Sponsor: Committee of the Whole
This is not a Revision to the Codified Ordinances

CITY OF AURORA
OHIO

ORDINANCE 2026-117

INTRODUCED BY: Dennis Kovach

SECONDED BY: Scott Wolf

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 AS A PERMITTED USE FOR A PERIOD NOT TO EXCEED TWELVE (12) MONTHS AND DECLARING AN EMERGENCY TO ALLOW THE CITY TIME TO STUDY, ANALYZE, REVIEW AND POSSIBLY ESTABLISH REGULATIONS FOR DATA CENTERS AS A PERMITTED USE IN THE CITY

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 to not currently permit Data Centers as a permitted use within the city; and

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

WHEREAS, notwithstanding the fact that the city's zoning code does not currently permit Data Centers as a permitted use, out of an abundance of caution, the city administration is recommending that the moratorium herein be adopted to allow the city time 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 permitted use; and

WHEREAS, City Council desires to enact 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 that involves Data Centers as a permitted use in the city for a period of twelve (12) months;

NOW, THEREFORE, BE IT ORDAINED by the Council for the City of Aurora, County of Portage, State of Ohio, that:

Section 1. City Council hereby establishes 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 that involves Data Centers as a permitted use int eh city for a period of twelve (12) months.

Section 2. The moratorium shall be in effect for a period of twelve (12) months from the effective date of this Ordinance or until changes are enacted to amend the Codified Ordinances of the City of Aurora 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 permitted use in the city for the duration of the moratorium period hereby established.

Section 4. The purpose of this moratorium is to allow the city time to study, analyze, review and possibly establish regulations for Data Centers as a permitted use in the city.

Section 5. 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 action were in meetings open to the public in compliance with the legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. This Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of this municipality. Wherefore, provided it receives an affirmative vote of six or more of the members elected to this Council, this Ordinance shall take effect and be in force immediately upon its passage by Council and approval of the Mayor; otherwise, it shall take effect and be in force after the earliest time provided by law.

Adopted: June 30, 2026 Approved: June 30, 2026

Effective: June 30, 2026 By: Ann Womer Benjamin

Ann Womer Benjamin, Mayor

Attest: Marie Lawrie

Marie Lawrie, Clerk of Council

Approved as to legal form by:

Dean DePiero, Director of Law

CERTIFICATE OF POSTING

I, Marie Lawrie, do hereby certify that I am the duly appointed and acting Clerk of Council of the City of Aurora, Ohio, and that the foregoing Ordinance was published in the City of Aurora as required by law by posting a true and exact copy thereof at the six

(6) public posting places as established by Ordinances 1976-10 and 1992-107 and amended by Ordinances 1998-76, 2000-74, and 2014-078.

1) City Hall
2) Heinen's Grocery Store, Barrington Town Square
3) Fire Station No. 2
4) Aurora Memorial Library
5) U.S. Post Office, Village Commons Shopping Center
6) City Website

Such posting was for a period of fifteen (15) days commencing on the 1 Day of July, 2026.

Signed this 1 Day of July, 2026.

Clerk of Council
City of Aurora

b.

LEGISLATIVE ACTION WORKSHEET

1. DEPARTMENT OR SPONSOR: Law Department 2026-117
2. EXPLAIN THE ISSUE REQUIRING COUNCIL APPROVAL:

   Authorizing a twelve (12) month 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 as a permitted use in the city.

3. DATE THIS NEEDS TO BE IN EFFECT (ASAP IS NOT SUFFICIENT): 6/23/2026
4. DATE TO APPEAR ON COMMITTEE OF WHOLE AGENDA: 6/22/2026 6.30.2026 1st Read
5. DATE TO APPEAR ON COUNCIL AGENDA: 6/22/2026
6. READINGS – COUNCIL ACTION ON: ☒ FIRST ☐ SECOND ☐ THIRD ADOPTED 6-0
7. DOES LEGISLATION NEED TO INCLUDE AN EMERGENCY CLAUSE? ☒ Yes ☐ No

   IF YES, WHY? (TO BE EFFECTIVE UPON PASSAGE BY COUNCIL AND SIGNING BY THE MAYOR)

   The moratorium will allow the city time to study, analyze, review and possibly establish regulations for data centers as a permitted use in the city.

8. ARE FUNDS NEEDED? ☐ Yes ☒ No
9. IF FUNDS ARE NEEDED, ARE THEY BUDGETED? ☐ Yes ☐ No
10. INDICATE THE BUDGET LINE ITEM/FUND (NAME & NUMBER) FROM WHICH THEY WILL BE TAKEN:
11. IF THERE ARE ATTACHMENTS RELATIVE TO THIS ISSUE, PLEASE ATTACH

WORKSHEET PREPARED BY: Angie M. Pierces APPROVED BY: DD/amp

MAYOR APPROVAL: Ann Mone Kerg 6/17/26

THIS FORM ALONG WITH SUPPORTING DOCUMENTS MUST BE SUBMITTED TO THE CLERK OF COUNCIL'S OFFICE NO LATER THAN THE WEDNESDAY BEFORE THE COMMITTEE OF THE WHOLE MEETING