

OFFERED BY COUNCILORS MINIARD CULPEPPER, BRIAN WORRELL,  
BREADON, COLETTA ZAPATA, DURKAN, LOUIJEUNE, MEJIA, MURPHY,  
PEPÉN, SANTANA, AND WEBER



## **CITY OF BOSTON**

**IN THE YEAR TWO THOUSAND TWENTY SIX**

### **ORDER REGARDING A TEXT AMENDMENT TO THE BOSTON ZONING CODE TO PROHIBIT DATA CENTERS IN ALL ZONING DISTRICTS**

- WHEREAS,** Data centers are facilities principally dedicated to housing and operating high-performance servers, data-storage systems, networking equipment, cooling systems, electrical infrastructure, and related equipment used to store, process, and distribute digital data and applications; *and*
- WHEREAS,** The rapid expansion of artificial intelligence, cloud-computing services, cryptocurrency operations, and other data-intensive technologies has increased demand for the construction and expansion of data centers throughout Massachusetts and the United States; *and*
- WHEREAS,** Large data centers consume electricity on a scale comparable to thousands of homes, require new substations or transmission infrastructure, and place additional demands on the regional electrical grid that may affect electric reliability, infrastructure costs, and utility rates ; *and*
- WHEREAS,** Data centers frequently require substantial cooling systems that may consume large quantities of water, create mist or other localized impacts, and place additional demands on municipal water and sewer infrastructure; *and*
- WHEREAS,** These facilities may therefore impose significant demands on electricity, water, sewer, emergency-response, and transportation infrastructure without producing community benefits proportionate to the land and public resources they consume; *and*
- WHEREAS,** Municipalities throughout Massachusetts and New England have considered or adopted moratoria, size restrictions, operational limitations, and prohibitions in response to concerns regarding data centers' effects on infrastructure, the environment, public health, neighborhood quality of life, and surrounding land uses; *and*

**WHEREAS,** In 2026, the City of Lowell adopted a temporary moratorium on the construction, development, and expansion of data centers while studying their potential effects on power, water, sewer, noise, traffic, public safety, adjacent infrastructure, and the overall quality of life of residents; *and*

**WHEREAS,** On September 8, 2026, Governor Maura Healey issued Executive Order No. 658, which recognizes that data centers are energy- and resource-intensive facilities that may affect energy affordability and reliability, air quality, water resources, noise levels, land use, public health, and the environment if they are not appropriately planned and regulated; *and*

**WHEREAS,** Executive Order No. 658 directs state permitting agencies not to issue permits or authorizations for data center projects with peak electricity demand exceeding 25 megawatts unless the applicant demonstrates compliance with the Commonwealth's responsible-development framework and submits a community benefits agreement developed with key stakeholders; *and*

**WHEREAS,** The Healey Administration has described the executive order as establishing that state permitting agencies will not advance a covered data center project without local approval, thereby recognizing that municipalities and their residents must have a meaningful voice in determining whether data centers should be located within their communities; *and*

**WHEREAS,** The executive order establishes statewide protections for certain large data centers but does not require a municipality to permit data centers, substitute state review for municipal land-use authority, or prevent a municipality from determining through its zoning process that data centers of any size are incompatible with its land-use, infrastructure, environmental, public-health, and community-development objectives; *and*

**WHEREAS,** Boston is a densely developed city with limited land, aging infrastructure, significant environmental justice concerns, a continuing need for housing and job-producing development, and residential neighborhoods located near many commercial and industrial districts where data centers might otherwise be classified as office, warehouse, research, utility, telecommunications, or general industrial uses; *and*

**WHEREAS,** The Boston Zoning Code does not presently establish a comprehensive, citywide definition and prohibition specifically addressing data centers, creating the possibility that such facilities could be proposed under broader use classifications that do not adequately account for their distinctive scale, energy demand, water consumption, emissions, noise, and infrastructure impacts; *and*

