

Date: 10/06/2026	AGENDA ITEM		Item: 05
☒ Ordinance	☐ Resolution	☐ Budget Resolution	☐ Other
Department: Growth & Resource Management Division: Planning & Development Services			
Subject: First reading of Ordinance 2026-22, ban on large-scale data centers.			
Carol McFarlane Division Review Approved By: <i>Carol McFarlane</i> Division Approval	Ray F. Tyner Department Review Approved By: <i>Ray F. Tyner</i>	Christopher Ryan Collaborating Attorney Approved By: <i>Christopher Ryan</i>	Ryan Ossowski CFO Review Approved By: <i>Ryan Ossowski</i> County Manager's Office
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Summary/Highlights:

On July 1, 2026, Florida Senate Bill 484 (Chapter 2026-65 of the Laws of Florida) went into effect, providing that the County shall maintain full power and responsibility over comprehensive planning and land development regulations with respect to large-scale data centers and large-load electrical utility customers.

At the August 17, 2026, County Council meeting, Council was presented with research regarding large-scale data centers and voted unanimously for staff to draft an ordinance banning large-scale data centers throughout the entire unincorporated Volusia County.

This is the first reading of Ordinance 2026-22, which provides such ban. The Ordinance will next be heard at the October 15th Planning and Land Development Regulation Commission (PLDRC), while the second - and final - reading is scheduled for the October 20th County Council.

Below are some rules we have navigated:

- **Why two hearings before Council before adoption?** Two hearings on the ordinance before Council is required by state law because the ordinance “changes the actual list of permitted, conditional, or prohibited uses within a zoning category...” See, section 125.66(5)(b), Fla. Stat.
- **Why not an emergency ordinance?** No emergency ordinance “...shall be enacted which establishes or amends the actual zoning map designation of a parcel of land or changes the actual list of permitted, conditional, or prohibited uses within a zoning category.” See, section 125.66(4), Fla. Stat. (emphasis added)
- **Why an ordinance rather than a charter amendment?** Limitation of large-scale data centers should be done by ordinance as state law generally prohibits a charter amendment by the County for a land development regulation or development order. See, section 163.3167(8)(a), (b) and (c), Fla. Stat; see also, Fla. AGO 2017-03 (“Based on the foregoing, I am of the opinion that the city charter may not, consistent with section 163.3167, Florida Statutes, be amended through an initiative or referendum process to include language ‘which results in the mandatory denial of certain development orders’...”)

- **Why focus on large-scale data centers?** SB 484 provides authority to regulate large-scale data centers by local governments in the face of the large land use preemption in SB 180. SB 484 (Fla. Ch. Law 2026-65) prohibits a water management district from issuing a permit to a large-scale data center if "...prohibited by the applicable local government zoning regulations and comprehensive plan." SB 484 defines large-scale data center. SB 484 also gives local governments the authority to regulate large load customers, such a data centers, by local comprehensive plans and land development regulations..." See, section 163.326(1), Fla. Stat. SB 484 also grants statutory authority to local governments to "...exercise the powers and responsibilities for comprehensive planning and land development regulation granted by law with respect to large load customers..." See, section 163.326(2), Fla. Stat. The authority granted to local governments under SB 484 is important because of the general prohibition on cities and counties from adopting "...more restrictive or burdensome amendments to its comprehensive plans or land development regulations..." until section 28 of that law expires on October 1, 2027. Section 28, SB 180 (Fla. Ch. Law 2025-190). That restriction can renew in the future for another 1 year period if we are within 100 miles of the track of a hurricane. Section 18, SB 180 (Fla. Ch. Law 2025-190).

Recommended Motion: Approval

ORDINANCE NO. 2026-22

AN ORDINANCE OF THE COUNTY COUNCIL OF VOLUSIA COUNTY, CREATING SECTION 72-301 OF THE CODE OF ORDINANCES; PROVIDING FOR A PROHIBITION ON THE ACCEPTANCE, PROCESSING, AND CONSIDERATION OF COMPREHENSIVE PLAN AMENDMENTS, REZONINGS, DEVELOPMENT ORDERS, PERMITS AND SITE PLANS FOR LARGE-SCALE DATA CENTERS WITHIN UNINCORPORATED VOLUSIA COUNTY; PROVIDING FOR CONFLICTS; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, Volusia County is a geographically and environmentally diverse coastal county encompassing approximately 1,207 square miles, containing a population exceeding 600,000 permanent residents, extensive urbanized areas, rural and agricultural lands, environmentally sensitive lands, wetlands, rivers, springs, groundwater-dependent ecosystems, barrier islands, and approximately 47 miles of Atlantic Ocean beaches; and

