CITY OF WESTLAKE, OHIO
ORDINANCE NO. 2026-99:

AN ORDINANCE ESTABLISHING A MORATORIUM ON ACCEPTING FOR FILING AND CONSIDERATION AND/OR ISSUING ZONING APPROVALS AND/OR OCCUPANCY PERMITS FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE INVOLVING DATA CENTERS AS A USE FOR A PERIOD NOT TO EXCEED SIX (6) MONTHS, AND DECLARING AN EMERGENCY.

WHEREAS, Council Member Van Dyke has recommended that Council consider a moratorium for Data Centers as a use in Westlake; and

WHEREAS, pursuant to the Ohio Constitution, Charter and local ordinances, City Council possesses the inherent power to enact appropriate planning, zoning, building and business regulation laws that further the health, safety, welfare, comfort and peace of its citizens, including restricting, prohibiting and/or regulating certain business uses; and

WHEREAS, the City's Planning and Zoning Codes do not currently permit Data Centers as a permitted use; and

WHEREAS, "Data Centers", for purposes of this moratorium, shall be defined as a "physical facility housing computers and/or networking equipment that is principally used for data processing and storage"; and

WHEREAS, notwithstanding the fact that the City's Planning and Zoning Codes do not currently permit Data Centers as a permitted use, out of an abundance of caution, Council desires that the moratorium herein be adopted to allow the City to review its Codified Ordinances (and any applicable state law) to determine if it is necessary to adopt any regulations outside of and in addition to the City's current ban on Data Centers as a use; and

WHEREAS, this Council desires to enact a moratorium on accepting for filing and consideration and/or issuing zoning approvals and/or occupancy permits for any building, structure, use or change of use that involves Data Centers as a use in the City for a period of six (6) months. Council may authorize up to two additional ninety (90) day extension periods.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WESTLAKE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1: This Council hereby establishes a temporary moratorium on accepting for filing and consideration and/or issuing zoning approvals and/or occupancy permits for any building, structure, use or change of use that involves Data Centers as a use in the City for a period of six (6) months.

Section 2: The moratorium shall be in effect for a period of six (6) months from the effective date of this Ordinance or until changes are enacted to amend the Codified Ordinances of the City of Westlake to address the issues described herein or until this Council approves legislation explicitly revoking this moratorium, whichever occurs first.

Section 3: No existing business in the City may expand in any way that would involve Data Centers as a use in the City for the duration of the moratorium period established hereby.

Section 4: The purpose of this moratorium is to allow the City Administration and Council to consider whether it is prudent to introduce amendments to pertinent Codified Ordinances and to prepare regulations which may be necessary, and to study where and whether to allow, limit or continue to prohibit Data Centers as a principal use in the City.

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to this legislation 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 action were in meetings open to the public in compliance with all legal requirements including Section 10, Article XI of the Charter of the City of Westlake and Section 121.22 of the Ohio Revised Code.

Section 6: That this legislation is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare, and for the further reason that it is immediately necessary for the additional reason of allowing the City the time to quickly and responsibly begin to study, analyze, review and possibly establish regulations regarding Data Centers in the City, and further provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed: _____ _____
David S. Greenspan
President of Council

Presented to Mayor: _____ Approved: _____

ATTEST:

_____	_____
Denise L. Rosenbaum, MMC	Dennis M. Clough, Mayor
Clerk of Council	