**WHEREAS,** Chapter 665 of the Acts of 1956, as amended, authorizes the Boston Zoning Commission to regulate the location and use of buildings, structures, and land in order to promote public health, safety, convenience, and welfare; facilitate the

adequate provision of transportation, water, sewerage, and other public requirements; and encourage the most appropriate use of land throughout the city; *and*

**WHEREAS,** Executive Order No. 658 recognizes the central role of municipal approval in determining whether data centers should be permitted within a community, and the distinctive burdens associated with data centers, Boston’s dense development patterns, and the scarcity of land and infrastructure capacity are compelling grounds for prohibiting this use within the city’s boundaries; *and*

**WHEREAS,** It is the intent of the City of Boston to protect residents, preserve limited land for uses that advance the City’s housing, employment, environmental, and community-development objectives, prevent additional burdens on critical infrastructure, and eliminate ambiguity regarding whether data centers are permitted under any existing use classification; ***NOW, THEREFORE BE IT***

**ORDERED:** That the Boston City Council, by and through Councilor Miniard Culpepper, submits a petition to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, to define data centers and designate data centers as a prohibited use in every zoning district and subdistrict within the City of Boston.

## **TO THE ZONING COMMISSION OF THE CITY OF BOSTON:**

The Boston City Council, through and by Councilor Miniard Culpepper, hereby petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956, as amended, as follows:

### **Section 1. Amendment to Article 2—Definition.**

Article 2 of the Boston Zoning Code is hereby amended by inserting the following definition in alphabetical order:

**“Data Center.”** A building, portion of a building, group of buildings, facility, or premises whose primary use is the commercial housing, operation, or support of servers, data-storage systems, networking equipment, computer-processing equipment, or related digital infrastructure used for the remote storage, management, processing, transmission, or distribution of data or applications.

The term shall include, without limitation:

- (a) Enterprise data centers;
- (b) Colocation data centers;
- (c) Hyperscale data centers;

- (d) Cloud-computing data centers;
- (e) Artificial-intelligence data centers;
- (f) High-performance computing facilities;
- (g) Cryptocurrency mining or blockchain data-processing facilities; and
- (h) Any substantially similar facility whose primary use involves large-scale digital data storage, processing, transmission, or computing.

The term shall not include:

- (a) A server room, telecommunications room, network closet, or other computing equipment that is accessory and incidental to a lawful principal use of the premises and primarily supports the on-site operations of that principal use;
- (b) A telecommunications facility principally used to provide telephone, radio, television, cable, or internet transmission service to the public and otherwise regulated as a telecommunications use under this Code; or
- (c) A research laboratory or educational facility in which computing equipment is accessory and subordinate to the facility's principal research or educational use.

## **Section 2. Amendment to Article 8—Citywide Prohibition.**

Article 8 of the Boston Zoning Code is hereby amended by inserting after Section 8-4 the following new section:

### **SECTION 8-4A. DATA CENTERS FORBIDDEN CITYWIDE.**

Notwithstanding Section 8-2, Section 8-3, Table A of Section 8-7, any neighborhood-district article, downtown-district article, special-purpose-district article, overlay-district provision, planned development area, master plan, development plan, zoning map, use table, or any other provision of this Code to the contrary, a Data Center, as defined in Article 2, shall be a forbidden use in every zoning district and subdistrict within the City of Boston.

No land, building, structure, or portion thereof shall be erected, constructed, reconstructed, enlarged, extended, altered, used, arranged, or designed to be used as a Data Center.

A Data Center shall not be deemed an allowed, conditional, accessory, ancillary, or similar use under any other use classification contained in this Code, including, without limitation, an office, warehouse, research laboratory, telecommunications facility, utility use, manufacturing use, storage use, or general industrial use.

No conditional use permit, exception, zoning interpretation, or other administrative zoning approval shall authorize the establishment, construction, expansion, or intensification of a Data Center within the City of Boston.

### **Section 3. Application to Neighborhood, Downtown, and Special-Purpose Districts.**

Every use table contained in a neighborhood-district article, downtown-district article, special-purpose-district article, overlay-district provision, or other district-specific provision of the Boston Zoning Code shall be interpreted and administered as designating a Data Center as a forbidden use.