WHEREAS, according to the 2020 and 2025 Censuses, the population in Volusia County increased by approximately 53,000 residents and continues to grow at a similar pace; and

WHEREAS, the combination of Volusia County's substantial population, continuing population growth, extensive existing development, environmentally sensitive lands, and geographically dispersed urban and suburban communities places substantial demands upon the County's existing public facilities and natural resources and requires careful management of future land uses that impose unusually intensive demands upon those resources; and

WHEREAS, the Volusia County Council is authorized by Chapter 125, Florida Statutes, Chapter 163, Florida Statutes, the Florida Constitution, and other applicable law to adopt comprehensive plans and land development regulations and to protect the public health, safety, and welfare of the residents of Volusia County; and

WHEREAS, Florida Senate Bill 484 (herein after referred to as Chapter 2026-65) explicitly maintains and reaffirms the statutory authority of local governments to exercise full power and responsibility over comprehensive planning and land development regulations with respect to large-scale data centers and large-load electrical utility customers; and

WHEREAS, "large load customers," defined as provided in sections 163.326(2) and 366.043(2), F.S., include facilities, operations, or collocated commercial developments with an anticipated peak electrical load of 50 megawatts or more at a single location, impose extraordinary and unique demands on the electric generation, transmission, and distribution grid; and

WHEREAS, a "large-scale data center" is defined as provided in section 373.203(4), F.S., are a class of large load customer and means 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; and

WHEREAS, while the office of the Governor has proclaimed that Chapter 2026-65 "protects ratepayers, the environment, and local communities from harm caused by hyperscale data centers,"¹ those protections are subject to statutory loopholes,

¹ <https://www.flgov.com/eog/news/press/2026/governor-ron-desantis-signs-law-protect-floridians-subsidizing-data-centers>.

opportunities for circumvention, and limitations which allows much of the critical protections the residents of Volusia County rely on to be bypassed; and

WHEREAS, Chapter 2026-65, Laws of Florida, relies on permissive statutory language by requiring utility tariffs to only "reasonably ensure" cost recovery, failing to mandate strict, enforceable financial guarantees to protect residential ratepayers from absorbing long-term infrastructure costs; and

WHEREAS, Section 366.043(5), Florida Statutes, classifies vital ratepayer safeguards—including performance bonds, minimum load factors, and take-or-pay obligations—as optional provisions the Florida Public Service Commission *may* approve rather than mandatory prerequisites for large-load customers connection to electrical grids; and

WHEREAS, Section 373.262(3), Florida Statutes, embeds critical statutory loopholes by requiring reclaimed water usage only when infrastructure is already "available at the property boundary" and "economically and technically feasible," allowing data center operators to extract pristine groundwater simply by choosing unserved sites or alleging financial hardship; and

WHEREAS, Section 373.262(2), Florida Statutes, creates an entitlement framework specifying that consumptive water permits "shall be issued" upon meeting baseline criteria, limiting regional water management districts from denying permits based on cumulative regional water depletion; and

WHEREAS, Section 373.262(2), Florida Statutes, further provides that a water management district or the Department of Environmental Protection may not issue a

consumptive-use permit to a large-scale data center applicant if the proposed use of water is prohibited by the applicable local government's zoning regulations and comprehensive plan, thereby making this Ordinance's land-use prohibition a direct and independent bar to State water-permit issuance for large-scale data centers within the County; and

WHEREAS, hyperscale data centers drawing 50 megawatts or more place extreme baseline demands on the energy grid, exposing local residents to elevated risks of grid instability, rate inflation, and service curtailments authorized under Section 366.043(6), Florida Statutes; and

WHEREAS, Section 7 of Chapter 2026-65 acknowledges unquantified risks regarding public health, natural resources, and energy costs by ordering a comprehensive state study due in July 2027, yet allows data center development to proceed a full year prior to receiving those essential scientific and economic findings; and

WHEREAS, the 50-megawatt baseline threshold in Section 366.043(2)(d), Florida Statutes, fails to regulate sub-50-megawatt operations that collectively impose unsustainable cumulative demands on local utility grids without triggering specialized tariff protections; and

WHEREAS, large-scale data center cooling operations could extract millions of gallons of water per day, threatening local drinking water supplies and aquifer levels during seasonal droughts even when standard conservation plans are submitted under Section 373.262(4), Florida Statutes; and

