

Ordinance O6-1-26

**AN ORDINANCE CREATING CHAPTER 17 PLANNING AND ZONING, ARTICLE 10,
ENACTING A MORATORIUM ON HYPERSCALE DATA CENTERS.**

WHEREAS, a “Data Center” is one or more facilities that house computing and networking equipment, along with storage and management systems, to support the storage, processing, retrieval, and distribution of digital data and applications; and

WHEREAS, data centers typically feature high-performance servers, storage arrays, networking equipment, cooling systems, and power backup solutions to ensure uninterrupted operations; and

WHEREAS, small to medium enterprise data centers typically range from server rooms and small facilities to mid-sized data centers, often occupying less than 10,000 square feet or up to approximately 25,000 square feet, with power requirements commonly below 20 megawatts and frequently in the range of less than 5 megawatts for smaller facilities, and may house from a few dozen to several hundred servers depending on organizational needs; and

WHEREAS, small to medium enterprise data centers are commonly operated by corporations, healthcare institutions, financial institutions, and other organizations to support internal information technology operations, including hosting proprietary data, business applications, and systems designed for redundancy, backup, and continuity of operations; and

WHEREAS, such small to medium enterprise data center uses are consistent with existing operations by institutions such as corporations, hospitals, and financial organizations in communities like the Village of Ashwaubenon; and

WHEREAS, hyperscale data centers are large-scale facilities designed to support cloud computing and data-intensive applications, typically housing thousands to tens of thousands of servers and requiring substantial electrical capacity often measured in tens of megawatts, with many facilities operating in the range of 20 megawatts or more; and

WHEREAS, such hyperscale facilities are commonly developed in large buildings or campuses that may exceed 100,000 square feet and can extend to significantly larger footprints as operations scale; and

WHEREAS, the Village of Ashwaubenon Planning and Zoning Code does not contain language addressing the location, construction, and operation of hyperscale data centers; and

WHEREAS, the Village of Ashwaubenon has concerns about potential health and safety issues related to the construction and operation of hyperscale data centers, including electrical connections, electrical and magnetic fields, impacts on air quality and water resources, water use, electricity demand, and fire hazards; and

WHEREAS, the Village of Ashwaubenon is concerned that the construction and operation of hyperscale data centers will result in an overburdening of public services and infrastructure in the Village

Ordinance O6-1-26

**AN ORDINANCE CREATING CHAPTER 17 PLANNING AND ZONING, ARTICLE 10,
ENACTING A MORATORIUM ON HYPERSCALE DATA CENTERS.**

of Ashwaubenon, including electrical and water utilities, village roads and highways, and fire and emergency services; and

WHEREAS, the Village of Ashwaubenon has concerns about the potential secondary impacts of the construction and operation of hyperscale data centers, including impacts on property values, noise and visual impacts, and impacts on the public health, safety and general welfare of residents, businesses, and visitors; and

WHEREAS, the construction and operation of hyperscale data centers may not be consistent with existing land use plans and ordinances including the Village of Ashwaubenon Comprehensive Plan; and

WHEREAS, pursuant to Wis. Stat. § 61.34 (1), 61.35, and 62.23(7) the Village of Ashwaubenon Board of Trustees may enact a moratorium that is not a “development moratorium” as that term is defined in Wis. Stat. § 66.1002(1)(b); and

WHEREAS, a moratorium would allow the Village to fully explore, analyze, and research the environmental, economic, health, and safety impacts of data centers and develop consistent zoning and regulatory standards to be applied to hyperscale data centers;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF ASHWAUBENON:

SECTION 1. Chapter 17, Article 10, Hyperscale Data Center Moratorium, is hereby created to read:

17-10-100: Moratorium

- (a) For the purpose of this section, “Data Center” means one or more facilities that house computing and networking equipment, along with storage and management systems, to support the storage, processing, retrieval, and distribution of digital data and applications.
- (b) For the purpose of this section, “Hyperscale Data Center” means a data center, including campus-style developments with multiple buildings, that has either a total combined floor area of 100,000 square feet or more; or a planned or installed electrical capacity of 20 megawatts or greater.
- (c) Pursuant to Wis. Stat. § 61.34 (1), 61.35, and 62.23(7) the Village of Ashwaubenon enacts the following moratorium: Notwithstanding any other provision in this Chapter, there shall be a moratorium on the receipt of applications and the granting of all permits or approvals for the placement or construction of hyperscale data centers in the Village of

Ordinance O6-1-26

**AN ORDINANCE CREATING CHAPTER 17 PLANNING AND ZONING, ARTICLE 10,
ENACTING A MORATORIUM ON HYPERSCALE DATA CENTERS.**

Ashwaubenon. The purpose of the moratorium is to allow the Village of Ashwaubenon time to research the possible environmental, economic, health, and safety impacts of hyperscale data centers and develop consistent zoning and regulatory standards to be applied to data centers in the Village of Ashwaubenon and to allow the Village Plan Commission to conduct hearings and make recommendations to the Village Board regarding amendments to this Chapter or other Village Ordinances. The moratorium shall be in effect for a period of 12 months from the date of this ordinance is published or until the Village Board adopts amendments to this ordinance or rescinds this moratorium, or both. The moratorium enacted under 17-10-100 is not intended to be, and does not, constitute a “development moratorium” as that term is defined in Wis. Stat. §66.1002(1)(b);

SECTION 2. Effective date. This ordinance shall take effect upon publication.

Ordinance O6-1-26

**AN ORDINANCE CREATING CHAPTER 17 PLANNING AND ZONING, ARTICLE 10,
ENACTING A MORATORIUM ON HYPERSCALE DATA CENTERS.**

This ordinance was adopted by the Village of Ashwaubenon Board of Trustees on the ___ day of _____, 2026.

VILLAGE OF ASHWAUBENON, WISCONSIN

By: _____

Mary Kardoskee, Village President

ATTEST:

Wendy Helgeson, Village Clerk

{SEAL}

Motion to Approve/Deny Ordinance No. O6-1-26 made by:

Votes:

Title	Name	Aye	Nay	Other
Trustee (Wards 1 & 2)	K. Servais			
Trustee (Wards 3 & 4)	G. Paul			
Trustee (Wards 5 & 6)	C. Zirbel			
Trustee (Wards 7 & 8)	C. Atkinson			
Trustee (Wards 9 & 10)	J. Krueger			
Trustee (Wards 11 & 12)	C.Telford			
President	M. Kardoskee			

Date of Publication: