

ORDER ADOPTING AN AMENDMENT TO THE CITY OF EASTHAMPTON ZONING ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON DATA CENTERS

WHEREAS, pursuant to M.G.L. Chapter 40A, Section 5, the City Council has considered a proposed amendment to the Easthampton Zoning Ordinance establishing a temporary moratorium on the establishment and expansion of Data Centers within the City; and

WHEREAS, the Easthampton Planning Board conducted a public hearing on the proposed zoning amendment [INSERT DATE] in accordance with the requirements of M.G.L. Chapter 40A, Section 5, and has submitted its favorable recommendation to the City Council; and

WHEREAS, the City Council finds that Data Centers represent an emerging land use with unique operational characteristics that are not adequately addressed by the City's current Zoning Ordinance; and

WHEREAS, the City Council further finds that Data Centers may place significant demands upon electrical infrastructure, water resources, transportation systems, telecommunications infrastructure, emergency services, and other public facilities, and may present land use, environmental, and public safety considerations that warrant further study; and

WHEREAS, the City Council finds that additional time is necessary to evaluate the appropriate zoning based regulation of Data Centers, including but not limited to their location, scale, design, utility demands, environmental impacts, operational characteristics, and compatibility with the City's Master Plan and long-term planning objectives; and

WHEREAS, the City Council finds that a temporary zoning moratorium is a reasonable and necessary planning tool to preserve the status quo while the City Council in conjunction with the Planning Board and others develops recommendations for permanent zoning regulations governing Data Centers; and

WHEREAS, the City Council finds that the temporary moratorium is reasonable in duration and scope, serves a legitimate public planning purpose, and promotes the public health, safety, convenience, and welfare consistent with the purposes of the Massachusetts Zoning Act;

NOW, THEREFORE, BE IT ORDERED by the Easthampton City Council:

1. That the Zoning Ordinance amendment entitled "Temporary Moratorium on Data Centers," attached hereto and incorporated herein by reference, is hereby adopted pursuant to M.G.L. Chapter 40A, Section 5;
2. That the temporary moratorium shall prohibit all as of right uses, the issuance of special permits, site plan approvals, or any other zoning based municipal approvals under the

Zoning Ordinance for the City of Easthampton which would otherwise allow for the establishment or expansion of a Data Center or the conversion of property to a Data Center, as defined in the attached zoning amendment, during the effective period of the moratorium;

3. That the moratorium shall remain in effect until the earliest of:
 - a. Eighteen (18) months from its effective date;
 - b. The effective date of permanent zoning regulations governing Data Centers is adopted by the City Council; or
 - c. Repeal by the City Council in accordance with applicable law.
4. That the Ordinance Committee of the City Council, with the assistance of the Planning Department and other appropriate municipal departments, shall undertake a comprehensive study of Data Centers and develop recommendations for permanent zoning regulations to protect the public health, safety and welfare of the community; and
5. That this Order shall take effect immediately upon its adoption.

Temporary Moratorium on Data Centers

Amend the Zoning Ordinance by inserting the following section:

SECTION 10.11 TEMPORARY MORATORIUM ON DATA CENTERS

10.11.1 Purpose and Intent.

- A. This Section 10.11 of the Zoning Ordinance was adopted pursuant to M.G.L. Chapter 40A, Section 5 for the purpose of enacting a temporary moratorium on the establishment or expansion of Data Centers and the conversion of property for use as a Data Center.
- B. The development of Data Centers presents unique land use, infrastructure, environmental, and public service considerations that are not adequately addressed by the current Zoning Ordinance.
- C. Data centers may create substantial demands on electrical infrastructure, water resources, emergency services, transportation systems, telecommunications infrastructure, and municipal utilities. Such facilities may also generate significant noise from cooling equipment and backup generators, affect community resilience and sustainability goals, and occupy large sites that could otherwise accommodate housing, mixed-use development, or employment-generating uses more consistent with the City's Master Plan and economic development objectives and may otherwise have impacts of the health, safety and welfare of the people of Easthampton, including impacts which may be regulated under M.G.L. c. 40A.
- D. The temporary moratorium will provide the time necessary to study these issues, evaluate best practices, and conduct public outreach before adopting permanent zoning regulations.

