

ORDINANCE NO. 26-39

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA IMPOSING A TEMPORARY MORATORIUM ON THE ACCEPTANCE, REVIEW, OR APPROVAL OF APPLICATIONS FOR DEVELOPMENT PERMITS, DEVELOPMENT ORDERS, REZONING, SPECIAL USE PERMITS, OR SITE PLANS RELATED TO DATA CENTERS, DATA PROCESSING FACILITIES, DATA MINING OR CRYPTOCURRENCY MINING OPERATIONS (REFERENCED HEREIN COLLECTIVELY AS DATA CENTER FACILITIES) WITHIN UNINCORPORATED MARION COUNTY, FLORIDA; ADOPTING FINDINGS; PROVIDING FOR THE STUDY AND DEVELOPMENT OF APPROPRIATE LAND USE REGULATIONS ADDRESSING SUCH DATA CENTER USES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Marion County, Florida (“the Board”) has the authority pursuant to Chapter 125, Florida Statutes, and Article VIII of the Florida Constitution to protect the public health, safety and general welfare of its residents and to enact ordinance for valid governmental purposes that are not inconsistent with general or special law; and

WHEREAS, on August 4, 2026, the Board directed the County Attorney to prepare an ordinance instituting a temporary moratorium on the acceptance, review, or approval of applications for data center facilities; and

WHEREAS, Marion County is located within an area that relies heavily upon groundwater resources from the Floridan Aquifer system, which has historically been subject to significant management and conservation efforts due to saltwater intrusion risks and long-term sustainability concerns; and

WHEREAS, state and regional planning efforts emphasize the importance of careful management of groundwater withdrawals and coastal water resources to ensure long-term environmental and economic stability for coastal communities; and

WHEREAS, Marion County is uniquely situated over the Floridan Aquifer, the primary source of potable water for the County and much of central Florida, and contains numerous Outstanding Florida Springs and spring-fed river systems, including Silver Springs, Rainbow Springs, Silver Glen Springs, Juniper Springs, and Alexander Springs, all of which are dependent upon maintaining healthy aquifer levels and spring flows; and

WHEREAS, portions of Marion County lie within both the Southwest Florida Water Management District and the St. Johns River Water Management District, each of which has adopted Minimum Flows and Minimum Water Levels (MFLs) pursuant to Section 373.042,

Florida Statutes, to prevent significant harm to water resources, lakes, rivers, wetlands, springs, and aquifers; and

WHEREAS, the Board recognizes that several springs, rivers, and groundwater resources affecting Marion County have adopted recovery strategies, prevention strategies, or other water resource management objectives intended to protect long-term aquifer sustainability and spring flow; and

WHEREAS, both the Southwest Florida Water Management District and the St. Johns River Water Management District promote water conservation, reclaimed water utilization where feasible, water-efficient cooling technologies, demand management, aquifer protection, and sustainable water resource planning as best management practices for high-water-use development; and

WHEREAS, data center facilities utilizing evaporative cooling systems may consume millions of gallons of potable water annually depending upon facility size, computing demand, and cooling technology, thereby creating the potential for significant cumulative impacts on groundwater withdrawals and regional water supplies if not properly evaluated and regulated; and

WHEREAS, the Board finds that additional study is necessary to determine whether data center facilities should be required to implement water conservation technologies, alternative cooling methods, reclaimed water utilization, groundwater monitoring, drought contingency measures, and other best management practices to minimize impacts on Marion County's water resources; and

WHEREAS, such facilities have the potential to place significant demands on regional groundwater supplies, water treatment infrastructure, and electrical grid capacity, particularly in rapidly growing areas; and

WHEREAS, the Board finds that Marion County currently lacks specific zoning provisions or development regulations addressing the unique operational characteristics, infrastructure requirements, and environmental considerations associated with data center facilities; and

WHEREAS, the Board further finds that allowing such facilities to proceed without appropriate regulatory standards could create risks to the County's water resources, electrical infrastructure capacity, land use planning objectives, and long-term community development strategy; and

WHEREAS, local governments may enact moratoriums if the moratorium is intended to preserve the status quo and is rationally related to the government's attempt to enact changes to development regulations. (WCI Communities Inc. v. City of Coral Springs, 885 So. 2d 912 (Fla. 4th DCA 2004)); and

