



EMERGENCY

City of Cincinnati

DBS

EESW

An Ordinance No. _____

- 2026

ESTABLISHING Interim Development Control Overlay District No. 89, “Data Centers” as an overlay district for a period of three months, pursuant to Chapter 1431, “Interim Development Control Overlay District Regulations,” of the Cincinnati Municipal Code.

WHEREAS, the rapid construction of new data centers, driven primarily by the increased demand for artificial intelligence, cloud services, and digital transformation, gives rise to the possibility for significant changes to land uses that have the potential to adversely impact living conditions, energy costs, health, safety, and quality of life throughout the City; and

WHEREAS, in response to these concerns, the City Manager directed the Department of City Planning and Engagement to undertake a zoning study of certain areas of the City and commence the process for establishing an Interim Development Overlay District (“IDC”) over the study area during the pendency of the zoning study; and

WHEREAS, the City Planning Commission at its regularly scheduled meeting on February 6, 2026, and pursuant to Cincinnati Municipal Code Section 1431-05, affirmatively recommended that the Council establish an IDC over the study area to ensure that any development during the pendency of the City’s land use study is appropriate and does not detrimentally or adversely impact the implementation of any potential zoning code map amendments that may result from the zoning study; and

WHEREAS, a committee of Council considered the establishment of an IDC to regulate the study area during the pendency of the City’s study and further considered the City Planning Commission’s affirmative recommendation of the proposed IDC; and

WHEREAS, the Council finds that placing interim development controls over the study area during the pendency of the Department of City Planning and Engagement’s study and review is consistent with Plan Cincinnati (2012) and its “Live” Initiative goal which seeks to support and stabilize Cincinnati’s neighborhoods (page 160); and

WHEREAS, the Council further finds that the proposed IDC is in the interest of the public’s health, safety, and general welfare; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council makes the following findings:

- A. The City Manager has directed the Department of City Planning and Engagement to undertake a zoning study within the CC-A, “Commercial Community Auto-Oriented,” CG-A, “Commercial General Auto-Oriented,” UM, “Urban Mix,” DD, “Downtown Development,” ML, “Manufacturing Limited,” and MG, “Manufacturing General,” zoning

- B. districts in the City (“Study Area”) to investigate the potential impacts of the development of data centers, defined as facilities whose primary purpose is storage, processing, or management of digital data, within the Study Area, and to make recommendations on the adoption of zoning code text amendments that affect permitted land uses within the Study Area.
- C. At its regularly scheduled meeting on February 6, 2026, the City Planning Commission affirmatively recommended that the Council establish an Interim Development Control Overlay District (“IDC”) over the Study Area, set forth on the map as shown in Attachment “A,” attached hereto and incorporated herein, to remain in effect while the Department of City Planning and Engagement conducts its zoning study concerning the development of data centers within the Study Area.
- D. The potential zoning code text amendments considered in the zoning study will require study and review by the City Planning Commission, City Administration, and City Council prior to adoption.
- E. The establishment of an IDC over the Study Area for a three-month period is necessary to protect the public interest and ensure that any new development is consistent with the preliminary objectives of the City’s study during the pendency of the review of the area.

Section 2. That, pursuant to Cincinnati Municipal Code Section 1431-05, the official City zone map is amended to superimpose Interim Development Control Overlay District No. 89, “Data Centers” (“IDC District No. 89”), over the Study Area.

Section 3. That, pursuant to Cincinnati Municipal Code Sections 1431-07 and 1431-15, the Council adopts the Application Review Guidelines for IDC District No. 89, attached hereto as Attachment “B” and incorporated herein by reference, which shall be used by the City Planning Commission in its review of permit applications subject to the guidelines.

Section 4. That, when reviewing permit applications pursuant to Section 3 herein, the City Planning Commission shall be authorized to exercise the same authority granted to the Zoning Hearing Examiner and the Historic Conservation Board, as applicable, to hear and decide applications for variances, special exceptions, conditional uses, certificates of appropriateness, and other development permissions governed by the zoning code.