10.11.2 Applicability

- A. For the purposes of this Zoning Ordinance, the following definition shall apply:
Data Center: A building or group of buildings primarily used to house computer systems, servers, networking equipment, cloud computing infrastructure, artificial intelligence computing infrastructure, cryptocurrency mining equipment, or other electronic equipment for the storage, processing, management, transmission, or distribution of digital data, together with associated cooling systems, backup power systems, generators, substations, batteries, and supporting mechanical and electrical equipment.

- B. The term Data Center shall be interpreted to include among other things and without limitation: Enterprise data centers; Colocation facilities; Hyperscale data centers; Cloud computing facilities; Artificial intelligence (AI) computing facilities; Cryptocurrency mining facilities; and similar facilities where the principal use is digital data processing or storage.
- C. The term Data Center shall not include: server rooms or equipment accessory to a principal permitted use occupying less than 2,500 square feet; Telecommunications equipment regulated under federal law that serves a communications network; Municipal, public safety, educational, or utility facilities operated primarily for governmental purposes; computer equipment accessory to hospitals, research laboratories, manufacturing facilities, schools, or office buildings where such equipment serves the principal use of the premises.
- D. This Section 10.11 shall apply to all as of right uses, special permits, site plan approvals, or any other zoning based municipal approvals available under the Zoning Ordinance for the City of Easthampton which would otherwise allow for the establishment or expansion of a Data Center or the conversion of property to a Data Center not issued as of the date of the first publication of notice of the public hearing on this zoning amendment.

10.11.3 Moratorium

Notwithstanding any provision of this Zoning Ordinance to the contrary, all as of right uses, special permits, site plan approvals, or any other zoning based municipal approvals available under the Zoning Ordinance for the City of Easthampton which would otherwise allow for the establishment or expansion of a Data Center or the conversion of property to a Data Center no special permit, shall be allowed or issued for:

- A. The construction of a new Data Center;
- B. The conversion of an existing building into a Data Center;
- C. The expansion of an existing Data Center; or
- D. Any use that would establish a Data Center as defined herein.

During the effective period of this moratorium, applications for such approvals regulated by 10.11 shall not be accepted or acted upon by the City or its departments.

10.11.4 Existing Facilities

Nothing herein shall prohibit:

- A. Routine maintenance or repair of existing lawful structures;
- B. Replacement of equipment that does not increase the size, capacity, or intensity of an existing lawful use;

- C. Interior improvements accessory to a lawful use that do not establish or expand a Data Center.

10.11.5 Study Period

During the effective period of this moratorium, the City Council Ordinance Committee and the Planning Board, with assistance from City staff and consultants as appropriate, shall undertake a study concerning the appropriate regulation of Data Centers.

The study may include, but need not be limited to:

- A. Appropriate zoning districts;
- B. Use classifications;
- C. Dimensional standards;
- D. Site plan review requirements;
- E. Special permit criteria;
- F. Noise performance standards;
- G. Water consumption;
- H. Energy demand and electrical infrastructure;
- I. Emergency power systems;
- J. Greenhouse gas emissions and sustainability measures;
- K. Stormwater impacts;
- L. Fire protection and hazardous materials;
- M. Public safety considerations;
- N. Traffic and construction impacts;
- O. Compatibility with surrounding land uses;
- P. Fiscal impacts on municipal infrastructure;
- Q. Design standards; and
- R. Any other issues determined relevant.

10.11.6 Expiration

- A. The effective date of this Section 10.11 shall be the date it was voted upon by the City Council and signed by the Mayor.
- B. The moratorium shall expire upon the earliest of:
 - 1. Eighteen (18) months from its effective date;
 - 2. The effective date of subsequent amendments to the Easthampton Zoning Ordinance regulating Data Centers; or
 - 3. Repeal by vote of the City Council.
- C. Upon expiration, all applications for a Data Center shall thereafter be processed in accordance with the Zoning Ordinance and other laws and regulations then in effect.

10.11.7 Severability

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

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