CITY OF ALLEN PARK
WAYNE COUNTY, MICHIGAN

DATA CENTER MORATORIUM

ORDINANCE #04-2026 E

An Ordinance Imposing a Temporary Moratorium for a period of six months on the establishing, permitting, consideration, approval, location, construction, and/or installation of any data centers in Allen Park.

WHEREAS, Data Centers do not fit neatly into existing zoning categories. Data Centers are not traditional industrial land uses. Such uses can strain local infrastructure; including but not limited to, sewer capacity, wastewater content and raise important public safety concerns. Large amounts of electricity and potentially water can be consumed. Noise, heat, and light on a scale that our zoning ordinances were never designed to address can be generated by such uses. Current general classifications do not provide the Planning Commission with the tools it needs to protect the community while still allowing responsible development.

WHEREAS, the Planner and Planning Commission are requested to consider additional local regulations to address concerns regarding how data centers may interfere with other land uses, and may have substantial impacts on the environment, public health, and safety, depending on the proposed size being cited by an applicant; and

WHEREAS, the City has a legitimate public purpose in assessing the regulation of the establishment and use of data centers within the City; and

WHEREAS, the City is desirous of assessing its regulations to implement an appropriate regulatory approach for addressing potential impacts of data centers while ensuring the productive and healthy development of lawful land uses within the City; and

WHEREAS, the City wishes to consider and assess amendments to its current regulations regarding the use of data centers that are consistent with all applicable state and federal laws, including any controlling precedent from the United States Supreme Court; and

WHEREAS, the time to consider and assess regulation of data centers will take several months; and

WHEREAS, the City is legitimately invested in ensuring that data centers do not interfere with other land uses, or have substantial negative impacts on the environment, public health, and safety; and

WHEREAS, it is a routine and an appropriate method to enact a reasonable and temporary moratorium to consider enactment of any new ordinances; and

WHEREAS, the City finds that it is necessary and reasonable to establish a temporary moratorium on the establishment and use of data centers within the City for six (6) months or until the City has enacted a regulatory ordinance setting forth the regulations for the establishment and use of data centers within the City;

WHEREAS, for purposes of this Ordinance, a data center is an industrial or similar facility that processes, transfers, stores, and/or communicates digital information. A data center may comprise a corporate or enterprise, co-location, retail, wholesale, telecommunication, hyper-scale facility, or a combination thereof. A data center facility may include, but is not limited to, data halls, offices, security centers, sound walls, screening, security fencing, signage, water, and wastewater utility systems, transmission lines, switchgears, transformers, inverters, generators, and other redundancy equipment, mechanical yards, air-cooled, liquid-cooled, or evaporative-cooling chiller systems, electrical distribution equipment, batteries, uninterruptible power supply (UPS) systems, power distributions systems (PDS), substations, and other similar equipment or accessory structures. A data center is also a point-of-presence facility, data processing center or other similar use. .

THEREFORE, IT IS RESOLVED as follows:

THE CITY OF ALLEN PARK, WAYNE COUNTY, MICHIGAN ORDAINS:

Section 1: Moratorium: A moratorium (as specified in this Ordinance) is hereby enacted for the City of Allen Park.

Section 2: Temporarily Prohibited Data Center Uses, Structures, Buildings and Activities: While the moratorium of this Ordinance is in effect, no data center (or expansion thereof) shall be approved or commenced, constructed, installed or expanded within the City of Allen Park.

Section 3: No Licenses, Permits or Approvals: While the moratorium of this Ordinance is in effect, neither the City or any City official, employee, board, body or commission shall process any application nor issue or grant any zoning approval, zoning permit, rezoning license, building permit or other City license or approval for the commencement, installation, expansion or use of any data center.

Section 4: Essential Action: This moratorium is essential and necessary while the City of Allen Park Planning Commission and the City of Allen Park Council diligently work on proposed

amendments to the current Allen Park Zoning Ordinance (and perhaps enacting other ordinances) regarding data centers.

Section 5: Length of Time in Effect: This Ordinance shall terminate and be of no further effect six (6) months from the effective date of this Ordinance unless the Council adopts a resolution extending the moratorium or terminating the moratorium.

Section 6: Exemptions: The moratorium in this Ordinance shall not apply with regard to any structure, use or building which (a) received all required zoning, building code and other approvals from the City (including final site plan approval) prior to the time that this Ordinance became effective, (b) such zoning and other final approvals were all still in effect and valid as of the date that this Ordinance went into effect and (c) the structure, use or building was under substantial construction or began its final use.

Section 7: Effective Date:: This Ordinance is hereby declared to be an emergency ordinance and shall take effect upon the day after the notice of adoption appears in the newspaper

Section 8: Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 9: Publication. This Ordinance or a summary thereof shall be promptly published in a newspaper of general circulation within the City and on the City's website.

Section 9: Adoption
This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the **9th** day of **June, 2026**

MICHAEL I. MIZZI, City Clerk
City of Allen Park

GAIL McLEOD, Mayor
City of Allen Park