



— MODEL ORDINANCE

Large-Scale Data Center Development Ordinance

Adaptable model language for Florida municipalities and counties,
to be conformed to Chapter 2026-65, Laws of Florida, and the local
comprehensive plan and land development code.

UPDATED AS OF

September 14, 2026

Version 1.0

This edition supersedes all prior
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Bracketed terms are placeholders for local titles, districts, reviewing bodies, and review periods. See the Florida Municipal Adaptation Guide on page 2.

Section 1. Purpose and Intent

The purpose of this Ordinance is to:

- a. Encourage investment in advanced digital infrastructure and economic development.
- b. Implement the municipality's authority over comprehensive planning, zoning, permitting, and land development regulations consistent with Florida law.
- c. Protect surrounding neighborhoods, natural resources, public infrastructure, and community character.
- d. Establish objective and predictable review standards.
- e. Promote compatibility between data center facilities and adjacent land uses.
- f. Support the development of large-load customers in a manner that protects local quality of life and public resources.

This Ordinance is intended as adaptable model language for incorporation into the comprehensive plan, land development code, zoning code, planned development regulations, or other development-review framework of [MUNICIPALITY]. It should be conformed to Chapter 2026-65, Laws of Florida, applicable Florida Statutes, the adopted comprehensive plan, and the municipality's existing terminology, procedures, and enforcement provisions.

Florida Municipal Adaptation Guide

- Replace bracketed terms with the municipality's titles, zoning districts, reviewing bodies, cross-references, and adopted review periods.
- Use the approval pathway already recognized by the local code, such as administrative site plan, development review committee, conditional use, special exception, planned development, or development agreement.
- Where the local code already regulates traffic, landscaping, lighting, stormwater, noise, or enforcement, this article supplements rather than duplicates those standards. The more protective provision applies only where stated.
- Numeric community-benefit amounts are policy options and should be adopted only through a lawful development agreement, community benefit agreement, incentive agreement, or independently supported fee program.
- Municipal counsel should confirm comprehensive-plan consistency, notice and hearing requirements, public-record treatment, impact-fee limitations, and the authority for any project-specific agreement before adoption.

Section 2. Definitions

Data Center

A facility primarily containing electronic equipment used to process, store, and transmit digital information.

Large-Scale Data Center

A single location with an anticipated monthly peak load of 50 MW or greater.

Campus

One or more data center buildings operating under a unified master plan.

Mission-Critical Equipment

Servers, batteries, cooling systems, substations, backup generation systems, and related infrastructure.

These definitions should mirror SB 484 to avoid ambiguity.

Section 3. Zoning Districts

Large-scale data centers shall be permitted:

By Right

- Heavy Industrial
- Planned Employment Center
- Planned Development District

Conditional Use

- Light Industrial
- Regional Mixed Employment Areas

Prohibited

- Residential districts
- Conservation districts

Municipalities may create a "Digital Infrastructure Overlay District" to further streamline approvals.

Agricultural Data Center Campus Planned Development

[MUNICIPALITY] may permit a campus-scale data center in an agricultural future land use category or agricultural zoning district through a planned development, planned unit development, sector plan, rural employment center, or other site-specific approval authorized by the local comprehensive plan and land development code. This optional pathway is intended to facilitate campus locations near existing or planned electric transmission, substations, fiber, water or reclaimed water, rail, and major roadways and, where reasonably practicable, away from established residential neighborhoods.

Required Findings

The governing body may approve the planned development upon finding that:

- The proposed use is consistent with the comprehensive plan or will become consistent through an approved comprehensive plan amendment;
- The site has existing or planned access to the utility and transportation infrastructure reasonably necessary to serve the proposed campus;
- Buildings, generators, substations, major mechanical equipment, access points, and construction staging are arranged to apply the greatest practicable separation and buffering along boundaries adjoining existing residential uses;
- Primary construction and operational access will use suitable state, county, arterial, collector, or other roads and avoid local residential streets where reasonably practicable; and
- The master plan identifies the campus development envelope, principal access, utility corridors, residential setbacks, school separation, buffers, stormwater concept, and anticipated phasing.

Agricultural Compatibility

Lawful agricultural operations on adjoining property shall not be deemed incompatible solely because of customary noise, dust, odors, smoke, chemical application, harvesting, livestock, irrigation, or equipment activity conducted in accordance with applicable law.

