

VILLAGE OF McDONALD, OHIO

ORDINANCE NO. 3340-26

AN ORDINANCE DECLARING A MORATORIUM NOT TO EXCEED ONE (1) YEAR ON THE ACCEPTANCE, PROCESSING, CONSIDERATION OR APPROVAL OF ANY APPLICATION RELATED TO DATA CENTERS WITHIN THE VILLAGE OF McDONALD, OHIO, and declaring an emergency.

WHEREAS, pursuant to the Constitution of the State Of Ohio and the Ohio Revised Code, the Village has authority to enact planning and zoning regulations to protect the health, safety, welfare, peace, and comfort of its residents, including restricting areas used for business and trade;

WHEREAS, under current zoning regulations, a Data Center is not a permitted use in the Village;

WHEREAS, Data Centers (as defined herein) are industrial-scale facilities that may consume significant electricity, water, and infrastructure capacity and may adversely affect the environment or Village residents and conflict with the Village's long-term planning goals;

WHEREAS, notwithstanding the fact that a Data Center is not a permitted use in the Village, out of the abundance of caution, to allow time to review the Codified Ordinances and applicable state law, to allow the Ohio legislature time to potentially pass state-wide legislation, and to determine whether and under what conditions to allow Data Centers in the Village, Council finds it prudent to enact a temporary moratorium;

WHEREAS, Council desires to enact a moratorium for period of time not to exceed one (1) year from the effective date of this Ordinance; and

WHEREAS, the moratorium will allow Council to preserve the Village's character, protect environmental resources, and ensure sustainable land use practices while affording the Village Planning Commission and Council the requisite time needed to undertake the determinations, reviews, or studies regarding Data Centers.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF McDONALD, TRUMBULL COUNTY, STATE OF OHIO, WITH AT LEAST TWO-THIRDS OF THE MEMBERS ELECTED THERETO CONCURRING, that:

Section I. "Data Center" means a facility the primary use of which is the operation, storage, management, processing, or transmission of digital data, including housing of computer or network equipment, systems, servers, appliances, and associated components, together with accessory structures and utility infrastructure (including air handlers, power generators, water cooling and storage facilities, and utility substations) supporting such operations; "Data Center" does not include server rooms or information technology equipment that are accessory to another principal use on the same premises.

Section II. Council for the Village of McDonald hereby establishes a moratorium not to exceed one (1) year from the effective date of this Ordinance on the acceptance, processing, consideration or approval of any application, permit, zoning request, variance, or approval related to the development, establishment, construction, expansion, or operation of a Data Center within the Village of McDonald (collectively “Covered Submissions”).

Section III. All statutory and Ordinance deadlines for the Building/Zoning Inspector, Planning Commission, Board of Zoning Appeals, or Council to take action on any Covered Submissions related to a Data Center are suspended and tolled for the duration of this moratorium. For any Covered Submissions filed prior to the effective date of this Ordinance, all remaining time to act shall resume upon expiration or repeal of this moratorium.

Section IV. This moratorium shall terminate upon the earlier of: (a) adoption of Ordinances addressing Data Centers; (b) Council passing an Ordinance to terminate this moratorium, or (c) one (1) year from the Effective Date.

Section V. If any section, phrase, sentence, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section VI. The passage of this Ordinance and all deliberations relating to the passage of this Ordinance were held in open meetings in accordance with the provisions of Ohio Revised Code Section 121.22.

Section VII. To preserve the public peace, health, safety, and welfare, and because immediate effectiveness is necessary to minimize adverse impacts on Village infrastructure, utilities, the environment, residents, and the Village’s long-term planning goals while the Village conducts its determination, review, or study of Data Centers, this Ordinance is declared an emergency measure and shall take effect at the earliest time permitted by law.

Passed in Council this 16th day of September, 2026.

Mayor

Attest to:

Fiscal Officer