

ATTACHMENT A

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.