(Published in the Topeka Metro News August 17, 2026)

ORDINANCE NO. 20677

AN ORDINANCE introduced by Councilmembers Murray McGee, Christina Valdivia-Alcala and Michelle Bradberry implementing a temporary moratorium on the acceptance, processing, and approval of applications or utility connections for data center development repealing Ordinance No. 20670.

WHEREAS, the Governing Body of the City of Topeka, Kansas possesses the authority to promulgate policies, rules, and regulations, and to enact laws that promote the general health, safety, and welfare of the community; and

WHEREAS, pursuant to that authority and in accordance with state law, the City has adopted zoning laws and regulations and a comprehensive plan; and

WHEREAS, the Topeka Municipal Code does not currently address or regulate the development of data centers; and

WHEREAS, concerns about the lack of regulations governing development of data centers and related activities in the incorporated limits of the City of Topeka have been raised; and

WHEREAS, the City recognizes that municipal officials need adequate time to evaluate the impact that large-scale data center developments may have on the health, safety, and welfare of the community and time to draft appropriate zoning, environmental, and infrastructure regulations; and

WHEREAS, the City desires to provide adequate time for municipal officials to research the impact of data centers and draft appropriate regulations and therefore find that a twelve-month temporary moratorium on the development of data centers is both necessary and appropriate; and

WHEREAS, for the purposes of this ordinance, “data center” is defined as any

freestanding facility or portion of a larger structure that primarily houses electronic equipment used to process, store, or transmit digital information, requiring specialized environmental control or cooling systems, large battery systems, battery energy storage systems and similarly functioning energy systems.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS, that:

Section 1. The above recitals are incorporated herein by reference as if set forth in full.

Section 2. The Governing Body hereby establishes and imposes, within the City limits, a twelve-month temporary moratorium on the acceptance, processing, and approval of data center applications. No City official, board, or body shall accept, process, review, approve, or issue any zoning permits, building permits, site plan approvals, or utility connections requests for the establishment or expansion of any data center located within or outside of the City limits from the effective date of this ordinance until either twelve months from the effective date of this ordinance or until the Governing Body amends or repeals this ordinance, whichever occurs earlier.

Section 3. This moratorium shall not apply to any data center applications that have received final formal approval prior to the effective date of this ordinance, nor to routine maintenance, equipment upgrades or improvements of existing permitted data centers that do not increase the footprint or utility load of the facility.

Section 4. Ordinance No. 20670 is hereby repealed.

Section 5. If any section, sentence, clause, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it

shall not affect the validity of any remaining parts of this ordinance.

Section 6. This ordinance shall take effect and be in full force and effect from and after its passage and publication by law and shall remain in full force and effect for a period of twelve months from its date of adoption, or until such times as the Governing Body amends or repeals this ordinance, whichever occurs first.

PASSED AND APPROVED by the City Council on August 11, 2026.

CITY OF TOPEKA, KANSAS

_____
Spencer L. Duncan, Mayor

ATTEST:

_____
Brenda Younger, City Clerk