The campus shall be designed to avoid unreasonable interference with existing agricultural access, drainage, and irrigation. Land outside the approved development envelope may remain in agriculture or may be used for buffers, open space, stormwater management, conservation, utility corridors, or other uses allowed by the local code.

The planned development does not authorize unrelated residential or commercial development unless separately permitted by the comprehensive plan and land development code.

Review and Phasing

The agricultural designation itself does not create an entitlement to urban services or eliminate any comprehensive plan amendment required by applicable law. The municipality may coordinate infrastructure timing, roadway responsibilities, preservation areas, and phasing through the planned development approval or a development agreement where one is otherwise appropriate.

Once the master plan is approved, later phases consistent with the approved development envelope and standards shall be reviewed under Section 4 and shall not reopen previously approved matters except to the extent of a Major Modification under Section 15.

No separate agricultural conversion study, soil productivity study, fiscal impact study, or demonstration of alternative sites shall be required solely because the property is designated or zoned for agriculture, unless such study is required for comparable amendments or planned developments under the municipality's generally applicable code.

Section 4. Site Plan and Development Review

A large-scale data center shall be reviewed through the approval process selected below and incorporated into [CODE SECTION]. The municipality should select the option that best fits its existing code structure.

Option A: Administrative Site Plan

Where a data center is permitted by right in an eligible zoning district, the [REVIEWING OFFICIAL / DEVELOPMENT REVIEW COMMITTEE] shall approve a complete site plan that complies with the objective standards of this Ordinance and other generally applicable code requirements. No additional public hearing is required unless required by the municipality's existing code.

Option B: Publicly Noticed Administrative Site Plan

Where the municipality requires public notice and the site plan remains an administrative decision, but the municipality shall provide notice and may require one informational meeting before final approval. Public comment may inform application of adopted standards but shall not convert the review into a discretionary hearing.

Option C: Conditional Use, Special Exception, or Planned Development

Where the use is conditional or requires a planned development, approval shall be made by the [PLANNING BOARD / HEARING OFFICER / GOVERNING BODY] under the municipality's generally applicable procedures. Conditions must address identified project impacts, be supported by competent substantial evidence where required by law, and be reasonably related and proportionate to those impacts.

Common Procedures

- Within [30] days after submittal, the municipality shall issue a completeness determination or a written list of missing information.
- A complete application should be acted upon within [90] days for administrative review or [120] days for a hearing-based review, subject to applicant-approved extensions and legally required notice.
- Failure to act within the target period does not create automatic approval. The applicant may request a written status conference and completion schedule.
- A master site plan may establish the campus development envelope, access, setbacks, buffers, utility corridors, and maximum intensity. Later phases consistent with that approval shall be reviewed administratively and shall not reopen previously approved matters except for a Major Modification under Section 15.
- Denial or additional conditions shall be accompanied by written findings identifying the unmet standard, the evidence relied upon, and why proposed mitigation is inadequate.

Section 5. Site Design Standards

Setbacks

Data center buildings shall meet the underlying zoning district setbacks, except where adjacent to a residential zoning district or existing residential use, in which case the following enhanced setbacks apply:

- Minimum 750 feet from a residential property line. The [GOVERNING BODY / HEARING AUTHORITY] may reduce the setback to not less than 500 feet only through a conditional-use, special-exception, or planned-development approval where an intervening arterial roadway, railroad corridor, utility corridor, water body, preserved natural area, or comparable feature provides substantial separation, or where enhanced landscape buffering, architectural screening, building orientation, and a certified noise study demonstrate equivalent residential protection. Any reduction shall be supported by written findings addressing noise, visibility, lighting, equipment location, and the character of the intervening area.

Schools

Unless [MUNICIPALITY] adopts a different separation supported by its comprehensive plan and local conditions, the following model standard applies:

- A data center building, exterior generator, cooling tower, exterior mechanical-equipment yard, substation, and routine truck-loading area shall be located at the greater of: (i) 1,320 feet, or one-fourth of one mile, from the property line of a School existing, under construction, or subject to a vested site-plan approval on the date the data center application is determined complete; or (ii) the distance necessary to demonstrate compliance with the applicable daytime noise standard at the School property line under Section 7.