WHEREAS, Section 163.326(2), Florida Statutes, explicitly retains the home-rule authority of local governments to exercise comprehensive planning and land development regulations regarding large-load customers to protect community welfare; and

WHEREAS, the local governing body finds that the permissive provisions and statutory escape clauses within Chapter 2026-65 fail to protect local consumers from inflated utility rates, environmental degradation, and grid vulnerability, necessitating a total prohibition on large-scale data centers within this jurisdiction; and

WHEREAS, the Lawrence Berkeley National Laboratory's 2025 study of large-scale data centers, in conjunction with the Department of Energy Industrial Technologies Office and the Office of Science of the United States Department of Energy, found that U.S. data centers could consume between 521 and 843 terawatt-hours (TWh) of electricity by 2030, representing up to 15.3% of total national electricity demand and posing an unprecedented burden on energy grid capacity. Such study is incorporated into this Ordinance by reference² and attached hereto as Exhibit "A"; and

WHEREAS, the Lawrence Berkeley study additionally found that serving the exponential growth of data center energy consumption is projected to require up to 148 gigawatts of grid interconnection capacity by 2030, threatening local energy reliability, expanding fossil fuel dependence, and placing immense infrastructure demands on surrounding communities; and

² United States Data Center Energy Usage Report: 2025 Update by Sarah J. Smith, Alex Hubbard, Alex Newkirt, et al., located at <https://escholarship.org/uc/item/33m6w3x0>.

WHEREAS, a recent 2024 ACM study *Exploding AI Power Use: An Opportunity to Rethink Grid Planning and Management*, demonstrates that rapid growth in artificial intelligence and hyperscale computing generates unprecedented, accelerated demand for electrical grid infrastructure. Such study is incorporated into this Ordinance by reference³ and attached hereto as Exhibit “B”; and

WHEREAS, the ACM study findings indicate that such exponential load increases directly strain regional electrical grids, force utility providers to maintain or extend fossil-fuel-based generation, and compromise local grid reliability without localized load-flexibility protections, thus posing a direct risk to the public health, safety, and welfare of Volusia County residents, as well as the stability of the local environment and natural resources; and

WHEREAS, according to published findings in *Data Centre Water Consumption*, even a small 1-megawatt data center utilizing traditional cooling methods can consume approximately 25.5 million liters of water per year, while a medium-sized 15-megawatt facility uses as much water as three average-sized hospitals or more than two 18-hole golf courses. Such study is incorporated into this Ordinance by reference⁴ and is attached hereto as Exhibit “C”; and

WHEREAS, the findings of that study indicate that less than a third of data center operators track water metrics, making predictions on local effects difficult with any degree

³ Exploding AI Power Use: an Opportunity to Rethink Grid Planning and Management by Liuzixuan Lin, Varsha Rao, Hai Nguyen, et al., located at <https://dl.acm.org/doi/epdf/10.1145/3632775.3661959>.

⁴ Data Centre Water Consumption, by David Mytton, located at <https://www.nature.com/articles/s41545-021-00101-w?>.

of certainty, with major facility operators drawing over half of their direct cooling water from local potable water supplies (reaching 57% to 65% in recorded years), thereby placing immense strain on public drinking water infrastructure and competing with local communities for vital municipal water resources; and

WHEREAS, empirical studies analyzed in *Environmental and Economic Implications of Artificial Intelligence Data Centers in the United States*, demonstrate that data center cooling infrastructure, HVAC equipment, server rooms, and backup power generators generate continuous and intermittent noise levels ranging from 40 dBA to upwards of 99.2 dBA at close proximity, with backup power gas turbines emitting sound levels reaching 100 dBA even at distances of 120 meters. Such study is incorporated by reference into this Ordinance⁵ and attached hereto as Exhibit “D”; and

WHEREAS, such study found that operational data centers emit low-frequency, persistent mechanical noise often experienced in adjacent residential areas as a constant “hum” or “drone,” exceeding established community outdoor exposure protection thresholds of 55 dBA (L_{dn}) and long-term night noise targets of 45 dBA (L_{night}); and

WHEREAS, the study concluded that sustained exposure to unabated environmental noise from large-scale facility operations is linked to significant public health and community welfare impacts, including chronic annoyance, sleep disturbance, cognitive impairment, mental health challenges, and cardiovascular disruptions, while also

