ordinance, are large load customers pursuant to Chapter 2026-65, Laws of
3 Florida, the BCC wishes to preserve the status quo while researching, studying, and analyzing the
4 potential impact of large-scale data centers upon adjacent uses, the surrounding area, the
5 environment, surrounding property values, demand for county services, and other aspects of the
6 general welfare; and

7 **WHEREAS**, the BCC has determined that the proposed temporary moratorium on the
8 development of large-scale data centers will allow Palm Beach County a sufficient period of time to
9 best formulate land development regulations and comprehensive plan policies that appropriately
10 govern the use of real property for large-scale data centers; and

11 **WHEREAS**, the Land Development Regulation Commission has found this amendment to the
12 ULDC to be consistent with the Palm Beach County Comprehensive Plan; and

13 **WHEREAS**, the BCC hereby elects to conduct its public hearings on this Ordinance at 9:30
14 a.m.; and

15 **WHEREAS**, the BCC has conducted public hearings to consider this amendment to the ULDC
16 in a manner consistent with the requirements set forth in Section 125.66, Florida Statutes.

17 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**
18 **PALM BEACH COUNTY, FLORIDA, as follows:**

19 **Section 1. Adoption**

20 The revisions set forth in Exhibit 1, attached hereto and made a part hereof, are hereby
21 adopted.

22 **Section 2. Interpretation of Captions**

23 All headings of articles, sections, paragraphs, and sub-paragraphs used in this Ordinance are
24 intended for the convenience of usage only and have no effect on interpretation.

25 **Section 3. Repeal of Laws in Conflict**

26 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
27 repealed to the extent of such conflict.

28 **Section 4. Severability**

29 If any section, paragraph, sentence, clause, phrase, word, map, diagram, or any other item
30 contained in this Ordinance is for any reason held by the Court to be unconstitutional, inoperative,
31 void, or otherwise invalid, such holding shall not affect the remainder of this Ordinance.

32 **Section 5. Savings Clause**

33 All development orders, permits, enforcement orders, ongoing enforcement actions, and all
34 other actions of the Board of County Commissioners, the Zoning Commission, the Development
35 Review Officer, Enforcement Boards, all other County decision-making and advisory boards, Special

1 Masters, Hearing Officers, and all other County officials, issued pursuant to the regulations and
2 procedures established prior to the effective date of this Ordinance shall remain in full force and effect.

3 **Section 6. Inclusion in the Unified Land Development Code**

4 The provisions of this Ordinance shall be codified in the Unified Land Development Code and
5 may be reorganized, renumbered, or re-lettered to effectuate the codification of this Ordinance.

6 **Section 7. Providing for an Effective Date**

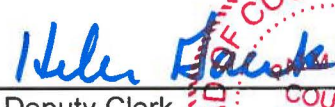
7 The provisions of this Ordinance shall become effective upon filing with the Department of
8 State.

9 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach County,
10 on the 24 day of September, 2026.

11 ATTEST:

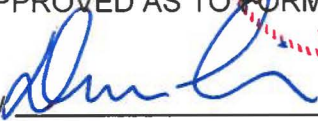
12 SHANNON RAMSAY-CHESSMAN
13 CLERK & COMPTROLLER AD INTERIM

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

14 By 
15 Deputy Clerk

By 
Sara Baxter, Mayor

16 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

17 By 
18 Darren Leiser, County Attorney

19 Filed with the Department of State on the 29 day of September, 2026.

EXHIBIT 1
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

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Section 5 Industrial Uses

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C. Definitions and Supplementary Use Standards for Specific Uses

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19. Large-Scale Data Center

a. Definition

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.

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

CHAPTER B USE CLASSIFICATION

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Section 5 Industrial Uses

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D. Moratorium

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

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FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 29, 2026

Shannon Ramsey-Chessman
Clerk of Circuit Court
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Dear Shannon Ramsey-Chessman,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2026-017, which was filed in this office on September 29, 2026.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp

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