

ORDINANCE NO. 2026-39

AN ORDINANCE ESTABLISHING A TEMPORARY SIX-MONTH MORATORIUM ON APPLICATIONS FOR LARGE-SCALE DATA CENTERS, ARTIFICIAL INTELLIGENCE COMPUTING FACILITIES, DATA MINING FACILITIES, AND CRYPTOCURRENCY (BITCOIN) MINING OPERATIONS WITHIN MARSHALL COUNTY, IOWA.

WHEREAS, the Marshall County Zoning Commission is responsible for promoting the health, safety, and general welfare of the citizens of Marshall County through responsible planning and land use policies.

WHEREAS, large-scale data centers, artificial intelligence computing facilities, data mining facilities, and cryptocurrency (Bitcoin) mining operations are an emerging form of development that may require substantial electrical infrastructure, water resources, cooling systems, and other public and private utilities.

WHEREAS, these facilities may also create unique considerations related to land use compatibility, noise, lighting, environmental impacts, transportation, emergency services, and other public infrastructure.

WHEREAS, the Zoning Commission finds that additional time is necessary to research the potential impacts of these facilities, review applicable laws and regulations, consult with industry experts, utility providers, and the public, and evaluate best practices adopted by other jurisdictions.

WHEREAS, the Zoning Commission further finds that a temporary moratorium is in the public interest and will allow Marshall County to develop appropriate policies, zoning regulations, and performance standards before considering future applications for these types of facilities.

WHEREAS, the Board intends that this temporary moratorium provide sufficient time for the Planning and Zoning Commission, County staff, the County Attorney, utility providers, and other stakeholders to evaluate and make recommendations regarding the regulation of these facilities.

NOW, THEREFORE, BE IT RESOLVED by the Marshall County Zoning Commission recommends the following:

SECTION 1. DEFINITIONS.

For purposes of this Ordinance, the following definitions shall apply:

"Data Center" shall mean a building, structure, facility, or portion thereof primarily used to house computer servers, data-processing equipment, digital storage equipment, networking equipment, telecommunications equipment, or related systems for the remote storage, management, processing, transmission, or distribution of digital data, including associated mechanical, electrical, cooling, security, power-generation, and utility infrastructure.

The term "Data Center" shall not include incidental server or computer equipment customarily maintained as an accessory use within an office, commercial, governmental, educational, medical, industrial, or other principal use when such equipment is used primarily to support activities conducted on the same premises.

"Development Approval" shall include, but not be limited to, any permit, application, zoning amendment, rezoning request, site plan, development plan, subdivision approval, special-use permit, variance, building permit, grading permit, utility-extension approval, certificate of occupancy, or other City authorization related to the establishment, construction, expansion, or operation of a Data Center.

"Substantial Expansion" shall mean any expansion, modification, redevelopment, or conversion that increases the operational capacity, physical footprint, utility demand, or primary function of a facility for Data Center purposes.

SECTION 2. MORATORIUM ESTABLISHED.

A temporary moratorium is hereby established on the acceptance, processing, review, approval, and issuance of permits, site plans, zoning approvals, development agreements, or any other County authorization for the construction, establishment, expansion, or operation of:

- Large-scale data centers;
- Artificial intelligence computing facilities;
- Data mining facilities; and
- Cryptocurrency (Bitcoin) mining operations;

within the jurisdiction of Marshall County, Iowa.

SECTION 3. APPLICABILITY.

This Ordinance shall apply to:

1. New Data Centers proposed within the boundaries of Marshall County; and
2. The Substantial Expansion, redevelopment, or conversion of existing structures or uses for Data Center purposes.

This Ordinance shall not prevent ordinary repair, maintenance, or replacement work necessary to protect public health, safety, or welfare at a lawfully existing facility, provided such work does not constitute the establishment, expansion, or conversion of a facility into a Data Center.

SECTION 4. DURATION.

This moratorium shall become effective immediately upon adoption of this Ordinance and shall remain in effect for a period of **six (6) months**, unless terminated by subsequent action of the Marshall County Board of Supervisors as permitted by law.

The Board of Supervisors may extend the effective period of this Ordinance one time, by resolution, for a period not to exceed sixty (60) additional days if the Board determines that additional time is necessary to complete review of potential amendments to the Zoning Ordinance, development regulations, or other applicable policies relating to Data Centers.

Any extension authorized pursuant to this Section shall identify the extended expiration date of the moratorium and shall not be construed as authorizing an indefinite continuation of the moratorium without further legislative action by the Board of Supervisors.

SECTION 5. PURPOSE.

The purpose of this temporary moratorium is to allow the County sufficient time to:

- Research the impacts of these facilities on electrical infrastructure, water resources, transportation systems, emergency services, and other public infrastructure;
- Evaluate land use compatibility and potential zoning standards;
- Study environmental impacts, including energy consumption, water usage, noise, lighting, and related concerns;
- Review applicable federal, state, and local regulations;
- Consult with utility providers, planning professionals, industry representatives, and other subject matter experts;
- Receive public input from residents, businesses, agricultural producers, and other interested parties; and
- Develop recommendations for future regulations governing these types of facilities.

SECTION 6. DIRECTION TO COUNTY STAFF.

During the moratorium period, County departments and officials are directed to refrain from accepting, processing, or approving applications subject to this Ordinance, except as otherwise authorized by the Board of Supervisors or required by law. County staff, the Planning and Zoning Commission, and the County Attorney are further directed to conduct research and prepare recommendations for the Board's consideration prior to the expiration of the moratorium.

SECTION 7. EXISTING APPLICATIONS.

This Ordinance shall apply to all applications submitted on or after the effective date of this Ordinance. Applications deemed complete prior to the effective date shall be processed in accordance with applicable County ordinances and policies unless otherwise directed by the Board or required by law.

SECTION 9. SEVERABILITY.

If any provision of this Ordinance is determined to be invalid or unenforceable by a court of competent jurisdiction, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

SECTION 10 . EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its adoption.

PASSED AND RECOMMENDED FOR ADOPTION this _____ day of _____, 2026.

MARSHALL COUNTY ZONING COMMISSION

Bill Hobson, Chair

Pat VonAhnen

William Wears

ATTEST:

Marshall County Recorder's Office