⁵ *Environmental and Economic Implications of Artificial Intelligence Data Centers in the United States*, by Johanna Bolanos-Zuniga and Alberto J. Lamadrid, located at <https://arxiv.org/pdf/2608.09882>.

threatening local wildlife through alterations in natural behavior, physiology, and reproduction; and

WHEREAS, recent technical assessments embodied in *Air Quality and Greenhouse Gas Emissions Assessment of Data Centers in Texas: Quantifying Impacts and Environmental Tradeoffs* demonstrate that operational electricity consumption in a standard 10-megawatt data center generates approximately 37,668 metric tons of CO₂ annually, alongside significant Scope 3 embodied emissions from construction materials and IT infrastructure manufacturing. Though this study focuses on Texas, the concerns it raises are in no way limited by jurisdiction. Such study is incorporated by reference into this Ordinance⁶ and attached hereto as Exhibit “E”; and

WHEREAS, the study found that localized operation and mandatory testing of diesel-powered backup generators at large-scale data centers release substantial quantities of criteria air pollutants, emitting approximately 12 metric tons of nitrogen oxides (NO_x) annually per major facility, thereby degrading local air quality and exacerbating ground-level ozone formation in surrounding communities; and

WHEREAS, unmitigated expansion of large-scale data centers is projected to drive unprecedented electricity demand that could generate between 170 and 205 million metric tons of CO₂ emissions annually by 2030, posing severe risks to environmental quality, public health, and local infrastructure stability; and

⁶ *Air Quality and Greenhouse Gas Emissions Assessment of Data Centers in Texas: Quantifying Impacts and Environmental Tradeoffs*, by Ebrahim Eslami, located at <https://arxiv.org/pdf/2509.21312>.

WHEREAS, Volusia County has adopted a Minimum Standard for Environmental Protection which regulates the storage, handling, use, or production of hazardous substances within zones of protection surrounding potable water supply wellfields, and which prohibits these activities within 200 feet of any potable water supply well; and

WHEREAS, large scale data centers utilize batteries, chemical coolants, and other substances that are considered hazardous substances, which would be limited or prohibited within wellfield protection zones, and

WHEREAS, a Bloomberg analysis of wholesale electricity prices found that 70 percent of locations with year-on-year price increases were within 50 miles of significant large-scale data center activity. Nationally, household electricity rates increased 13 percent in 2025, largely driven by the development of large-scale data centers;⁷ and

WHEREAS, the computing hardware used to run artificial intelligence, including microchips and processing, memory, and storage components has a lifespan of 2-5 years and is regularly replaced with updated versions. As a result, the current AI boom will be responsible for generating up to 5 million tons of e-waste annually by 2030; and

WHEREAS, 56 percent of the electricity used to power large-scale data centers comes from fossil fuels. Large-scale data centers disproportionately use fossil fuels, with an average carbon intensity that is 48 percent higher than the national average; and

WHEREAS, Volusia County's existing development pattern, including the proximity of industrial and commercial lands to established residential neighborhoods, means that the

⁷ AI Data Centers Are Sending Power Bills Soaring, by Josh Saul, Leonardo Nicoletti, Demetrios Pogkas, et al., available at: <https://www.bloomberg.com/graphics/2025-ai-data-centers-electricity-prices/>

impacts associated with exceptionally large industrial facilities cannot necessarily be confined to isolated industrial districts remote from residential areas; and

WHEREAS, Volusia County's industrial footprint is uniquely characterized by specialized, high-value nodes with direct intermodal access to Interstate 4, Interstate 95, rail corridors, and key aviation hubs including Daytona Beach International Airport, DeLand Municipal Airport, New Smyrna Beach Municipal Airport, and Ormond Beach Municipal Airport, which are critical for advancing aerospace, advanced manufacturing, and regional logistics industries; and

WHEREAS, given the extreme relative scarcity of parcels designated for Heavy Industrial (I-2) development within the County, the preemption of these strategically positioned, infrastructure-rich lands by resource-intensive, large-scale data center operations would deplete the County's limited inventory of heavy industrial land, fail to generate proportional employment density, and displace traditional aerospace and manufacturing uses that depend on access to regional transport corridors, and

WHEREAS, the principal source of drinking water for Volusia County is groundwater withdrawn from the Floridan Aquifer, and County water-treatment facilities utilize wells to withdraw groundwater from that aquifer for public water supply; and