- The separation shall be measured horizontally from the closest point of the applicable building or equipment area to the closest point of the School property line.
- The separation does not apply to a School established or expanded after approval of the data center. Roads, utility lines, stormwater facilities, landscape areas, security improvements, and emergency access may be located within the separation area.
- [OPTIONAL LOCAL FLEXIBILITY: The [GOVERNING BODY / HEARING AUTHORITY] may approve a reduced separation through a conditional-use, special-exception, or planned-development process upon project-specific findings regarding noise, traffic, emergency response, screening, and protection of school operations. Delete this option if a fixed separation is intended.]

Backup generators and exterior mechanical equipment:

- Minimum 1,000 feet from a residential property line. The [GOVERNING BODY / HEARING AUTHORITY] may reduce the setback to not less than 750 feet only through a conditional-use, special-exception, or planned-development approval where the equipment is fully enclosed or acoustically screened, the applicant demonstrates compliance with Section 7, and written findings determine that equipment location, orientation, intervening features, and mitigation provide equivalent residential protection. Emergency operation is not prohibited by this setback standard.

Substations:

- Minimum 750 feet from a residential property line, or the setback applicable to comparable utility infrastructure if greater, with screening of transformers, switchgear, and related equipment from residential view corridors. The [GOVERNING BODY / HEARING AUTHORITY] may reduce the setback to not less than 500 feet only through a conditional-use, special-exception, or planned-development approval where the substation is screened, the project demonstrates compliance with Section 7, and written findings determine that an intervening feature or equivalent mitigation provides comparable residential protection.

Height

The maximum building height is 65 feet, or the maximum permitted in the underlying zoning district if lower.

- A building may exceed 65 feet, up to [120] feet, when it provides one additional foot of setback for each foot of height above 65 feet. The additional setback is measured from the minimum setback otherwise applicable to the affected property line.
- Additional height meeting the 1:1 setback shall be approved through the same site-plan process and shall not require a separate variance unless required for comparable industrial uses under the local code.
- Parapets, screened rooftop equipment, antennas, lightning protection, and similar unoccupied features are governed by the municipality's generally applicable height exceptions.

Lot Coverage

A data center shall be subject to the same maximum building and impervious coverage standards applicable to comparable industrial, employment, utility, or technology uses in the underlying district.

- If no comparable standard exists, use [65] percent maximum building coverage and [INSERT LOCAL IMPERVIOUS COVERAGE] percent maximum impervious coverage.
- The [REVIEWING OFFICIAL] may approve building coverage up to [70] percent when stormwater, fire access, setbacks, buffers, parking, loading, and screening requirements are satisfied.
- Building coverage includes roofed building footprints. Treatment of unroofed substations, equipment pads, cooling equipment, internal roads, parking, loading, and stormwater facilities shall be consistent with the municipality's definitions for comparable development.
- Enclosed mechanical, electrical, and cooling equipment shall receive the same floor-area and coverage treatment available to comparable enclosed equipment so the code does not discourage enclosure that reduces off-site impacts.

Section 6. Landscape Buffers

Where adjacent to residential property:

Buffer Requirements

- Minimum 200-foot landscape buffer adjacent to residential property, increased to 250 feet where exterior generators, cooling towers, substations, or exterior mechanical-equipment yards face the residential boundary. The increased buffer may be reduced to not less than 200 feet where the applicable equipment satisfies the enhanced setback above or an intervening feature provides equivalent year-round visual and noise protection.
- Combination of berm, wall, fence, and vegetation sufficient to provide year-round visual screening within five years of planting.
- Evergreen and native canopy plantings shall be used where feasible, with flexibility for utility easements, fire access, stormwater facilities, and existing preserved vegetation.

Screening

All equipment yards, cooling systems and generators shall be screened from public roads and residential areas.

Where a site is separated from residential property by an arterial roadway, railroad corridor, utility corridor, water body, or comparable intervening feature, the reviewing official may approve an alternative buffer that provides equivalent visual and noise protection without requiring excessive land dedication.

Section 7. Noise Standards

Noise standards shall protect nearby residents from continuous mechanical sound while recognizing that data centers can comply through building orientation, equipment enclosure, acoustical screening, and operational controls.

DAYTIME

60 dBA at the receiving residential property line, or the applicable local daytime standard if more protective.