WHEREAS, Florida courts have held that permissible basis for land use restrictions include concern about the effect of the proposed development on traffic, congestion, surrounding property values, demands for public services, and on other aspects of the general welfare (WCI Communities Inc. v. City of Coral Springs, 885 So.2d 912 (Fla. 4th DCA 2004; see also Corn v. City of Lauderdale Lakes, 997 F.2d 1369, 1375 (11th Cir. 1993)); and

WHEREAS, local governments are entitled to enact moratoriums as a land-use tool to promote effective planning and preserve the status quo during this change (Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency, 535 U.S. 302, 337, 122 S.Ct. 1465, L.Ed.2d 517 (2002) (holding temporary moratoria are used widely among land use planners to preserve the status quo while formulating a more permanent development strategy)); and

WHEREAS, the County is actively engaged in the process of review, study, and planning public workshops and hearings to prepare and adopt amendments to its Comprehensive Plan, Land Development Regulations, and Code of Ordinances as may be necessary to address the demands of data center facilities; and

WHEREAS, a temporary moratorium on the acceptance, review, or approval of applications for development permits, development orders, rezoning, special use permits, or site plans related to data center facilities within unincorporated Marion County will allow time to review, study, hold public hearing, and prepare and adopt an amendment or amendments to the County Comprehensive Plan, Land Development Regulations, or Code of Ordinances, as may be required, to address such uses; and

WHEREAS, the Board wishes to establish a temporary moratorium of up to one (1) year on the acceptance, review, or approval of applications for development permits, development orders, rezoning, special use permits, or site plans related to data center facilities within unincorporated areas and such moratorium is reasonable and necessary to accomplish the goal of revising its regulations to ensure the community welfare is well-balanced and the public health, safety and general welfare are preserved; and

WHEREAS, public notice of all hearings required by law has been provided in accordance with Chapters 125 and 163, Florida Statutes and the Marion County Land Development Code; and

WHEREAS, the Board of County Commissioners finds this ordinance imposing a one (1) year temporary moratorium on the acceptance, review, or approval of applications for data center facilities serves the health, safety, and welfare of the residents of and visitors to Marion County, Florida.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Marion County, Florida as follows:

SECTION 1. RECITALS. The foregoing recitals are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption thereof.

SECTION 2. PURPOSE. The purpose of this Ordinance is to allow Marion County sufficient time to review, study, hold public hearings, and prepare and adopt an amendment or amendments to the Marion County Comprehensive Plan, Land Development Code and/or Code of Ordinances, relating to Data Center Facilities.

SECTION 3. TEMPORARY MORATORIUM ESTABLISHED. A temporary moratorium is hereby established on the acceptance, review, processing, or approval of any rezoning applications, conditional use permits, development permits, site plan approvals, building permits, or other development approvals, for the construction, expansion, or operation of Data Center Facilities within the unincorporated areas of Marion County.

SECTION 4. DEFINITION.

1. For the purposes of this moratorium, Data Center Facilities is a building, a dedicated space within a building, or group of buildings housing computer systems and associated components, such as telecommunication and data processing systems, to be used for remote storage, processing, or distribution of large amounts of data. Examples of such data, include but are not limited to, computationally intensive applications such as cryptocurrency mining, artificial intelligence (A.I.) computing, weather modeling, genome sequencing, application hosting, cloud storage, video and technical streaming services, etc. Such facilities may include air handlers, power generators, water cooling and storage facilities, utility substations, and other infrastructure to support operations.
2. Notwithstanding the foregoing, the following shall be exempt from the moratorium:
 - a. Data centers, server rooms, computer rooms, or information technology facilities owned or operated by a business, governmental agency, educational institution, healthcare provider, or nonprofit organization for the primary purpose of supporting information systems, cybersecurity, communications, business applications, or data storage of that entity's internal operations.
 - b. Facilities used primarily to host enterprise information technology infrastructure, cloud services dedicated to a single organization, disaster recovery, backup operations, or routine business computing for the internal operations of the owner or operator or a single organization, and not primarily to provide such services to unaffiliated third parties.
 - c. Incidental or ancillary artificial intelligence applications that support the operations of the owner or operator and are not offered as commercial artificial intelligence computing services to third parties.
 - d. Data Center Facilities that have an anticipated monthly peak load of less than 50 megawatts, calculated as the highest average load over 15-minute interval.
3. A structure, facility, or use shall not be deemed or classified as a "Data Center" where its primary purpose is the provision of communications or telecommunications services, including, but not limited to, wireline, wireless, broadband, fiber-optic, internet, or network interconnection services, or the operation of emergency communications infrastructure and

has an anticipated monthly peak load of less than 50 megawatts, calculated as the highest average load over 15-minute interval.. Such facilities shall not be subject to the zoning, siting, permitting, or operational restrictions imposed by this Moratorium on Data Centers, provided that the facility is not designed, constructed, or operated for large-scale computational processing, artificial intelligence model training or inference, cloud computing, or commercial data storage services.

SECTION 5. STUDY AND EVALUATION. During the moratorium period, Marion County staff shall conduct a comprehensive review of the potential impacts associated with data center facilities, including but not limited to:

1. Groundwater withdrawal impacts, particularly as they relate to the Floridan Aquifer and coastal aquifer management policies.
2. Water supply and wastewater treatment capacity, including potential impacts on municipal and regional water systems.
3. Electrical grid capacity and infrastructure requirements, including consultation with regional electric utilities regarding potential long-term demand impacts.
4. Land use compatibility, including appropriate zoning classifications and development standards for such facilities.
5. Environmental considerations, including impacts on wetlands, coastal ecosystems, noise, lighting, and surrounding land uses.
6. Best practices adopted by other jurisdictions in Florida and throughout the United States for the regulation of data center development.
7. Existing Minimum Flows and Minimum Water Levels applicable to water resources within or affecting Marion County and the cumulative impacts of large-scale groundwater withdrawals.
8. Water conservation standards and best management practices recommended by the Southwest Florida Water Management District and the St. Johns River Water Management District, including reclaimed water use, closed-loop or air-cooled systems, aquifer protection measures, drought response planning, and water-efficient cooling technologies.
9. Potential impacts on Outstanding Florida Springs, Priority Focus Areas, springsheds, groundwater recharge areas, and other environmentally sensitive resources located within Marion County.
10. Appropriate thresholds for requiring hydrogeologic studies, water use analyses, and coordination with the applicable Water Management District prior to approval of any data center facility.

SECTION 6. DEVELOPMENT OF REGULATORY FRAMEWORK. Following the completion of and during the review process, County staff shall present best practices, hold public workshops, and make final recommendations to the Board of Commissioners regarding the adoption of appropriate zoning regulations, permitting requirements, infrastructure standards, and environmental safeguards governing data center facilities within Marion County.

SECTION 7. DURATION. This temporary moratorium shall remain in effect for a period of twelve (12) months from and including the effective date of this Ordinance or until the effective date of an ordinance(s) amending the Marion County Comprehensive Plan, Land Development Regulations and/or the Code of Ordinances relating to Data Center Facilities, whichever occurs first.

SECTION 8. SEVERABILITY. It is the intent of the Board of County Commissioners of Marion County, Florida, and is hereby provided, that if any section, subsection, sentence, clause, phrase, or provision of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 9. CONFLICTS. In the event that any other ordinances conflict with this ordinance, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 10. EFFECTIVE DATE. A copy of this Ordinance as enacted shall be filed by the Clerk of the Board by email with the Office of the Secretary of State of Florida within ten (10) days after enactment, and this Ordinance shall take effect upon receipt of official acknowledgment from the Secretary of State that this Ordinance has been filed with such office.

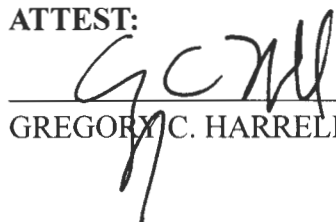
DULY ADOPTED on this 15 day of September, 2026.

**BOARD OF COUNTY COMMISSIONERS
MARION COUNTY, FLORIDA**



CARL ZALAK, III, CHAIRMAN

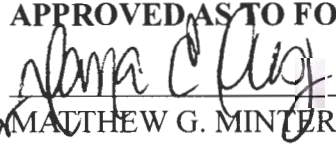
ATTEST:



GREGORY C. HARRELL, CLERK

RECEIVED NOTICE FROM SECRETARY OF
STATE ON SEPTEMBER 25, 2026 ADVISING
ORDINANCE WAS FILED ON SEPTEMBER 25, 2026.

APPROVED AS TO FORM:



for MATTHEW G. MINTER, COUNTY ATTORNEY