WHEREAS, the Volusia-Floridan Aquifer has been designated by the United States Environmental Protection Agency as a Sole Source Aquifer because it supplies a substantial portion of the drinking water consumed in the area overlying the aquifer and

because no alternative source is reasonably available that could physically, legally, and economically replace the aquifer as the area's drinking-water source; and

WHEREAS, the designation of the Volusia-Floridan Aquifer as a Sole Source Aquifer demonstrates the extraordinary importance of protecting the aquifer from both contamination and excessive or concentrated withdrawals, because degradation of the aquifer would directly threaten the County's principal source of potable water and could not readily be remedied by substitution of another water source; and

WHEREAS, scientific investigations conducted by the United States Geological Survey have documented that groundwater withdrawals in Volusia County can produce substantial drawdown of the Floridan Aquifer and have identified relationships between intensive groundwater withdrawals, temporary loss of water in domestic wells, and increased sinkhole activity; and

WHEREAS, Volusia County is home to three designated Outstanding Florida Springs, Volusia Blue, DeLeon, and Gemini, which are regulated by the Florida Department of Environmental Protection to improve water quality, and which each have a designated Minimum Flow Regime by the St. Johns River Water Management District; and

WHEREAS, the St. Johns River Water Management District 2022 Central Springs/East Coast (CSEC) Regional Water Supply Plan (RWSP), incorporated by reference into this Ordinance⁸ and attached hereto as Exhibit "F," indicated that, even without the potential impacts from a large-scale data center, fresh groundwater alone could not supply the

⁸ Available at https://aws.sjrwmd.com/SJRWMD/plans/csec/CSEC_RWSP_02_07_22.pdf.

projected increase in water demand in 2040 while at the same time sustaining water resources and related natural systems during the 20-year planning horizon (2040). The water resource assessment projected that adopted minimum flows and levels would not be achieved and predicted an increased potential for degradation of water quality resulting from saltwater intrusion; and

WHEREAS, the Florida Department of Environmental Protection has designated nearly all of Volusia County's surface water bodies impaired for nutrients or other water quality concerns, and Volusia County has invested significantly in water quality improvement projects, which could be undermined by additional pollutants from large-scale data centers; and

WHEREAS, at the August 17th County Council meeting, the Volusia County Council recognized that parts of Volusia County were considered to be at the greatest risk of sinkhole activity, with Councilman Dempsey introducing the Florida Division of Emergency Management sinkhole susceptibility map, incorporated into this Ordinance by reference and attached hereto as Exhibit "G"; and

WHEREAS, the United States Geological Survey has also documented the presence of brackish groundwater along portions of Volusia County and has identified saltwater intrusion in the surficial aquifer along the County's barrier island, as well as evidence of vertical intrusion associated with public-supply pumping at certain locations. The Survey

and its findings are incorporated into this Ordinance by reference⁹ and attached hereto as Exhibit “H”; and

WHEREAS, these documented hydrogeologic conditions demonstrate that Volusia County's groundwater resources are not an unlimited or interchangeable source of industrial water and that concentrated additional withdrawals must be evaluated in light of the potential for adverse effects upon groundwater levels, existing lawful water users, aquifer conditions, springs, domestic wells, and saltwater intrusion; and

WHEREAS, Volusia County contains groundwater-dependent spring systems, including Blue Spring, and the County and other public agencies have undertaken substantial planning, regulatory, infrastructure, and restoration efforts to protect spring flows and groundwater quality; and

WHEREAS, the Blue Spring spring shed encompasses approximately 130 square miles and receives a substantial portion of its water from rainfall infiltrating through the land surface into the aquifer, making land-use decisions within the spring shed relevant to the quantity and quality of water ultimately discharged by the spring; and

WHEREAS, Volusia County has undertaken projects involving advanced wastewater treatment, reclaimed water, stormwater, and aquifer recharge specifically to protect and improve groundwater resources and maintain the minimum flow regime of Blue Spring, demonstrating the County's continuing need to conserve and protect groundwater

⁹ Hydrology of the Floridan Aquifer in Northwest Volusia County, Florida, by A. T. Rutledge, located at <https://pubs.usgs.gov/of/1982/0108/report.pdf>.

resources rather than commit additional groundwater supplies to exceptionally intensive new industrial uses; and

WHEREAS, Volusia County is also subject to water-quality protection requirements associated with the Volusia Blue, DeLeon, and Gemini Springs systems, including requirements designed to reduce nitrogen and other nutrient pollution entering groundwater and spring systems; and