NIGHTTIME

50 dBA at the receiving residential property line, or the applicable local nighttime standard if more protective.

Measurement

- Property line
- Representative worst-case normal operating condition, excluding emergency operation and short-duration generator testing conducted in accordance with an approved testing plan.
- Third-party acoustical certification required

Compliance

Applicant shall provide:

- Acoustic model
- Post-construction validation
- A corrective action plan if post-construction measurements exceed applicable limits at a residential property line.

Post-construction validation shall include representative worst-case normal operating conditions and, when warranted by the approved model, tonal and low-frequency measurements. The applicant may use equipment selection, enclosure, barriers, building orientation, operational controls, or equivalent measures to demonstrate compliance.

Low-Frequency and Tonal Sound

For facilities with continuous mechanical equipment, the acoustic model shall evaluate octave-band or one-third octave-band sound, including low-frequency sound, and prominent discrete tones at the nearest residential receiving properties. The reviewing official may require reasonable mitigation where modeling demonstrates a likely tonal or low-frequency nuisance, even when the applicable dBA limit is met, provided that any required measure is based on accepted acoustical methodology and is proportionate to the demonstrated impact.

Section 8. Water Resource Protection

Water resource standards shall protect potable water supplies and utility capacity while allowing applicants flexibility to use available conservation measures, alternative sources, and phased infrastructure improvements.

Applicants shall submit a water report proportionate to the expected water demand of the project and sufficient to evaluate source availability, conservation, and infrastructure impacts.

Water Report

Including:

- Estimated peak daily and monthly demand by phase
- Estimated average annual demand by phase
- Proposed water source or combination of sources, including any utility capacity confirmation available at the time of application
- Feasible reclaimed water, non-potable water, or closed-loop cooling opportunities, if available at commercially reasonable cost and schedule

Preferred Water Hierarchy

1. Reclaimed or other non-potable water where available and technically feasible
2. Surface water or alternative supply where permitted and supported by available capacity
3. Potable water only where other sources are unavailable, infeasible, or insufficient for the project phase

Conservation Measures

Facilities shall evaluate and implement commercially reasonable conservation measures, which may include:

- Closed-loop, hybrid, or low-water cooling where technically feasible for the proposed facility design
- Leak detection and automatic shutoff systems for process-water systems
- Monitoring sufficiently to track major water uses and support annual reporting to the municipality upon request

GOAL

New campuses should minimize potable water use to the extent technically feasible, commercially reasonable, and consistent with available utility service and permitting requirements.

Section 9. Energy and Reliability Requirements

Applicants shall coordinate with the serving utility early in the development review process to identify interconnection needs, service timing, and reliability measures without duplicating or conflicting with utility tariff review.

- Document coordination with the serving utility regarding projected load, phasing, and service availability
- Identify on-site and off-site electrical infrastructure known at the time of application, subject to refinement through utility engineering and permitting
- Provide a conceptual emergency power and fuel-management approach, including measures to reduce noise, odor, and safety impacts on adjacent residential areas

Nothing in this ordinance shall conflict with Chapter 366 of the Florida Statutes nor any utility tariff requirements established pursuant to Florida law, including requirements intended to ensure that each large-load customer bears its full cost of service and that such cost is not shifted to the general body of ratepayers.

Section 10. Traffic and Transportation

Traffic review shall distinguish temporary construction traffic from permanent operational traffic and shall be coordinated with [PUBLIC WORKS / COUNTY / FDOT / OTHER ROAD AUTHORITY], as applicable. Requirements shall be limited to impacts reasonably attributable to the project.

Transportation Assessment

A transportation assessment prepared by a licensed professional engineer shall be required when the project exceeds the municipality's adopted traffic-study threshold or is expected to generate substantial construction truck activity. The municipality shall identify the study area and methodology at the pre-application meeting.

- Evaluate construction workforce and truck volumes, principal routes, site access, driveway spacing, on-site circulation and queuing, emergency access, roadway restrictions, school-zone conditions, construction parking, and permanent operational trips.
- Identify mitigation reasonably necessary for project-attributable safety, access, or capacity impacts.

