

EMERGENCY

DBS

- 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