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AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, TO ADOPT REGULATIONS RELATING TO DATA CENTERS; PROVIDING FOR FILING REQUIREMENTS FOR APPLICATIONS TO DEVELOP DATA CENTERS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, on August 3, 2026, Governor Greg Abbott directed the Public Utility Commission of Texas (PUCT) and the Electric Reliability Council of Texas (ERCOT) to conduct a comprehensive verification and audit of all data centers advancing through ERCOT's interconnection process; and

WHEREAS, the Governor's directive requires the PUCT and ERCOT to complete their audit before any data center project moves forward, and any project that fails to comply with the requirements established by PUCT and ERCOT will be denied connection to the Texas grid; and

WHEREAS, in light of Governor Abbot's directive, the City Council desires to establish application requirements for data centers by amending Chapter 14 of the Code of the City of Fort Worth; and

WHEREAS, requiring data centers to provide the City with proof of all necessary permits and approvals from the PUCT and ERCOT as a filing requirement for a predevelopment conference, plat, replat, building permit, or any other municipal permit necessary for development of a data center is consistent with the Governor's directive; and

WHEREAS, the City Council finds that that such regulations promote the public health, safety, morals, and general welfare of the residents of the City of Fort Worth.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS THAT:

SECTION 1.

Chapter 14 of the Code of the City of Fort Worth, Texas (2015), as amended, is hereby amended in its entirety to be and read as follows:

CHAPTER 14: DATA CENTERS

§ 14-1 PURPOSE

The purpose of this chapter is to protect the public health, safety and welfare by regulating Data Centers.

§ 14-2 APPLICABILITY

Except as provided by chapter 245 of the Texas Local Government Code, this chapter shall apply to any Data Center that, after the effective date of this Ordinance, submits an application to the City of Fort Worth for a predevelopment conference, plat, replat, building permit, or any other permit necessary for the development of the Data Center.

§ 14-3 DEFINITIONS

The following term, when used in this chapter, shall have the meaning ascribed to it by this section and shall supersede any other definition in the City Code:

DATA CENTER. Real and personal property consisting of buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, without limitation, power and cooling equipment, used primarily to provide as a service to persons, other than the company operating the data center, data and transaction processing services, outsourced information technology services and computer equipment colocation services, or used primarily to provide to a single user, including the user's affiliates, customers, lessees, vendors and other persons authorized by the user, data and transaction processing services. Data Center shall not include cryptocurrency mining, bitcoin mining, or other similar operators.

§ 14-4 APPLICATION REQUIREMENTS

- (a) In addition to any other filing requirement of the City, every application for a predevelopment conference, plat, replat, building permit, or any other permit necessary for the development of a Data Center shall include written documentation showing that the proposed Data Center has all necessary permits and approvals required by the Public Utility Commission of the State of Texas and the Electric Reliability Council of Texas.
- (b) An application for a predevelopment conference, plat, replat, building permit, or any other permit requirement for the development of a Data Center shall not be considered complete until all documentation required by this section has been delivered to the City in the form and manner established by the City.
- (c) This section shall not apply to a Data Center that requests annexation by the City of Fort Worth or that requests to enter into a pre-annexation agreement with the City of Fort Worth.

SECTION 2.

This ordinance shall be cumulative of all other ordinances of the City of Fort Worth, Texas, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

All rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil and criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

This ordinance shall be in full force and effect following its adoption.

APPROVED AS TO FORM AND LEGALITY: ATTEST:

By: _____
Christopher Austria
Sr. Assistant City Attorney

Jannette S. Goodall,
City Secretary

ADOPTED: {adopted-date}

EFFECTIVE: {effective-date}