BILL NO. R-26-09-17 As Amended

RESOLUTION NO. - R-Failed

A RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON CERTAIN DATA CENTER APPROVALS IN FORT WAYNE

WHEREAS, the Fort Wayne Zoning Code does not presently contain a comprehensive definition or development standards specifically addressing hyperscale or other large-scale, resource-intensive data center development; and

WHEREAS, data center development may involve substantial demands upon electrical capacity, water and wastewater systems, public infrastructure, land, and other community resources; and

WHEREAS, the scale, operational characteristics, infrastructure requirements, and potential community impacts of large-scale data centers warrant consideration of whether appropriate definitions, classifications, development standards, and approval processes should be established in the Fort Wayne Zoning Code; and

WHEREAS, the Common Council desires to provide a reasonable and defined period for the Department of Planning Services and other appropriate City entities to evaluate these issues and recommend appropriate amendments to the Fort Wayne Zoning Code before additional large-scale data center developments requiring Common Council approval proceed; and

WHEREAS, the purpose of this temporary moratorium is not to prohibit responsible economic development, but to allow the City sufficient time to establish a clear and predictable regulatory framework for future large-scale data center development;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. TEMPORARY MORATORIUM.

Within the scope of its lawful legislative authority, the Fort Wayne Common Council hereby establishes a temporary moratorium on final Common Council approval of any new hyperscale or large-scale data center development requiring discretionary action or approval by the Common Council.

For purposes of determining whether a development constitutes a new hyperscale or large-scale data center, reasonably anticipated phases, expansions, buildings, facilities, or other components of a substantially related development shall be considered together when they are under common

ownership or control, are located on the same or contiguous properties, share substantial infrastructure, or are part of the same planned development. Such projects are therefore also subject to the moratorium described herein.

A structure or facility shall not be classified as a "data center" where the primary purpose of such facility is telecommunications services, including but not limited to, wireline, wireless, broadband, or network interconnection services; or, emergency communications infrastructure.

The moratorium shall begin upon passage of this Resolution and shall remain in effect for a period not to exceed three hundred sixty-five (365) days, unless terminated earlier as provided in this Resolution.

Nothing in this Resolution shall be interpreted to revoke, rescind, or otherwise disturb an approval lawfully granted prior to the effective date of this Resolution.

SECTION 2. ZONING AND DEVELOPMENT STANDARDS.

The Common Council requests that the Department of Planning Services, in consultation with appropriate City departments, utilities, planning and development officials, the Fort Wayne Community Infrastructure & Environmental Review Commission upon its establishment, and other appropriate subject-matter experts, evaluate and recommend amendments to the Fort Wayne Zoning Code addressing large-scale data center development.

The review should include, as appropriate:

(a) definitions and classifications for data centers, including hyperscale or other large-scale data centers;

(b) appropriate zoning districts and approval processes;

(c) setbacks, screening, noise, lighting, and other site-development standards;

(d) emergency and backup power generation;

(e) water, stormwater, wastewater, gas, and electrical demands;

(f) utility and public infrastructure capacity;

(g) environmental and community quality-of-life considerations;

(h) reasonably anticipated expansion and full buildout of a proposed development; and

(i) other development standards determined appropriate through the review process.

The Department of Planning Services is requested to provide its recommendations to the Common Council as soon as reasonably practicable and within the period of this moratorium.

SECTION 3. REQUEST TO OTHER APPROVING BODIES.

To the extent permitted by applicable law, the Common Council requests that City departments, boards, commissions, and other governmental bodies having approval authority over new hyperscale or large-scale data center development consider corresponding temporary measures consistent with the purpose and duration of this Resolution while the zoning and development standards described herein are evaluated.

Nothing in this Section shall be interpreted to direct another governmental body to take action beyond the authority granted to that body by law.

SECTION 4. TERMINATION.

The moratorium established by Section 1 shall terminate upon the earliest of:

(a) the effective date of amendments to the Fort Wayne Zoning Code establishing definitions and development standards for hyperscale or other large-scale data center development;

(b) repeal or termination of the moratorium by subsequent action of the Common Council; or

(c) three hundred sixty-five (365) days following passage of this Resolution.

Any extension beyond three hundred sixty-five (365) days shall require subsequent action by the Common Council.

SECTION 5. PRESERVATION OF AUTHORITY.

Nothing in this Resolution shall be interpreted to expand or diminish the authority granted by law to the Common Council, Mayor, Department of Planning Services, Board of Zoning Appeals, Plan Commission, Redevelopment Commission, City departments, utilities, or any other governmental entity.

Nothing in this Resolution shall prohibit the study, discussion, planning, or review of a potential data center development during the moratorium period, provided that such activity does not constitute final Common Council approval subject to Section 1.

SECTION 6. EFFECTIVE DATE.

This Resolution shall be effective as a temporary moratorium on final Common Council approval of any new hyperscale or large-scale data center development requiring discretionary action or approval by the Common Council, after its passage and for a period of 365 days thereafter unless earlier terminated as provided for herein.

Rohli Booker, Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, Attorney for City Council

BILL NO. R-26-09-17

RESOLUTION NO. -_____

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Rohli Booker, Council Member

APPROVED AS TO FORM AND LEGALITY

Joseph G. Bonahoom, Attorney for City Council

BILL NO. R-26-09-17

REPORT OF COMMITTEE ON REGULATIONS
September 22, 2026

Rohli Booker Chair
Scott Myers Co-Chair
All Council Members

A Resolution establishing a temporary moratorium on certain Data Center approvals in Fort Wayne

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

COUNCIL MEMBER	DO PASS	DO NOT PASS	ABSTAIN
BENDER			
BOOKER			
CHAMBERS			
ENSLEY			
FREISTROFFER			
HARTMAN			
JEHL			
MYERS			
PADDOCK			

JOHN D. MCGAULEY
CITY CLERK

Public Hearing Date: N/A
Read the first time in full and on motion by Councilperson Booker.
Read the second time by title and referred to the Regulations Committee.
Read the third time in full and on motion by Councilperson Booker, placed on passage by the following vote:

TOTAL VOTES	AYES	NAYS	ABSTAINED	ABSENT
BENDER	☐	☒	☐	☐
BOOKER	☒	☐	☐	☐
CHAMBERS	☐	☒	☐	☐
ENSLEY	☒	☐	☐	☐
FREISTROFFER	☐	☐	☐	☒
HARTMAN	☐	☒	☐	☐
JEHL	☒	☐	☐	☐
MYERS	☐	☒	☐	☐
PADDOCK	☒	☐	☐	☐

DATED: October 13, 2026

JOHN D. MCGAULEY, CITY CLERK

Not passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

Resolution No. R-26-09-17 AA on the 13th day of October , 2026

ATTEST:

JOHN D. MCGAULEY
CITY CLERK

PRESIDING OFFICER