

ORDINANCE NO. 01689

AN ORDINANCE TO CREATE MORATORIUM ON LARGE DATA CENTERS

The Common Council of the City of Middleton does hereby ordain as follows:

1. Section 10.03.40 of the City of Middleton Municipal Code is hereby created to read as follows:

10.03.40 – MORATORIUM ON DATA CENTERS.

(1) Statement of Purpose. Currently, data centers as defined in this section are not recognized as permitted or conditional uses in any City zoning district. Regardless, because the City has numerous existing PUD's and due to the potential for applications for interpretations under Section 10.10.50, some risk exists that an application for a data center may be presented to the City for consideration without adequate regulatory measures in place. The purpose of this Section is to provide the City of Middleton with adequate time to assess the impacts and secondary effects of data centers and promote meaningful development and implementation of zoning and other regulations. The moratorium is necessary to protect the health, safety and general welfare of the City of Middleton residents, businesses and visitors.

(2) Declaration of Moratorium. A temporary moratorium is hereby declared with respect to the issuance of zoning certificates for data centers as a principal use, when they have a floor area greater than 10,000 square feet contained within a single building or collection of buildings.

(3) Authority. The City of Middleton relies on the authority granted pursuant to Wis. Stat. § 62.23(7)(am) and all other sources of authority that authorize the adoption of this ordinance.

(4) Duration of Moratorium. This moratorium shall be in effect for twelve (12) months following the effective date of this ordinance or until an amendment to this chapter related to data centers is adopted and takes effect, whichever is earlier.

(5) Direction to Develop Data Centers Ordinance. During the period of this moratorium, the Department of Planning and Community Development (the "Department") in consultation with the City Attorney and other relevant City agencies, is directed to draft an ordinance providing comprehensive and appropriate regulations of data centers to protect the public health, safety and general welfare of City of Middleton residents, businesses, visitors and the public. It is the intention of the City of Middleton Common Council to amend Chapter 10 of the City of Middleton Municipal Code to adopt an ordinance pertaining to data centers before the expiration of this moratorium.

(6) Subjects of Consideration. In preparing an amendment to this chapter or a separate ordinance related to data centers, the Department shall review the possible impacts that this use may have on the health, safety and general welfare of the residents, businesses, visitors and general public in the City of Middleton. The Department and relevant agencies shall also consult with other municipalities, experts, stakeholders, and relevant available studies and research pertaining to effective municipal regulation of data centers.

(7) Definitions. For the purposes of this moratorium only, the following definition shall be established for data centers:

(a) Data Center. A facility whose principal use is for the storage, management, processing, and transmission of digital data, which houses computer or network equipment, systems, servers, appliances and other associated components related to digital data operations. The facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support sustained operations at the data center. Data centers may also contain accessory office uses necessary to monitor and manage sustained operations at the data center.

(8) Exceptions. The Temporary Moratorium established in this ordinance shall not apply and the City may accept, process and, if appropriate, approve zoning certificates for data centers where the principal use is to serve another use allowed on the zoning lot.

The above and foregoing ordinance is duly adopted by the Middleton Common Council at a regular meeting held on the 16th day of June 2026.

CITY OF MIDDLETON

By: Lisa R. Janairo
Lisa Janairo, Mayor

ATTEST:

Lorie J. Burns
Lorie J. Burns, City Clerk

First Reading: Suspend rules 6/16/26

Vote: Ayes: 8

Noes: 0

Adopted : 6/16/26

Published: 6/25/26