

Ordinance No. _____

Sponsors:

A RESOLUTION IMPOSING A ONE-YEAR MORATORIUM ON PERMITTING,
CONSTRUCTION, FINANCING, OR ACCEPTANCE OF APPLICATIONS RELATING TO THE
ESTABLISHMENT OR EXPANSION OF DATA CENTERS

Whereas, the City Council of the City of Independence from time to time reviews its ordinances to ensure that laws, city finances, development regulations, and processes preserve the quality of life for residents; and

Whereas, the Unified Development Ordinance for the City of Independence (“Ordinance”), Missouri, as well as other laws governing the City of Independence, have stated purposes of “promoting public health, safety and general welfare” by “orderly and beneficial development of all parts of the City”; and

Whereas, the City Council and other city authorities must ensure that “all uses and development [of real property] must comply with all other applicable City, State, and Federal regulations” permitting and regulating the construction and use of buildings and other structures for industry and other purposes; and

Whereas, data centers are currently listed an allowed use for areas zoned light industrial under the Ordinance (Chapter 14); and

Whereas, it is acknowledged that there is considerable interest and concern on the part of residents of the City of Independence related to the possible development of data centers within the City; and

Whereas, because of possible effects of data centers on the community, the City Council intends to consider revisions to the Ordinance and other standards designed to protect the health, safety, and general welfare of the community; and

Whereas, current zoning and development standards may not adequately address the unique characteristics, demands, and potential cumulative effects of data centers, which are a rapidly-growing and evolving land use across the United States; and

Whereas, the City Council believes it is necessary for a one-year moratorium on the acceptance, processing, or issuance of applications, permits or municipal bonds pertaining or related to the establishment or expansion of any data center uses, including, but not limited to, applications for building permits, site plans & architectural reviews, variances, flood plain development permits, conditional use permits, grading permits, occupancy permits, bond issues, or other financial instruments; and

Whereas, a moratorium will allow City staff the necessary time to study the issue and make recommendations to the City Council regarding revisions to the Ordinance and other standards related to data centers, and ensure consistency and fairness by preventing nonconforming uses that could undermine a comprehensive zoning plan; and

Whereas, the City Council supports a one-year moratorium on the City's acceptance, processing, and issuance of any applications, permits or municipal bonds pertaining or related to the establishment or expansion of any data center uses, with said moratorium to be effective from the passage of this resolution by the City Council, for a period of one year.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF INDEPENDENCE, MISSOURI, AS FOLLOWS:

SECTION 1 The City of Independence, Missouri, hereby orders and authorizes a moratorium on the acceptance, processing, or issuance of any applications, permits or municipal bonds pertaining to the establishment or expansion of any data centers, including, but not limited to, applications for building permits, site plans, architectural reviews, variances, flood plain development permits, conditional use permits, grading permits, occupancy permits, municipal bonds, or other financial instruments, with said moratorium to run from the date of passage for a period of one year.

SECTION 2. For the purposes of this Resolution, "data center" shall carry the meaning defined in the Ordinance, as well as a specialized facility that houses physical computing infrastructure to power, store, and support web-based information and systems.

SECTION 3. This Resolution shall be in full force and effect from and after its passage by the City Council.

Date Passed

Presiding Officer

Date Approved by Mayor

Mayor

City Attorney

City Clerk