

CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2026- **42**

Introduced By: Mayor Matthew Castelli

**AN ORDINANCE
ESTABLISHING A MORATORIUM ON ACCEPTING FOR FILING AND
CONSIDERATION, AND/OR ISSUING ZONING AND/OR OCCUPANCY
PERMITS FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE
INVOLVING DATA CENTERS FOR A PERIOD NOT TO EXCEED TWELVE (12)
MONTHS; AND DECLARING AN EMERGENCY**

WHEREAS, Interest has increased in developing and constructing Data Centers, defined as a "physical facility housing computers and/or networking equipment that is principally used for data processing and storage", in Ohio municipalities; and

WHEREAS, the City's Administration, Planning Commission and City Council will need time to undertake a thorough review of all applicable state codes, regulations and local ordinances in order to formulate a proper local response to future development or construction of these facilities in the City of Middleburg Heights; and

WHEREAS, Council finds that a one-year moratorium on data centers will provide city officials with a sufficient amount of time to study, plan for, formulate, and draft reasonable and comprehensive regulations with respect to data centers and that these regulations will further the health, safety and general welfare of the citizens of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That this Council hereby establishes a temporary moratorium, for a period of twelve months from the effective date of this ordinance, that the City shall not accept, process, or approve any new applications or issue any new permits, licenses, variances, or any zoning applications from or for Data Centers within the City of Middleburg Heights.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Section 3: That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety, and welfare and convenience of the citizens of said City, and for the additional reason of allowing the City the time to quickly and responsibly begin to study, analyze, review, and possibly, establish regulations for Data Centers in the City. Wherefore, provided this Ordinance receives the affirmative vote of at least two-thirds (2/3) of the members of Council it shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: 6/23/26

David Bortolotto
President of Council

Attest: M. Meola
Clerk of Council

Approved On: 6-24-26

Presented to Mayor: 6/24/26

Matthew Casella
Mayor

	Yea	Nay
Bortolotto	<u>X</u>	_____
Ali	<u>X</u>	_____
Sage	<u>X</u>	_____
Meany	<u>X</u>	_____
McGregor	<u>X</u>	_____
Ference	<u>X</u>	_____
Zakel	<u>X</u>	_____

I, Mary Ann Meola Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Ord. 2026-42 adopted by the Council of the City of Middleburg Hts., on 6/23/26 was posted for a period of fifteen days, beginning 6/25/26 and remained so posted for fifteen days at the two posting places as designated by Charter.

Mary Ann Meola
Clerk

CERTIFICATE

I, Mary Ann Meola Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ord. 2026-42 passed on the 23rd day of June 2026 by said Council.

Mary Ann Meola
Clerk of Council