ORDINANCE NO. X-2026

AN ORDINANCE OF THE CITY OF TITUSVILLE, FLORIDA, TO ESTABLISH DATA CENTERS AS A PROHIBITED USE, BY AMENDING SECTIONS 28-52, "PROHIBITED USES", AND 37-1, "DEFINITIONS", OF THE TITUSVILLE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, INCORPORATION INTO THE CODE, AND EFFECTIVE DATE.

WHEREAS, under Ch. 2026-65, Laws of Florida, effective July 1, 2026, Florida municipalities and counties retain full authority to regulate land development, zoning, and permitting for large-scale data centers, often referred to as "large load customers"; and

WHEREAS, Section 163.326, Florida Statutes, provides 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 provides that such considerations are to be addressed through local comprehensive planning and land development regulation; and

WHEREAS, data centers and associated facilities may require significant electric demand, water supply, cooling infrastructure, water capacity, stormwater infrastructure, backup generation, fuel storage, fire protection, emergency response planning, security infrastructure, utility infrastructure, and related public facilities and services; and

WHEREAS, data centers and associated facilities may present land use compatibility concerns due to impacts of noise, heat, and other impacts associated with these facilities; and

WHEREAS, the City Council finds that data centers and associated facilities are incompatible with the City's present land development framework and with the orderly development of the City of Titusville unless and until the City Council determines otherwise by subsequent ordinance; and

WHEREAS, the City Council finds that prohibiting data centers and associated facilities within the incorporated limits of the City is necessary and appropriate to protect the public health, safety, and welfare and to preserve the City's authority over local land use, development compatibility, infrastructure capacity, environmental impacts, and public facilities and services; and

WHEREAS, the City Council has determined that adoption of this Ordinance is in the best interests of the citizens of the City of Titusville and has conducted the necessary public hearings required for enactment.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF TITUSVILLE, FLORIDA:

SECTION 1. RECITALS. The foregoing recitals are deemed true and correct and are hereby adopted and incorporated herein by this reference.

This ordinance is intended to regulate local land use and development approvals. It is not intended to regulate electric utility rates, tariffs, service classifications, cost allocation, interconnection requirements, electric service curtailment, or any matter within the jurisdiction of the Florida Public Service Commission or any other state or federal agency.

SECTION 2. That the Code of Ordinances, City of Titusville, Chapter 28, "Zoning", Article IV, "Use Table", Section 28-52, "Prohibited uses", is hereby amended to read as follows:

Sec. 28-52. Prohibited uses.

The uses in this section are specifically prohibited in the zoning districts listed with each use. These uses are in addition to the prohibited uses illustrated in the use table by a blank cell. Any use not permitted by right, or as a conditional use or accessory use, in a zoning district shall be prohibited in such district.

(a) Marijuana cultivation is prohibited in all zoning districts in the City of Titusville.

(b) Pain management clinics and cash-only pharmacies are prohibited in all zoning districts except the Hospital Medical (HM) zoning district. A Conditional Use Permit must be obtained prior to the establishment of any pain management clinic or cash-only pharmacy within the Hospital Medical (HM) zoning district.

(c) Special education classes for juvenile delinquents, correctional facilities, drug or alcohol dependency/abuse or similar programs are prohibited uses in the Neighborhood Commercial (NC) and Office Professional (OP) zoning districts.

(d) Outdoor storage is prohibited in the Regional Mixed-Use (RMU) zoning district, including all sub-districts.

(e) Drive-through services are prohibited in the Regional Mixed-Use 200 sub-district (RMU-200).

(f) Internet cafés are prohibited in the Indian River City Neighborhood-Commercial (IRCN-C) zoning district.

(g) Soup kitchens are prohibited in the Downtown Mixed-Use (DMU) zoning district, including all sub-districts.

(h) Mobile home parks are prohibited in the Downtown Mixed-Use (DMU) zoning district, including all sub-districts.

(i) In addition to other prohibited uses listed in this section, the following uses are prohibited in the Neighborhood Commercial (NC) zoning district:

(1) Adult businesses.

(2) Pawnshops.

(3) Flea markets/farmer's markets.

(4) Physical contact establishments.

(5) Transient merchants, itinerant merchants, and itinerant vendors.

(6) Automotive sales and service.

(7) Sales and/or service of household appliances, gasoline-powered mowers, garden tillers, outboard engines, motor scooters, motor bikes, or motorcycles.

(8) Outdoor sales display or storage of merchandise.

(j) Data centers, including large scale data centers, are prohibited in all zoning districts in the City of Titusville.

(k) Additional uses may be prohibited on property within any overlay district. Overlay districts are established in Chapter 29 of these regulations.

SECTION 3. That the Code of Ordinances, City of Titusville, Chapter 37, “Definitions”, Section 37-1, “Definitions”, is hereby amended to read as follows:

Data center means a facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be:

(a) A free-standing structure; or

(b) A facility within a larger structure which uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

Large-scale data center 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. This does not include a load aggregated across multiple locations owned by the same customer. However, it does include 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 of 50 megawatts or more, calculated as the highest average load over a 50-minute interval.

SECTION 4. SEVERABILITY. If any provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances, and all resolutions and parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. INCORPORATION INTO CODE. This Ordinance shall be incorporated into the City of Titusville Code of Ordinances and any section or paragraph, number, or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this Ordinance and the Code may be made.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective upon adoption by the City Council in accordance with the Charter of the City of Titusville, Florida.

PASSED AND ADOPTED this ___ day of _____.

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Andrew Connors, Mayor

ATTEST:

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Wanda F. Wells, City Clerk