Section 5. That IDC District No. 89 shall remain in effect for three months following the effective date of this ordinance.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to impose interim development controls over the Study Area to ensure that the substance and purpose of the planning, land use, and zoning solutions that may result from the Department of City Planning and Engagement’s study and review are not prematurely destroyed or impaired.

Passed: _____, 2026

Aftab Pureval, Mayor

Attest: _____
Clerk

ATTACHMENT A

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Regulations and Application Review Guidelines for Interim Development Control Overlay District No. 89, “Data Centers,” and Designation of Administrative Reviewer

Section I. Applications Subject to Review:

The following applications shall be reviewed by the City Planning Commission during the pendency of Interim Development Control Overlay District No. 89, “Data Centers”:

- (a) Building permits for:
 - i. new construction of data centers;
 - ii. alteration, modification, or expansion of data centers;
 - iii. changes in use to a data center; and
 - iv. site improvements associated with data centers.

- (b) Certificates of compliance for:
 - i. new construction of data centers;
 - ii. alteration, modification, or expansion of data centers;
 - iii. changes in use to a data center; and
 - iv. site improvements associated with data centers.

- (c) Certificates of appropriateness for:
 - i. new construction of data centers;
 - ii. alteration, modification, or expansion of data centers;
 - iii. changes in use to a data center; and
 - iv. site improvements associated with data centers.

For the purposes of this section, “data center” shall mean a facility whose primary purpose is the storage, processing, or management of digital data,

Section II. Designated Administrative Reviewer:

Council designates the Department of City Planning and Engagement as the staff reviewing authority for Interim Development Control Overlay District No. 89, “Data Centers.”

Section III. Application Review Guidelines:

In addition to any other necessary reviews and approvals as required by the Cincinnati Municipal Code and any other applicable laws, any application subject to review in Section I above shall be reviewed by the City Planning Commission to determine whether the application conforms to all applicable laws, ordinances, and regulations and is in the public interest.

In determining whether the application is in the public interest, the City Planning Commission shall consider those factors listed below that are relevant to the application. The application's failure to conform to any single factor is not necessarily a sufficient basis for denial.

- a) *Neighborhood Compatibility and Community Character.* The proposal has a density, scale, size, location, programmatic configuration or function, and use that is compatible with the prevailing site development patterns of adjacent and abutting properties and will not have a material net cumulative adverse impact on the community's health or general welfare.
- b) *Zoning.* The proposed work conforms to the underlying zone district regulations and is in harmony with the general purposes and intent of the Cincinnati Zoning Code.
- c) *No Other Practical Uses.* There are no other practical or economic uses of the subject property currently permitted in the underlying zoning district.
- d) *Power and Utility Coordination.* The proposal includes electrical grid impact studies and demonstration of available electrical capacity to serve the proposed use without adverse impacts to existing customers and is designed to avoid disharmonious development patterns.
- e) *Water Use and Availability.* The proposal is designed to avoid excessive water consumption that may impair service to existing customers or exceed the public water system capacity.
- f) *Stormwater Management.* The proposal is designed to address and minimize potential adverse effects relating to off-site stormwater runoff owing to any relative increase in impervious surface area or decrease in vegetative land cover related to the proposed development.
- g) *Guidelines.* The proposal conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.
- h) *Plans.* The proposal conforms to a comprehensive plan, any applicable urban design or other plan officially adopted by Council, and any applicable community plan approved by the City Planning Commission.
- i) *Proposed Zoning Amendments.* The proposal is consistent with any proposed amendment to the zoning code then under consideration by the City Planning Commission or Council.
- j) *Adverse Effects.* Whether the proposal is likely to impose any adverse effect on the access to the property by fire, police, or other public services; traffic conditions; sonic impacts; air quality; or the development, usefulness or value of neighboring land and buildings.
- k) *Public Benefits.* Whether the proposed work is likely to provide any economic or other public benefits to the City.

ATTACHMENT B

Proposed Interim Development Control Overlay District No. 89, "Data Centers"

Legend

- Cincinnati Boundary
- IDC No. 89 Overlay