Construction Traffic Management Plan

- Use arterial and collector roads and avoid local residential streets where reasonably practicable.
- Provide on-site or approved off-site worker parking and truck staging sufficient to avoid routine queuing in public rights-of-way.
- Address oversized deliveries, mud and debris control, temporary traffic control, emergency access, and a public contact for documented construction traffic concerns.
- Where a route passes through a school zone, scheduled heavy-truck movements shall avoid customary student arrival and dismissal periods when a reasonably available route or delivery time exists. Emergency deliveries and circumstances outside the applicant's reasonable control are exempt.

Road Condition and Proportionate Mitigation

- A preconstruction condition survey may be required for municipal roads expected to carry concentrated project construction traffic. A post-construction survey shall be limited to the same segments.
- The applicant shall repair documented project-attributable damage beyond ordinary wear, with credit for pre-existing conditions and use by others.
- Any bond or other security shall be based on a reasonable estimate of potential project-attributable damage, permit equivalent forms of security, decline with exposure, and be released after required repairs are accepted.
- Off-site improvements must be supported by the transportation assessment and reasonably related and proportionate to project-attributable impacts. Credit shall be provided for another payment or improvement addressing the same impact.

Operational Traffic

No additional operational traffic mitigation or updated study shall be required unless a professional analysis demonstrates a material project-attributable change in roadway safety, adopted level of service, emergency access, or residential street function. Tenant changes, server refreshes, and internal technology changes that do not materially increase approved traffic are exempt.

Section 11. Community Impact Transparency

For projects requiring conditional use approval, using the Agricultural Data Center Campus Planned Development pathway, or locating within [1,500] feet of residential property, the applicant shall provide a public information package that explains project impacts and mitigation in plain language.

Public Information Package

Including:

- Conceptual site plan showing access, building placement, major equipment areas, and residential buffers
- Noise summary describing expected residential property-line levels and proposed mitigation
- Water summary describing anticipated sources, conservation measures, and any utility capacity coordination
- Traffic summary focused on construction routing, parking, and residential street protection
- Emergency response information appropriate for public disclosure, excluding confidential security-sensitive details

A public informational meeting may be required before final site plan approval for projects adjacent to residential property, projects requiring conditional use approval, or projects for which the reviewing official determines that public explanation of mitigation measures is warranted.

This requirement provides transparency and a clear explanation of residential protections without converting administrative review into an additional discretionary hearing.

Section 12. Optional Community Benefit Program

[MUNICIPALITY] may use this Section only to the extent authorized by law. The program should be implemented through a mutually approved development agreement, community benefit agreement, incentive agreement, or a separately adopted fee supported by the findings and studies required by Florida law. This Section does not independently create an impact fee or authorize an unrelated condition of development approval.

Local Selection

[SELECT ONE: (A) no mandatory program; (B) negotiated program for projects receiving incentives; (C) negotiated program for projects exceeding [___] MW or [___] developed acres; or (D) generally applicable fee program supported by an adopted study.]

Community Benefits Advisory Board

If a monetary program is selected, the governing body may establish a Community Benefits Advisory Board under [LOCAL BOARD OR COMMITTEE CODE]. The Board is advisory and shall recommend eligible projects; the governing body retains final appropriation, contracting, and expenditure authority.

- **Membership:** [5 to 9] members appointed under local procedures, which may include nearby residents, business, education or workforce, public safety, parks or environmental, and civic representatives. The operator may designate one nonvoting liaison.
- **Duties:** solicit proposals, hold at least one publicly noticed meeting, apply published eligibility criteria, recommend allocations, disclose conflicts, and publish an annual project and expenditure summary.

Seed Contribution and Scaled Benefit

[OPTIONAL NEGOTIATED FORMULA: Before the first certificate of occupancy, the developer contributes seed funding of \$[100,000], credited against the total project contribution. The total one-time benefit equals the greater of \$[5,000] per MW of approved anticipated monthly peak load or \$[2,500] per developed acre, calculated and paid by occupied phase. Insert locally negotiated values or delete this formula.]

Any formula shall include a stated minimum of \$[___], a maximum or negotiated cap of \$[___], phase-based payment timing, credit for direct eligible improvements and overlapping payments, and a method for amendments when approved MW or developed acreage changes. The governing agreement shall state that the negotiated contribution is separate from taxes and generally applicable permit, utility, and impact fees, except to the extent an express credit is authorized, and shall include findings that the amount is reasonable in light of project scale, anticipated community effects, developer commitments, and comparable large-load projects. Taxes and generally applicable permit, utility, and impact fees are not community-benefit contributions unless expressly credited by agreement.