WHEREAS, the County's water-resource protection efforts demonstrate that Volusia County faces both water-quantity and water-quality constraints and that the cumulative effects of additional intensive water uses must be considered in determining whether particular land uses are appropriate within the County; and

WHEREAS, Florida law now requires a large-scale data center applicant seeking a consumptive-use allocation of at least 100,000 gallons per day to provide detailed information concerning all sources and amounts of water used for cooling, industrial processes, treatment processes, sanitation, and irrigation and to submit a water-conservation plan; and

WHEREAS, 100,000 gallons of water per day represents approximately 2.6 percent of the approximately 3.9 million gallons of potable water that Volusia County Utilities currently treats and delivers to its customers each day, illustrating the magnitude of even the statutory threshold at which enhanced water-resource review is required; and

WHEREAS, Florida law further requires the use of reclaimed water by a large-scale data center in specified circumstances when a suitable reclaimed-water source and adequate reclaimed-water distribution infrastructure are available; and

WHEREAS, Volusia County's existing reclaimed-water infrastructure is not universally available throughout the County, and County information presently identifies reclaimed-water service as being available only in limited portions of the County's utility service area; and

WHEREAS, the limited geographic availability of reclaimed water creates a substantial infrastructure and planning concern because a large-scale data center proposed in an area lacking adequate reclaimed-water infrastructure may create pressure for increased withdrawals from potable groundwater supplies or require the construction and expansion of dedicated reclaimed-water infrastructure to serve a single exceptionally intensive industrial user; and

WHEREAS, the County has determined that its limited potable-water and reclaimed-water infrastructure should be planned primarily to serve existing and reasonably anticipated residential, commercial, public, and other lawful community needs and that the County should not be required to expand or reconfigure public water infrastructure principally to accommodate a land use whose water demand is substantially greater than that ordinarily associated with surrounding development; and

WHEREAS, Volusia County's Comprehensive Plan identifies wetlands, estuarine systems, freshwater wetlands, ecological corridors, groundwater recharge areas,

environmentally sensitive lands, and other interconnected natural systems as resources requiring protection from the cumulative effects of land development; and

WHEREAS, the scale of resource consumption associated with large-scale data centers is particularly significant in Volusia County because the County's potable water supply depends principally upon a single groundwater system, the County is actively engaged in protecting groundwater-dependent springs and nutrient-sensitive watersheds, reclaimed-water infrastructure is not universally available, causing large-scale data centers to directly compete with residential neighborhoods for potable water, industrial and residential land uses are frequently proximate, and substantial portions of the County are subject to coastal, flooding, stormwater, and other environmental constraints; and

WHEREAS, large-scale data centers are often sources of nitrogen oxide, which helps form ozone, carbon monoxide and heavy metals, among other pollutants, and the Environmental Protection Agency is currently entertaining a newly proposed rule that would not require public disclosure of data center air pollution, allowing emission permits to be issued behind closed doors outside of public scrutiny;¹⁰ and

WHEREAS, Volusia County contains significant and valuable natural resources, including groundwater resources, surface waters, wetlands, environmentally sensitive lands, agricultural lands, coastal resources, and other natural resources whose protection is an important public purpose; and

¹⁰ <https://www.theguardian.com/us-news/2026/aug/25/datacenters-air-pollution-epa>.

WHEREAS, the County Council finds that the protection and conservation of the County's natural resources is a paramount public concern and is necessary to protect the health, safety, welfare, and quality of life of present and future residents of Volusia County; and

WHEREAS, the uncoordinated or rapid influx of large-scale data centers creates severe infrastructure challenges, water demand shortages, water quality impacts, potential electric capacity shortages, grid stability risks, and heightened risks of cost-shifting onto existing residential and commercial ratepayers; and

WHEREAS, large-scale data centers require substantial land areas and may involve extensive impervious surfaces, large buildings, electrical and mechanical infrastructure, stormwater facilities, utility corridors, and other site improvements that can alter natural drainage patterns, reduce groundwater recharge, increase stormwater runoff, and fragment or adversely affect ecological systems when located on environmentally sensitive or recharge-related lands; and

WHEREAS, the County Council recognizes that large-scale data centers constitute a distinct and rapidly evolving land use with operational characteristics and infrastructure demands that are materially different from those associated with ordinary office, commercial, warehouse, telecommunications, or industrial uses; and

WHEREAS, modern large-scale data centers may involve large-scale facilities containing servers, networking equipment, data storage systems, cooling equipment, backup power systems, batteries, generators, fuel storage, electrical substations, transformers, security infrastructure, and other associated equipment and facilities; and

