

**Honorable City Planning Commission  
Cincinnati, Ohio**

**SUBJECT:** A report and recommendation on the establishment of Interim Development Control (IDC) Overlay District No. 89, “Data Centers” in the City of Cincinnati for a period of three months.

**ATTACHMENTS:**

Provided in addition to this report are:

- Exhibit A – Overlay District Map
- Exhibit B – IDC Review Criteria

**BACKGROUND:**

In January 2026, the Department of City Planning and Engagement received a directive from the City Manager to conduct a zoning study regarding the potential impacts of data centers and propose an Interim Development Control (IDC) Overlay District over certain zoning districts within the City of Cincinnati for the duration of the study. 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. Currently, there is no definition for data centers, so they are classified as indoor storage uses for zoning purposes. The zoning study will result in a definition for data centers and make recommendations for potential Zoning Code text amendments.

The proposed subject area for the IDC Overlay District includes properties within the City of Cincinnati in zoning districts that currently allow indoor storage, because that is how data center applications are currently classified. The following zoning districts comprise the proposed IDC Overlay District, encompassing over 22,000 individual parcels:

- Commercial Community Auto-Oriented “CC-A”
- Commercial General Auto-Oriented “CG-A”
- Urban Mix “UM”
- Downtown Development “DD”
- Manufacturing Limited “ML”
- Manufacturing General “MG”

Pursuant to Section 1431-01 of the Cincinnati Zoning Code, the purpose of the Interim Development Control (IDC) Overlay District is to temporarily regulate the establishment of uses, construction of new buildings and demolition or alteration of existing structures in areas where potential development could be detrimental or have adverse impacts on the implementation of approved amendments to the Cincinnati Zoning Code, approved or adopted plans, or current planning, land use or zoning studies.

**CRITERIA FOR AN IDC DISTRICT:**

According to Cincinnati Zoning Code Section 1431-05, *Establishment of IDC Overlay Districts*, City Council may establish an IDC Overlay District if the City Planning Commission gives them an affirmative recommendation on the finding that:

- (a) *Proposed Amendments.* Amendments to the Cincinnati Zoning Code have been approved or are under consideration through the following actions:

- (1) The City Planning Commission has approved amendments to the Cincinnati Zoning Code; or
- (2) The City Planning Commission has approved or adopted a comprehensive plan, community plan, urban design, urban renewal plan or other planning document which contains recommendations to amend the Cincinnati Zoning Code; or
- (3) The City Planning Commission, City Council or the City Manager has directed City Administration to study planning, land use, or zoning issues in the proposed IDC Overlay District boundary.

*The criteria in Section (a)(3) above have been met because the City Manager has directed the Department of City Planning and Engagement to study land use issues related to data centers in the City of Cincinnati.*

(b) *Study and Review.* The proposed amendments may substantially affect permitted uses in the area of consideration and will require the study and review by the City Planning Commission, City administration, and Council prior to adoption; and

*The study could result in proposed amendments to the City's Zoning Code and/or Zoning Map; these amendments may affect permitted uses and will require the study and review by the City Planning Commission, City Administration, and City Council prior to their adoption.*

(c) *Public Interest.* The protection of the public interest requires that interim development controls be imposed during the period of study and review by the City Planning Commission.

*The additional review of permits by the City Planning Commission will protect the public interest by ensuring that data center development does not occur without further review by City staff and City Planning Commission during the course of the study. Additionally, the study may result in proposed amendments to the City's Zoning Code and/or Zoning Map.*

#### *Section 1431-09 – Three-Month IDC Overlay Districts*

Council may establish IDC Overlay Districts to remain in effect for three months without prior notice, advertisement, or public hearing. The Director of City Planning has the duty to give notice of the establishment of the district and the time and place of a public hearing on the extension of the district for an additional nine-month period within ten business days of the establishment of an IDC Overlay District, by placing an advertisement in a newspaper of general circulation and, if less than 100 parcels of property are within the district, by sending the notice to all owners of record.

#### **REGULATIONS AND GUIDELINES FOR THE IDC:**

The area proposed for the boundary of IDC Overlay District No. 89 would be the officially recognized boundary of the zoning study in the City of Cincinnati as shown on the attached map in Exhibit A.