Eligible Uses

- Public safety and emergency preparedness; transportation and school-zone safety; parks, shade, trails, and public spaces; workforce and technical education; STEM and digital access; water conservation or environmental restoration; resilience; and other capital or programmatic uses authorized by the governing agreement and applicable law.

Administration

- Funds shall be separately accounted for and expended only for approved eligible purposes.
- The agreement shall state legal authority, payment method, credits, reporting, amendment, audit, default, cure, and termination provisions.
- No contribution may be required twice for the same identified impact, and any mandatory exaction must satisfy applicable nexus, proportionality, and Florida statutory requirements.

Section 13. Emergency Preparedness

The applicant shall submit emergency preparedness materials proportionate to the facility design and the hazards reasonably associated with the proposed equipment and operations.

- Fire protection plan addressing access, water supply, suppression systems, and coordination with the fire code official
- Battery energy storage or backup power safety plan, if such systems are proposed, addressing applicable codes, monitoring, containment, and emergency response information
- Emergency response coordination protocol identifying points of contact, access procedures, and information-sharing procedures for local responders

An annual coordination meeting with emergency responders may be required for facilities using large-scale battery systems, substantial fuel storage, or other systems requiring specialized response planning.

Section 14. Objective Approval Standards

Approval shall not be denied, conditioned, or delayed based on generalized opposition if the project demonstrates compliance with the following objective standards:

1. Is located in an eligible district;
2. Meets all applicable ordinance standards or approved equivalent mitigation measures;
3. Meets comprehensive plan requirements;
4. Meets state and federal permitting requirements.

This provision reduces arbitrary decision-making, preserves predictable investment review, and ensures residential protections are applied through measurable standards rather than discretionary conditions.

Section 15. Major Modifications

The following constitute Major Modifications when they materially increase off-site impacts or require substantial changes to approved mitigation:

- Increase in campus facilities requiring additional utility infrastructure, generator capacity, or other changes with potential off-site impacts.
- Increase in approved water demand greater than 25% that affects local utility capacity or conservation commitments made in the water report relied upon by the municipality at the time of approval.
- Expansion of the campus boundary toward residential property or into an area not previously evaluated for noise, traffic, water, utility, or visual impacts
- New cooling, power, or mechanical technology that materially increases noise, water use, emissions, safety considerations, or visual impacts compared with the approved plan

Major modifications require administrative review and updated studies limited to the changed conditions and any resulting off-site impacts. Minor field adjustments, equipment substitutions, or internal technology changes that do not materially increase approved impacts may be approved administratively without reopening the full site plan approval.

Section 16. Decommissioning and Site Restoration

Before the first certificate of occupancy, the operator shall submit a decommissioning plan describing the orderly cessation of operations, removal or lawful reuse of equipment and regulated materials, site security, waste handling, and restoration of disturbed areas. The plan may provide for phased decommissioning and continued use of buildings or infrastructure that remain lawful and safe.

The plan shall identify the party responsible for decommissioning, anticipated methods and schedule, applicable regulatory approvals, and a cost estimate prepared by a qualified professional. The estimate shall exclude salvage value unless the municipality determines that the credit is documented and reasonably recoverable.

Financial assurance in a form permitted by law may be required when supported by project-specific findings regarding reasonably anticipated public cost. Any assurance shall be proportionate, may be phased, shall be reviewed at reasonable intervals, and shall be reduced or released as obligations are completed or responsibility is transferred to an approved successor.

The operator shall update the plan upon a Major Modification that materially changes decommissioning obligations and before permanent cessation of operations. The municipality shall provide notice and a reasonable cure period before undertaking work or drawing on financial assurance, except where immediate action is authorized by law to address an imminent threat to public health or safety.

Local Codification and Cross-References

Before adoption, [MUNICIPALITY] shall conform section numbering, defined terms, official titles, appeal procedures, enforcement remedies, application fees, public notice, concurrency, development-agreement procedures, and comprehensive-plan citations to its existing code. Where a conflict exists, the municipality shall state whether this article or the generally applicable code provision controls.