

AN ORDINANCE AMENDMENT ESTABLISHING A TEMPORARY TWELVE (12) MONTH MORATORIUM ON DATA CENTER DEVELOPMENT WITHIN THE CITY OF NEW HAVEN

WHEREAS: Data center development is increasing throughout Connecticut, the United States, and globally due to growing demand for cloud computing, artificial intelligence, machine learning, telecommunications, data storage, and related digital infrastructure; and

WHEREAS: municipalities throughout Connecticut, including the Town of Groton, the Town of Morris, and the City of West Haven, have undertaken studies, regulatory reviews, adopted temporary moratoria, or otherwise considered land use regulations concerning data center development in order to evaluate the potential impacts of such facilities and develop appropriate zoning standards; and

WHEREAS: the Board of Alders has previously utilized temporary development moratoria as a planning tool to preserve the City's ability to evaluate and develop comprehensive land use policies and regulations; and

WHEREAS: data centers present unique land use, infrastructure, operational, environmental, economic development, and public safety considerations that may differ significantly from traditional commercial and industrial development; and

WHEREAS: data centers may involve substantial electrical demand, telecommunications infrastructure, cooling systems, backup power systems, water usage, security infrastructure, and other ancillary facilities and operations; and

WHEREAS: the City currently lacks use-specific zoning regulations governing the location, development, design, operation, and performance standards applicable to data centers; and

WHEREAS: the City requires sufficient time to study and evaluate the impacts of data center development and to develop appropriate zoning regulations governing such facilities; and

WHEREAS: development of data centers prior to the adoption of appropriate zoning regulations may impair the City's ability to ensure that such development is consistent with the Vision 2034 Comprehensive Plan and the City's long-term planning objectives; and

WHEREAS: the Board of Alders finds that a temporary moratorium is necessary to provide the City with sufficient time to study and evaluate the impacts of data center development and adopt appropriate zoning regulations governing data centers before such development or conversion occurs within the City of New Haven.

NOW, THEREFORE BE IT ORDAINED by the Board of Alders of the City of New Haven that a temporary twelve (12) month moratorium on data center development within the City of New Haven is hereby established as follows:

SECTION 1. AUTHORITY

This Ordinance is adopted by the Board of Alders, acting in its capacity as the zoning authority, pursuant to the Charter of the City of New Haven and Chapter 124 of the Connecticut General Statutes, including but not limited to Sections 8-2 and 8-3 thereof, for the purpose of protecting the public health, safety, and welfare and promoting the orderly development of land within the City.

SECTION 2. LEGISLATIVE FINDINGS OF FACT

1. Data center development is increasing throughout Connecticut, the United States, and globally due to growing demand for cloud computing, artificial intelligence, machine learning, telecommunications, data storage, and related digital infrastructure.
2. Data centers present unique land use, infrastructure, operational, environmental, and public safety considerations that may differ significantly from traditional commercial and industrial development.
3. Data centers may involve substantial electrical demand, telecommunications infrastructure, cooling systems, backup power systems, water usage, security infrastructure, and other ancillary facilities and operations.
4. The City currently lacks use-specific zoning regulations governing the location, development, design, operation, and performance standards applicable to data centers.
5. The City requires time to study and evaluate the impacts of data center development and to develop comprehensive zoning regulations governing such facilities.
6. Development of data centers prior to the adoption of appropriate zoning regulations may impair the City's ability to ensure that such development is consistent with the Vision 2034 Comprehensive Plan and the City's long-term planning objectives.
7. A temporary moratorium is necessary to provide the City with sufficient time to study and evaluate the impacts of data center development and adopt appropriate zoning regulations governing data centers before such development or conversion occurs within the City of New Haven.

SECTION 3. DEFINITIONS

For purposes of this Ordinance, the following term shall have the meaning set forth below:

"Data Center" means a facility, structure, or campus of structures used primarily to operate computer servers and related information technology infrastructure for the storage, processing, management, and dissemination of electronic data, including cloud-based services, artificial intelligence, machine learning, network operations, and related digital infrastructure, together with ancillary equipment including, but not limited to, power subsystems, telecommunications equipment, uninterruptible power supplies, substations, cooling systems, fire suppression systems, backup generators, connections to external networks, security infrastructure, and operational support facilities.

The term Data Center includes hyperscale, colocation, and enterprise data centers.

The term Data Center shall not include server rooms, telecommunications closets, information technology equipment, or other facilities that are accessory to a permitted principal use.

SECTION 4. TEMPORARY MORATORIUM IMPOSED

Effective upon adoption of this Ordinance, no municipal department, board, commission, agency, official, or employee shall accept, process, consider, hear, approve, issue, or grant any application, permit, approval, entitlement, site plan, special permit, special exception, variance, zoning amendment, building permit, certificate, or other municipal authorization relating to the establishment, development, construction, conversion, or redevelopment of a Data Center within the City of New Haven.

This moratorium shall apply to all forms of municipal land use, zoning, planning, building, and development approvals associated with the establishment, development, construction, conversion, or redevelopment of a Data Center.

SECTION 5. EXEMPTIONS

The provisions of this Ordinance shall not apply to facilities excluded from the definition of Data Center set forth in Section 3.

SECTION 6. DURATION

This Ordinance shall remain in effect for a period of twelve (12) months from its effective date unless sooner repealed or extended by action of the Board of Alders.

SECTION 7. STUDY, REVIEW, AND RECOMMENDATIONS

The Department of Economic Development shall convene a Data Center Working Group to study and evaluate the potential impacts and opportunities associated with data center development and recommend appropriate zoning regulations governing such facilities.

The Working Group shall include representatives from the City Plan Commission, the Office of Corporation Counsel, and the Board of Alders, together with such other City departments, stakeholders, and subject matter experts as the Department of Economic Development deems appropriate.

The Working Group shall evaluate and make recommendations concerning, including but not limited to, land use compatibility, location, design standards, dimensional standards, buffering and screening, noise, water usage, cooling systems, backup power systems, electrical infrastructure demands, public safety considerations, environmental impacts, economic development considerations, and consistency with the Vision 2034 Comprehensive Plan, and such other matters as may be relevant to the development of appropriate zoning regulations for data centers.

The Working Group shall submit its findings and recommendations to the Board of Alders and the City Plan Commission no later than six (6) months following the effective date of this Ordinance for consideration by the appropriate committee of the Board of Alders.

SECTION 8. SEVERABILITY

Should any section, subsection, paragraph, sentence, clause, or provision of this Ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared invalid.

SECTION 9. EFFECTIVE DATE

This Ordinance shall take effect upon publication and filing in accordance with applicable law.