



Data Center Moratorium Public Hearing Schedule

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File ID 26-1287 August 18, 2026



Background

- ❑ **May 14-** MPT Stevens submitted a 2-minute pitch
- ❑ **June 2-** Council approved the 2-minute pitch
- ❑ **June 26-** ISR 2026-039 was provided on data centers, and the agenda committee moved it forward to a work session.
- ❑ **August 4-** City Council directed staff to move forward with amendments to the Development Code and start the moratorium process for data centers.

Moratoriums in Texas

- ❑ What is a Moratorium?
 - ❑ Temporary pause on accepting or processing new development applications.
 - ❑ Moratorium cannot halt or invalidate already-filed applications (Vested under TLGC Chapter 245).
 - ❑ Limited to a defined geographic area which can be City limits and/or ETJ to the extent City has authority.
- ❑ Legal Basis (TLGC Chapter 212)
 - ❑ A municipality may impose a moratorium only if supported by specific findings related to:
 - ❑ Shortage of essential public facilities (water, sewer, drainage, or streets) (TLGC 212.135)
 - ❑ Significant need for other public facilities (police, fire, or electric) (TLGC 212.1351)
 - ❑ Commercial moratorium for a need to update land development ordinances (TLGC 212.1352)
 - ❑ Could not apply to property zoned for Heavy Industrial.
- ❑ Requirements for Imposing a Moratorium
 - ❑ City's must submit written findings supporting the necessity of the moratorium at adoption.
 - ❑ Written findings vary depending on the legal basis for the moratorium, but generally include evidence for why existing regulations are inadequate, the need to prevent the development from causing overcapacity of infrastructure, and the goals or working plan for achieving the objectives of a moratorium to address these issues.

Moratorium Process

Texas State Requirements (TLGC 212.134)

- ❑ **30-Day Notice Rule:** A municipality must publish a public hearing notice in the newspaper at least 30 days before holding each statutory hearing, with the dates set by resolution or ordinance.
- ❑ **Two Public Hearings:** The municipal governing body must conduct two separate hearings. The second public hearing cannot be held before the 30th day after the first hearing.
- ❑ **28-Day Reading Gap:** Initial reading must begin within 12 days of the second hearing. The adopting ordinance requires at least two separate readings spaced no less than 28 days apart.
- ❑ **Written Findings:** City must provide written findings for the moratoriums in the adopting ordinance.
- ❑ **Supermajority Vote:** To officially take effect, the ordinance must receive an affirmative vote of at least three-fourths of all members on the final reading.

8/18

Resolution for Public Hearing

Council consideration of a resolution or ordinance setting the date for the first hearing.

8/22

Newspaper Publication

Publish notice of public hearings in paper(starts the 30-day clock)

9/22

First Public Hearing

First public hearing related to the proposed moratorium.

10/27

Second Public Hearing & 1st Reading

City Council holds 2nd hearing and first reading.

12/2

Final Adoption & 2nd Reading

Requires a 3/4ths Council supermajority to adopt.

DDC Amendments

Aug 24

- Development Code Review Committee

Sep 12

- Publish notice of public hearings in the local newspaper.

Sep 23

- P&Z holds first public hearing and makes a recommendation.

Oct 13

- City Council holds public hearing and considers adoption.

Oct 27

- DDC amendments become effective.

Consideration

- ❑ Resolution authorizes the required public notices as required under Texas Local Government Code Section 212.134.
- ❑ Public Hearing Schedule:
 - ❑ 08/18/26: Resolution consideration to set first hearing date
 - ❑ 08/22/26: Publication deadline (30-day requirement)
 - ❑ 09/22/26: First public hearing
 - ❑ 10/27/26: Second public hearing (30+ days after first) and first reading of ordinance
 - ❑ 12/02/26: Second reading and City Council action.

QUESTIONS?