According to §1431-15, the City Planning Commission has the duty to review applications in the established IDC Overlay District No. 89.

(a) *Applications Subject to Review.* Specify which of the following permit applications are to be reviewed by the City Planning Commission.

- The Department of City Planning and Engagement recommends that the following permits be reviewed:
  - Building permits, certificates of compliance, and certificates of appropriateness for new construction of data centers; alterations, modification, or expansion of data centers; changes in use to a data center; and site improvements associated with data centers.

(b) *Application Review Guidelines.* Adopt application review guidelines for each application subject to review specified in § 1431-15 for the purposes of providing the City Planning Commission with criteria for the exercise of its authority, as granted in this chapter.

- The Department of City Planning and Engagement recommends application review guidelines as written in Exhibit B.

(c) *Administrative Review.* Designate the city department, division, or official responsible for conducting the administrative review of these applications.

- The Department of City Planning and Engagement recommends that it be designated as the administrative reviewer for IDC Overlay District No. 89.

## **ANALYSIS:**

If the City Planning Commission affirmatively recommends a zoning study of the properties within the proposed IDC Overlay District boundary, as directed by the City Manager, an IDC Overlay District could help to ensure the compatibility of any facilities resembling data centers while the Department of City Planning and Engagement studies the appropriate land uses for the subject zoning districts.

The proposed IDC Overlay District could be established for an initial three months, with a future option to extend an additional nine months if City Council so desires. In order to establish the IDC Overlay District, City Council must receive an affirmative recommendation from the City Planning Commission.

If the three-month IDC is established, a notice of the establishment of the district and the time and place of a public hearing on the extension of the district for an additional nine-month period will need to be sent within ten business days of the establishment. Because there are over 100 parcels of property within the proposed district, notice of the City Planning Commission meeting would not be sent to all owners of record. Rather, it would be circulated by placing an advertisement in a newspaper of general circulation.

## **CONSISTENCY WITH PLANS:**

### *Plan Cincinnati (2012)*

*Plan Cincinnati* does not specifically address the concerns related to the establishment of IDC Overlay District No. 89, “Data Centers,” however conducting a zoning study in this scenario is consistent with two Initiative Areas. It is consistent with the Compete Initiative Area in the Strategy to “build a streamlined and cohesive development process” (p. 111) because the lack of a definition for data centers within the zoning code makes the regulation and approval process more complex. Secondly, there is consistency with the Sustain Initiative Area to “steward resources and ensure long-term viability” (p. 179) and the action step to “analyze the implications and potential costs and benefits associated with land use changes” (p. 204) because the environmental impact of data centers—especially regarding water use and power demand—has caused concern nationwide. More research needs to be conducted regarding appropriate regulation tools to ensure a high quality of life for Cincinnati residents.

**RECOMMENDATION:**

The staff of the Department of City Planning and Engagement recommends that the City Planning Commission take the following actions:

- 1) **DIRECT** the Department of City Planning and Engagement to undertake a zoning study within the boundary of the City of Cincinnati as shown in Exhibit A; and,
- 2) **ADOPT** the Department of City Planning and Engagement staff findings that the proposed IDC Overlay District is in compliance with Cincinnati Zoning Code Section 1431-05, *Establishment of IDC Overlay Districts*, as discussed on pages 1 – 3 of this report; and,
- 3) **RECOMMEND** that City Council establish Interim Development Control (IDC) Overlay District No. 89, “Data Centers,” for a period of three months, finding it to be in the interest of the general public’s health, safety, and welfare during the course of the Department of City Planning and Engagement study, which recommendation includes:
  - a. Appointing the Department of City Planning and Engagement as the designated administrative reviewer under the IDC; and
  - b. Adoption of the IDC permit application list and review guidelines in Exhibit B entitled “Regulations and Application Review Guidelines for Interim Development Control Overlay District No. 89, ‘Data Centers,’ and Designation of Administrative Reviewer.”

