Ordinance No. 1246-2026

By Council Members Kazy and Slife

AN EMERGENCY ORDINANCE

Extending the moratorium on the review and issuance of all use, building and zoning permits, certificates of occupancy, and other license or permit applications, including licenses or permits issued by the Department of Public Utilities, for data centers in the City until the earlier of the effective date of any newly enacted or amended codified ordinances sections regulating data centers or January 29, 2027.

WHEREAS, pursuant to Ordinance No. 556-2026, passed July 15, 2026, effective July 20, 2026, this Council declared a moratorium on the review and issuance of all use, building and zoning permits, certificates of occupancy, and other license or permit applications, including licenses or permits issued by the Department of Public Utilities, for the expansion of an existing standalone data center or establishment of a data center as a principal use in a standalone facility or building; and

WHEREAS, the moratorium commenced on the effective date of Ordinance No. 556-2026, which was July 20, 2026, and ends on the earlier of: (i) the effective date of an ordinance regulating or prohibiting data centers; or (ii) three (3) months after the effective date of Ordinance No. 556-2026, which date is October 20, 2026, unless extended by Council if Council determines that additional time is needed to further review and determine what action is appropriate for the City; and

WHEREAS, a Data Center Working Group was formed that includes data center experts, public utility representatives, Council policy staff, business and nonprofit leaders, area residents, community members, and City leaders and staff from the Departments of Public Utilities, Law, City Planning, Sustainability and Health to compile information in order to make informed decisions about the best way to manage the impact of data centers in the City; and

WHEREAS, this Council and its staff, as well as representatives from the Administration, have worked diligently to research laws in other areas of Ohio and the country and to begin the collaborative process of drafting data center regulations; and

WHEREAS, this Council determines that, while everyone involved has worked relentlessly these last three months to come up with appropriate policies to regulate data centers, still more work must be done to ensure that the adopted policies and regulations are suitable for the City and citizens of northeast Ohio, and can be straightforwardly implemented; and

WHEREAS, this ordinance constitutes an emergency measure for the immediate preservation of the public peace, property, health, safety, or welfare in that an extension of the moratorium on the review and issuance of all use, building and zoning permits, certificates of occupancy, and other license or permit applications, including licenses or permits issued by the Department of Public Utilities, for data centers is necessary so that this Council and the Administration can to continue to consider reasonable regulations or prohibitions of the operation of data centers in the City, and to continue to review the Codified Ordinances to consider the impact of data centers on utility infrastructure; now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That, for the reasons stated in the preamble, this Council hereby extends the moratorium on the review and issuance of all use, building and zoning permits, certificates of occupancy, and other license or permit applications, including licenses or permits issued by the Department of Public Utilities, for the expansion of an existing standalone data center or establishment of a data center as a principal use in a standalone facility or building for a period beginning October 20, 2026 and ending on the earlier of (i) the effective date of any newly enacted or amended codified ordinance sections regulating or prohibiting data centers or (ii) January 29, 2027.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

BK:rns
10/12/2026

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READ FIRST TIME on October 12, 2026 **REPORTS**
and referred to DIRECTORS of Public Utilities, City Planning Commission, Finance and Law; COMMITTEES on Utilities; Development, Planning and Sustainability; Finance, Diversity, Equity and Inclusion

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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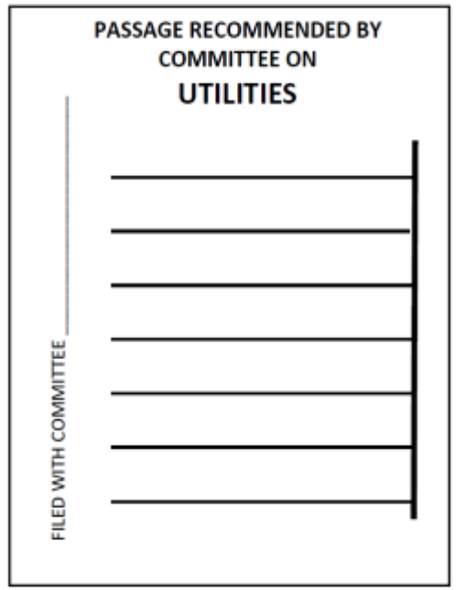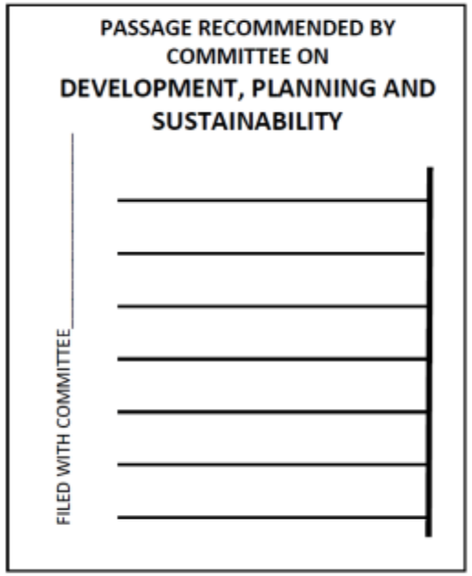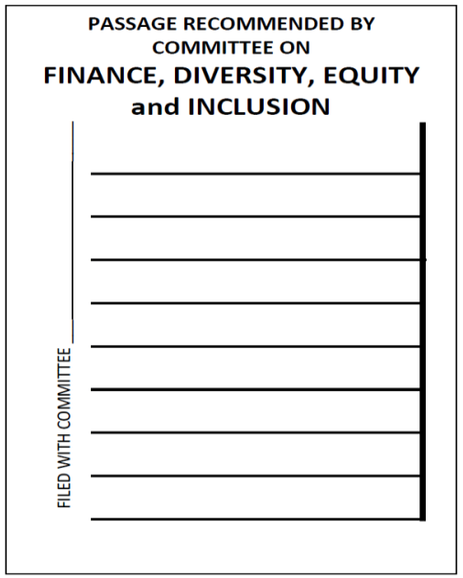
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