

ADV: July 18, 2026
CHG: Town Clerk #0101-0201-7001022
Westerly Sun Account: 7001022

TOWN OF WESTERLY
PROPOSED ORDINANCE

Notice is hereby given that a Public Hearing will be held in the Council Chambers, Town Hall, Westerly, Rhode Island, on Monday, July 27, 2026, at 6:00 o'clock p.m., or as close to that time as possible, in accordance with the Home Rule Charter of the Town of Westerly, to consider the following Proposed Ordinance entitled: "AN ORDINANCE IMPOSING A ONE-YEAR MORATORIUM ON ALL DATA CENTERS"

The Town of Westerly hereby ordains:

Section 1. The Westerly Code of Ordinances is hereby amended by adding thereto the following:

§ – Data Center Moratorium.

A. Definitions – The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) Data Center - A building, group of buildings, structure, site, or portion thereof used or intended to be used as a principal use for the housing, operation, management, processing, storage, transmission, exchange, mining, or distribution of digital or electronic data through computer servers, network equipment, data storage systems, telecommunications equipment, or similar information-technology equipment, whether for cloud computing, colocation, artificial intelligence processing, enterprise data services, cryptocurrency mining, blockchain transaction processing, or similar high-density digital infrastructure uses.

(a) A Data Center includes all equipment, buildings, structures, and site improvements that are accessory or functionally related to such use, including but not limited to servers, server racks, routers, switches, fiber-optic infrastructure, battery systems, backup generators, transformers, substations, electrical switchgear, cooling systems, chillers, cooling towers, ventilation equipment, fire-suppression systems, security facilities, water-storage or water-treatment facilities, pump stations, utility lines, and other infrastructure used to support the operation of the Data Center.

(b) A Data Center does **not** include computer, telecommunications, or data-storage equipment that is accessory and customarily incidental to another lawful principal use on the same lot, including server rooms or information-technology equipment serving an office, school, hospital, municipal facility, bank, retail establishment, research facility, manufacturing facility, or similar use, provided that such equipment is subordinate to and used primarily in support of that principal use.

B. Findings. The Westerly Town Council does hereby find that:

- (1) Areas of the Town may be utilized for commercial data centers due to the amount of undeveloped land and the rising demand for commercial data centers located near bodies of water.
- (2) It is anticipated that the Town may receive applications for data centers in the near future that if approved, may be incompatible with residential and other land uses.
- (3) The Town's existing ordinances and zoning regulations do not adequately regulate the development of data centers.
- (4) The potential unregulated/underregulated location of data centers in the Town raises legitimate and substantial questions about the impact of such development on the Town, including questions about the compatibility of data centers with existing uses and development in open space, residential and other zoning districts, and the potential adverse health, safety and welfare effects of data centers on the residents of the Town if not properly regulated.
- (5) Development of data centers could pose serious threats to the public health, safety and welfare of the residents of the Town without adequate provisions for issues of safety, land use compatibility, and preventing a significant drain on natural resources and energy resources.
- (6) There is a current and immediate threat to the public health, safety and welfare to the residents of the Town if permits or entitlements for the construction of data centers are issued without first studying the issue.
- (7) The Town requires an opportunity to carefully review and consider its ordinances and zoning regulations to determine the implications of future proposed data centers and to develop reasonable ordinances and zoning regulations and/or amendments thereto governing the location and operations of such data centers to provide for the health, safety and welfare of the residents of the Town.
- (8) The Town also requires an opportunity to review the Comprehensive Plan to ensure all ordinances, rules, and regulations or amendments thereto and potential ordinances, rules and regulations regarding data centers are in conformance with the same.
- (9) The Town's current ordinances and other applicable laws are not adequate to prevent serious public harm potentially caused by the development of data centers in the Town, thereby necessitating a temporary moratorium.
- (10) A moratorium on data centers is necessary to prevent an overburdening of municipal and natural resources and public facilities.
- (11) A moratorium of one year is necessary to provide the Town adequate time to review and amend its ordinances, zoning standards, and regulations related to data centers in order to protect the health, safety and welfare of the residents of the Town.

C. Moratorium on Data Centers

- (1) In accordance with the findings in this section, a data center moratorium is hereby adopted imposing a moratorium on all data centers, which shall be effective immediately upon passage, and applicable to the maximum extent permitted by law.
 - (2) The data center moratorium is applicable to all proceedings, applications, and petitions not vested pursuant to R.I. Gen. Laws. § 45-24-44 at the time this ordinance becomes effective.
 - (3) The moratorium shall last for one year upon passage or as may be otherwise provided by the Town Council by ordinance.
 - (4) The Planning Board, Zoning Board of Review, Zoning Board of Appeal, all Town agencies and all Town employees shall neither accept, process, approve, deny or in any way act upon any non-vested applications, plans, permits, licenses and/or fees for any construction or uses governed by this ordinance for such data centers for said period of time.
 - (5) Those provisions of the Town's land use ordinances and land development and subdivision regulations that are inconsistent or conflicting with the provisions of this ordinance, are hereby stayed to the extent that they are applicable to data centers for the duration of the data center moratorium.
- D. Severability. To the extent any sections, subsection or provision of this data center moratorium ordinance is declared invalid by a court of competent jurisdiction, such declaration shall not invalidate any other section, subsection or provision of this ordinance.
- E. Vesting. Notwithstanding any provision contained herein to the contrary, any proposal for a data center for which an applicant has submitted all required materials and has been certified complete by the administrative official shall be considered vested and may proceed under the applicable regulations in effect at the time of the certification of completeness.

Section 2. This Ordinance shall take effect upon passage.

Per Order of the Town Council.

ATTEST: Mary L. LeBlanc, MMC
Council Clerk
July 18, 2026

All persons interested in the above are respectfully required to be present at the time and place to be heard thereon.

INDIVIDUALS REQUESTING INTERPRETER SERVICES FOR THE HEARING
IMPAIRED MUST CALL 348-2505 IN ADVANCE OF THE HEARING DATE.