

RESOLUTION No. 2021-

***RELATIVE TO IMPOSING A ONE HUNDRED-EIGHTY (180) DAY
MORATORIUM ON THE CONSIDERATION AND/OR
ISSUANCE OF ALL PERMITS AND/OR APPROVALS
RELATIVE TO COMMERCIAL DATA CENTERS***

BY:

Council Chairman Kenny Tompkins
Council Member John Spanbauer

WHEREAS, “the Digital Revolution”, which began in the 1980’s and continues on today, is epitomized by the advancement of technology from analog electronic and mechanical devices to the digital technology available today; and

WHEREAS, this revolution in telecommunications, computing technology and interconnectivity has forever changed the way we think and live; and

WHEREAS, due to these developments, tech-based industries have grown exponentially in recent years; and

WHEREAS, one such industry whose presence has expanded both here in the City of Niagara Falls and across the country is the creation/development/expansion of Commercial Data Centers; and

WHEREAS, Commercial Data Centers, which are synonymous with data collection, data extraction, data mining, data storage, cloud storage, cryptocurrency mining, transactional analysis and proof-of-work authentication and related industries, have also generated a great deal of controversy nationwide due to their effect upon the

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quality of life of nearby property owners, high levels of energy consumption, thermal impacts, electronic waste generation and overall environmental impact; and

WHEREAS, the Zoning Ordinance and Comprehensive Plan for the City of Niagara Falls requires that land be used in the City and the most beneficial and convenient manner, preserving relationships among the residential, commercial, industrial and recreational areas within the City, and further requires that the value of land throughout the City be protected and conserved in a manner appropriate to the various districts established by the Zoning Ordinance, and further requires the pursuit of gradual conformity of the uses of land in buildings throughout the City and the minimizing of conflicts among the uses of land and buildings in the City; and

WHEREAS, without a comprehensive and detailed plan by the City to address the creation, development, construction, expansion and operation of Commercial Data Centers in the City of Niagara Falls, the above purposes and requirements may be jeopardized.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Niagara Falls, New York that there is hereby imposed, from the date of enacting of this resolution, a one hundred-eighty (180) day moratorium on the consideration and/or issuance of all permits and/or approvals relative to the creation, establishment, development, construction, expansion, enlargement and operation of Commercial Data Centers in the City of Niagara Falls, and it is further

RESOLVED, that this moratorium is imposed to enable the City to develop a comprehensive and detailed plan which is in concert with the Comprehensive Plan and Zoning Ordinance for the City of Niagara Falls concerning the location and approvals for Commercial Data Centers in the City of Niagara Falls; and it is further

RESOLVED, that this moratorium shall remain in effect until June 15, 2022, unless further extended by the City Council.

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