



**PROPOSED ORDINANCE #2026-14**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:**

**SECTION 1. - Purpose:**

The purpose of this Ordinance is to temporarily suspend the acceptance and approval of applications for new Large Energy Use Facilities while the City develops comprehensive regulations governing their location, construction, infrastructure requirements, utility impacts, and public welfare considerations.

**SECTION 2. - Definitions:**

**Large Energy Use Facility**

Large Energy Use Facility means a facility that does any of the following:

1. Uses or is projected to use a monthly maximum demand of 75 megawatts or greater at a load factor of 85% or greater.
2. Uses a monthly maximum instantaneous demand of 100 megawatts or greater.
3. Is a data center that uses or is able to use a monthly maximum demand of 30 megawatts or greater. For purposes of this provision, a data center means a facility described under code 518210 of the 2022 North American Industry Classification system primarily engaged in providing computing infrastructure, data processing services, web hosting services, servers, artificial intelligence, cloud computing systems, cryptocurrency operations, high-performance computing systems, colocation services or similar digital processing equipment.

**SECTION 3. – Moratorium**

Effective immediately upon adoption:

The City shall not:

- accept;
- process;
- review;
- approve;
- issue permits;
- issue site plan approvals;
- approve conditional uses;

- approve rezonings;
- approve subdivision applications;
- issue building permits;
- execute utility service agreements;
- issue certificates of occupancy;

for any new Large Energy Use Facility or **Data Center** as defined in Section 2.

#### **SECTION 4. - Pending Applications**

Applications deemed complete before the effective date shall be stayed unless the applicant elects to withdraw.

The City Manager may recommend limited exemptions where necessary to prevent constitutional takings or vested-right claims, subject to Council approval.

#### **SECTION 5. - Exemptions**

This Ordinance shall not apply to:

Government

facilities;

Hospitals;

Universities;

Public safety facilities;

Existing industrial users expanding by less than 20% electrical demand;

Routine maintenance;

Existing telecommunications facilities;

Clean hydrogen production facilities as defined in Appendix B Article 12

Utility infrastructure owned by public utilities.

#### **SECTION 6. - Comprehensive Study**

During the moratorium, the City shall prepare recommendations concerning:

A. Electrical capacity

- transmission
- substations
- redundancy
- contingency planning

B. Ratepayer protection including:

- cost allocation
- power purchase agreements
- demand charges
- standby power
- stranded cost recovery

C. Infrastructure

- roads
- water
- sewer

- stormwater

D. Land Use

- zoning districts
- setbacks
- buffering
- height
- screening

E. Environmental Standards

- emissions
- generators
- battery storage
- noise
- lighting

F. Economic Impact including:

- permanent jobs
- construction jobs
- tax revenue
- opportunity costs
- competing industrial uses

G. Technology Review including:

- AI computing
- liquid cooling
- microgrids
- on-site generation
- renewable integration

**SECTION 7. - Future Ordinance**

Prior to expiration of this moratorium, the City shall consider adoption of permanent regulations addressing:

- zoning
- utility requirements
- electrical capacity reservation
- minimum employment standards
- water usage
- environmental standards
- decommissioning
- financial security
- community benefit agreements
- public reporting requirements.

**SECTION 8. - Duration**

This moratorium shall remain in effect for eighteen (18) months from the effective date unless sooner repealed by Council.

The Council may extend the moratorium by ordinance upon findings that additional study remains necessary.

**SECTION 9. - Emergency Finding**

The Council specifically finds that immediate enactment is necessary because:

- multiple inquiries regarding Large Energy Use Facilities; electrical infrastructure planning could be materially affected before permanent regulations are adopted;
- delay could impair the City's ability to protect existing customers and future economic development opportunities;
- immediate action is therefore required to preserve the public health, safety, and welfare.

ADOPTED: \*

**SYNOPSIS**

This ordinance

(SPONSORS: HALL, ANDERSON)

Action History

10/12/2026 - Scheduled for Final Reading – City Council

09/28/2026 – First Reading – City Council

09/15/2026 – Introduction – Legislative, Finance, and Administration Committee