WHEREAS, large-scale data centers may require substantial and continuous electrical demand, substantial water consumption, extensive cooling infrastructure, wastewater capacity, stormwater infrastructure, backup generation, fuel storage, fire protection, emergency-response capabilities, security infrastructure, and other public facilities and services; and

WHEREAS, the substantial and continuous utility demands associated with large-scale data centers may place significant demands upon existing electrical, water, wastewater, transportation, stormwater, fire protection, and emergency-response infrastructure; and

WHEREAS, the County Council recognizes that the impacts associated with large-scale data centers are not limited to their electrical demand and may include impacts upon water resources, groundwater availability, wastewater systems, air quality, noise, heat generation, stormwater management, visual character, property values, environmental resources, and community character; and

WHEREAS, large-scale data centers may operate continuously, twenty-four hours per day and seven days per week, thereby creating operational characteristics materially different from many other uses permitted under the County's existing land development regulations; and

WHEREAS, the County Council recognizes that the scale, intensity, and operational characteristics of modern large-scale data centers may create land-use impacts that are not adequately addressed by regulations developed for traditional office, commercial, warehouse, telecommunications, utility, or industrial uses; and

WHEREAS, the County Council finds that large-scale data centers may be incompatible with residential neighborhoods, schools, parks, conservation areas, agricultural lands, environmentally sensitive areas, and other locations in which their scale, intensity, noise, utility demands, or operational characteristics may adversely affect surrounding properties or the public welfare; and

WHEREAS, the County Council recognizes that the cumulative impacts of large-scale development upon the County's water resources, electrical infrastructure, wastewater infrastructure, stormwater systems, transportation network, emergency services, and other public facilities and services must be considered as part of the County's comprehensive planning and land development responsibilities; and

WHEREAS, the County Council finds that the potential impacts of large-scale data centers may occur regardless of whether a particular facility satisfies any specific electrical-load threshold, because a facility's land-use compatibility, water demand, noise, cooling requirements, stormwater impacts, visual impacts, emergency-service demands, and other operational characteristics may create significant impacts independent of its electrical consumption; and

WHEREAS, the County Council finds that the County's existing land development regulations were not developed to address the unique scale, intensity, infrastructure demands, environmental impacts, and operational characteristics of modern large-scale data centers; and

WHEREAS, the County Council finds that treating a large-scale data center as an office, warehouse, telecommunications facility, utility use, industrial use, or other existing land-use category may fail to adequately account for the unique impacts and infrastructure demands associated with the use; and

WHEREAS, the County Council recognizes that the continued availability of adequate public facilities and services is essential to the orderly development of Volusia County and to the protection of existing residents, businesses, property owners, and public infrastructure; and

WHEREAS, the County Council finds that permitting a use whose infrastructure, environmental, and land-use impacts are not adequately addressed by existing regulations may result in development occurring in a manner inconsistent with the County's comprehensive planning objectives and adopted policies; and

WHEREAS, the County Council recognizes that large-scale data centers may consume substantial amounts of water for cooling and related operations and that such consumption must be evaluated in light of the County's responsibility to protect groundwater resources and ensure the long-term availability of water for existing and future residents, businesses, agriculture, environmental systems, and public uses; and

WHEREAS, the County Council recognizes that the development and operation of large-scale data centers may require substantial electrical infrastructure, including transmission facilities, substations, transformers, backup generators, and related infrastructure, which

may have land-use, environmental, visual, noise, and public-safety consequences extending beyond the boundaries of the large-scale data center site itself; and

WHEREAS, the County Council recognizes that large-scale data centers may require substantial backup generation and fuel storage to maintain continuous operations, thereby creating additional fire, environmental, air-quality, noise, and emergency-response considerations; and

WHEREAS, the County Council finds that the potential impacts of large-scale data centers are appropriately considered through the vehicle of the County's comprehensive planning, zoning, land development, environmental, infrastructure, and public-facility regulatory authority; and

WHEREAS, the County Council finds that the County has a substantial public interest in ensuring that a land use is not permitted under a classification that fails to accurately describe its principal use or adequately address its operational and infrastructure impacts; and

WHEREAS, the County Council recognizes that the orderly development of land requires consideration not only of the use proposed on an individual parcel but also of the cumulative effects of similar development upon surrounding properties, public facilities, infrastructure, natural resources, and the County as a whole; and