Respectfully submitted:



Sophia Ferries-Rowe, City Planner  
Department of City Planning and Engagement

Approved:



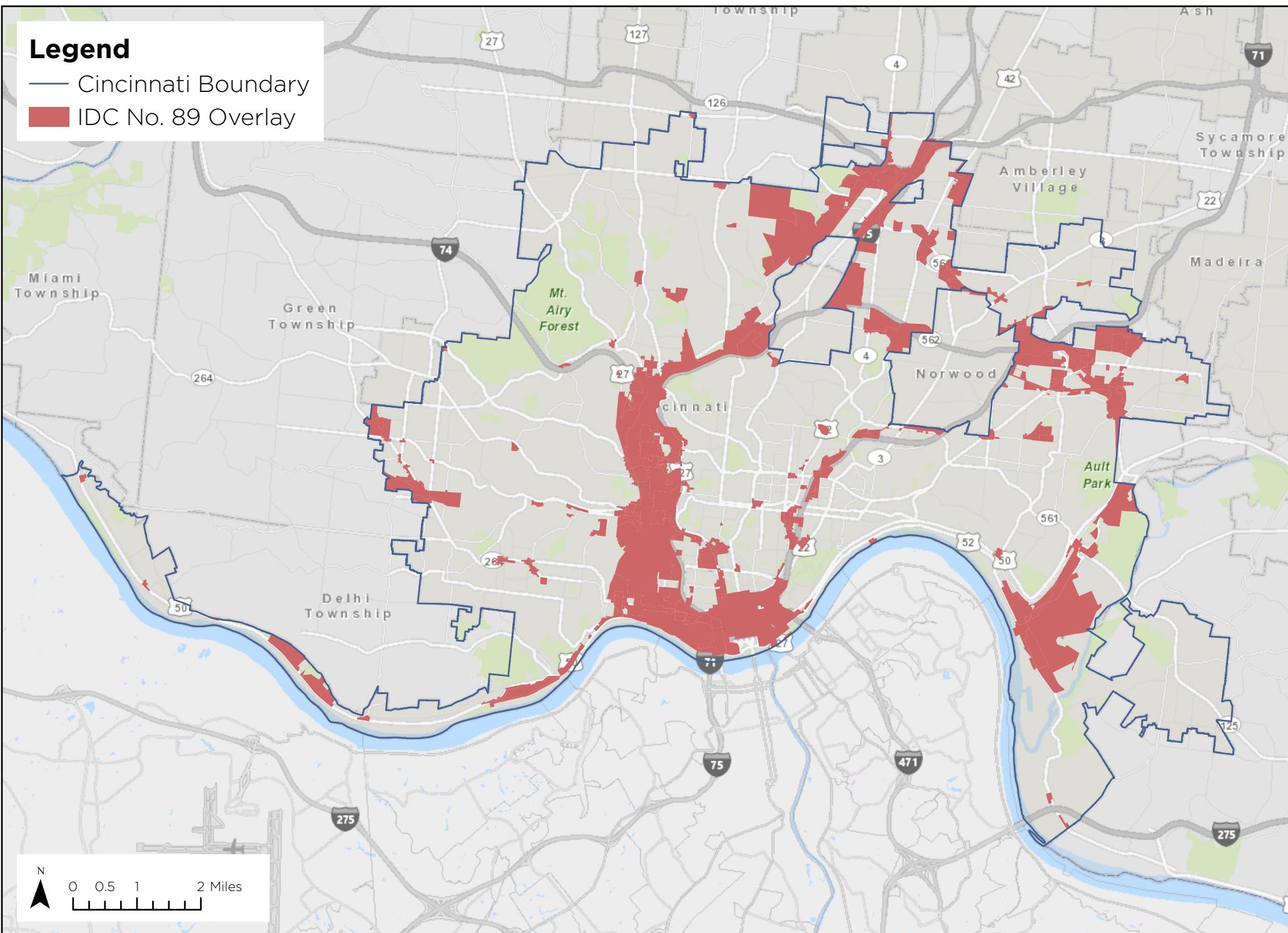
Katherine Keough-Jurs, FAICP, Director  
Department of City Planning and Engagement

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

Exhibit A

## Legend

- Cincinnati Boundary
- IDC No. 89 Overlay



**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.

**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) *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.
- d) *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.
- e) *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.
- f) *Guidelines.* The proposal conforms to any guidelines adopted or approved by Council for the district in which the proposed work is located.
- g) *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.
- h) *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.
- i) *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.
- j) *Public Benefits.* Whether the proposed work is likely to provide any economic or other public benefits to the City.