If a district-specific use table is revised, republished, or recodified after the effective date of this amendment, the table shall expressly identify a Data Center as a forbidden use.

If any broader use classification would otherwise include or reasonably be interpreted to include a Data Center, the specific prohibition established by Section 8-4A shall control.

### **Section 4. Accessory Uses.**

The installation or operation of servers, networking equipment, data-storage equipment, or similar computing infrastructure shall not constitute a prohibited Data Center when such equipment:

- (a) Is located within and accessory to a lawful principal use;
- (b) Primarily supports activities conducted on the same lot or premises;
- (c) Does not constitute the primary use of the building, structure, facility, or premises; and
- (d) Does not occupy a majority of the gross floor area of the building or consume a majority of the electrical capacity dedicated to the building or premises.

An accessory computing use shall not be converted, enlarged, or intensified in a manner that causes the use to satisfy the definition of a Data Center.

### **Section 5. Existing Lawful Uses.**

Any Data Center lawfully existing or lawfully begun before the effective date of this amendment shall be governed by Article 9 of the Boston Zoning Code and applicable provisions of Chapter 665 of the Acts of 1956, as amended.

No existing Data Center may be enlarged, extended, reconstructed, or intensified except to the extent expressly required by applicable law. An increase in gross floor area, electrical capacity, computing capacity, generator capacity, cooling capacity, water demand, or the portion of a building or lot devoted to the use shall constitute an enlargement or intensification for purposes of this section.

Nothing in this amendment shall be interpreted to require the immediate termination of a Data Center that constituted a lawful use before the effective date of this amendment.

### **Section 6. Relationship to Other Uses and Approvals.**

No proposed Data Center shall avoid the prohibition established by this amendment through:

- (a) Classification under a broader or substantially similar use category;
- (b) Inclusion within a mixed-use development;
- (c) Establishment within a planned development area;
- (d) Characterization as an accessory or ancillary use when the facility satisfies the definition of a Data Center;
- (e) Division of the facility among multiple buildings, lots, tenants, operators, or phases; or
- (f) Any other arrangement designed to classify the facility as something other than a Data Center.

Approval under Article 80, standing alone, shall not authorize a use prohibited by this amendment.

### **Section 7. Relationship to State Requirements.**

Executive Order No. 658 and any regulations, protocols, guidance, community-benefit requirements, permitting standards, or other measures adopted pursuant thereto shall not be interpreted as making a Data Center an allowed or conditional use within the City of Boston.

Compliance with state permitting requirements or responsible-development standards shall not replace, supersede, or satisfy the requirement to comply with this amendment and all other applicable provisions of the Boston Zoning Code.

The absence of state requirements applicable to a Data Center with peak electricity demand of 25 megawatts or less shall not exempt that facility from the citywide prohibition established by this amendment.

### **Section 8. Interpretation and Administration.**

The Inspectional Services Department and the Boston Planning Department shall administer this amendment consistently with its purpose of prohibiting Data Centers as an allowed land use throughout the City of Boston.

When determining whether a proposed use constitutes a Data Center, the reviewing authority may consider the use's gross floor area, electrical demand, water demand, cooling infrastructure, backup-generation capacity, number and type of servers or processors, anticipated heat generation, staffing levels, hours of operation, and whether the computing equipment principally serves activities conducted on or off the premises.

The name assigned to a proposed use by an applicant shall not control its classification under this amendment.

### **Section 9. Severability.**

The provisions of this text amendment are severable. If any provision or portion thereof should be held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction,

such determination shall not affect the remaining provisions, which shall remain in full force and effect.

**Section 10. Effective Date.**

This text amendment shall take effect upon its adoption by the Boston Zoning Commission and approval in accordance with Chapter 665 of the Acts of 1956, as amended.

Filed on: September 16, 2026

Petitioner: Boston City Council

By: Councilor Miniard Culpepper

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