WHEREAS, the County Council finds that the potential cumulative effects of data-center development upon water resources, electrical infrastructure, wastewater capacity, stormwater systems, emergency services, environmental resources, and community

character warrant particular consideration under the County's comprehensive planning and land development authority; and

WHEREAS, the County Council finds that preventing the establishment of large-scale data centers before substantial public and private investment is made in infrastructure specifically intended to support such facilities is necessary to avoid creating development patterns and infrastructure commitments that may be inconsistent with the County's long-term planning objectives; and

WHEREAS, the County Council finds that protecting existing residents, property owners, businesses, public facilities, infrastructure, natural resources, and community character from potentially incompatible development is a legitimate and substantial public purpose; and

WHEREAS, the County Council finds that the comprehensive planning and land development authority of the County requires consideration of the long-term consequences of land-use decisions and not merely the impacts of an individual development application in isolation; and

WHEREAS, the County Council finds that large-scale data centers, by reason of their scale, intensity, infrastructure requirements, continuous operations, and potential environmental and community impacts, are not compatible with the land-use pattern and development objectives established by the County's Comprehensive Plan; and

WHEREAS, the County Council further finds that the potential adverse impacts associated with large-scale data centers are not limited to the parcel upon which such a

facility is constructed, but may extend to groundwater resources, public utility systems, electrical infrastructure, transportation facilities, surrounding residential properties, air quality, noise conditions, stormwater systems, emergency services, and other public facilities and natural resources; and

WHEREAS, the County Council finds that avoiding those cumulative impacts is preferable to attempting to mitigate them after a large-scale data center has been constructed and its infrastructure, water demands, electrical demands, and surrounding land-use conflicts have become established; and

WHEREAS, the County Council has considered the existing and anticipated conditions of the unincorporated area of Volusia County, the County's Comprehensive Plan, the County's public facilities and infrastructure, the County's natural resources, the County's groundwater and potable-water supplies, the County's reclaimed-water infrastructure, and the potential cumulative impacts associated with large-scale data centers; and

WHEREAS, the County Council therefore finds that the establishment, construction, expansion, intensification, or operation of large-scale data centers within the jurisdiction of Volusia County should be prohibited unless and until the County Council determines by subsequent ordinance that such uses are compatible with the County's comprehensive planning objectives and can be adequately regulated to protect the public health, safety, welfare, natural resources, infrastructure, and community character of Volusia County; and

WHEREAS, based upon the foregoing findings, the County Council determines that large-scale data centers are not an appropriate land use within the unincorporated area of Volusia County and that prohibiting the development and operation of large-scale data centers is necessary to protect the public health, safety, and welfare; preserve the County's potable-water supply and groundwater resources; protect groundwater-dependent springs and environmentally sensitive lands; maintain compatibility among existing and future land uses; protect public facilities and infrastructure; and prevent adverse cumulative impacts that cannot be adequately addressed through conventional site-specific development conditions; and

WHEREAS, the County Council finds that adoption of this Ordinance is in the best interests of the citizens of Volusia County and is necessary to protect the public health, safety, and welfare and to promote the orderly development of the County.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, AS FOLLOWS:

SECTION I. INTENT. The foregoing recitals are true and correct and are incorporated herein by reference as findings of the Volusia County Council.

SECTION II. Section 72-301 of the Code of Ordinances, County of Volusia, is hereby created to read as follows:

Sec. 72-301. Prohibition of large-scale data centers.

Large-scale data centers, defined as provided in section 373.203(4), F.S., are a class of large load customer and meaning 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, are hereby a prohibited use within the unincorporated area of Volusia County.

The County shall not accept, process, review, approve, or issue any application, development approval, development order, development permit, building permit, construction plan approval, certificate of concurrency, capacity reservation, comprehensive plan amendment, rezoning, special exception, conditional use, variance, site plan approval, or other County approval for the establishment, construction, expansion, intensification, or operation of a large-scale data center.

SECTION III: SEVERABILITY - Should any word, phrase, sentence, subsection or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section so held shall be severed from this ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

SECTION IV: CONFLICTING ORDINANCES - All ordinances, or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

SECTION V: EFFECTIVE DATE. This ordinance shall take effect upon electronic filing of a certified copy with the Department of State.

ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS ____ DAY OF _____ A.D., 2026.

ATTEST:

COUNTY COUNCIL
VOLUSIA COUNTY, FLORIDA

George Recktenwald
County Manager

Jeffrey S. Brower
County Chair