

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

ATTACHMENTS:

Provided in addition to this report are:

- Exhibit A - Location 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 City Planning Commission recommended approval of a three-month IDC to Cincinnati City Council on February 6, 2026, and Cincinnati City Council approved Emergency Ordinance 0037-2026, establishing IDC No. 89, “Data Centers,” on February 11, 2026. While the zoning study is underway, the following permits and approvals are subject to review by the Department of City Planning and Engagement and the City Planning Commission:

- Building permits, certificates of compliance, and certificates of appropriateness for:
 - New construction of data centers;
 - Alteration, modification, or expansion of data centers;
 - Changes in use to a data center; and
 - Site improvements associated with data centers.

IDC No. 89 is comprised of the following zoning districts in the City of Cincinnati: Commercial Community Auto-Oriented “CC-A,” Commercial General Auto-Oriented “CG-A,” Urban Mix “UM,” Downtown Development “DD,” Manufacturing Limited “ML,” and Manufacturing General “MG.”

The Department of City Planning and Engagement’s (DCPE) study will include research and analysis of data centers related to public interests and services, case studies, and best practice research, as well as additional topics that may surface through public-engagement activities. DCPE staff are planning an initial community engagement meeting in spring 2026 to identify questions, concerns, and desires of the general public and stakeholders who may be potentially impacted by data center development and expansion. DCPE staff intend to conduct research and hold additional community engagement meetings as needed in the spring and summer of 2026. DCPE staff anticipate presenting findings and recommendations to the City Planning Commission and City Council following additional informational sessions in early 2027.

CRITERIA FOR A ONE-YEAR IDC DISTRICT

Pursuant to Section 1431-11 of the Cincinnati Zoning Code, City Council may extend an IDC Overlay District established pursuant to Section 1431-09 for nine additional months if notice has been given and a public hearing held in accordance with Section 111-1, Hearings on Zoning Amendments, of the Municipal Code and on finding that:

- (a) *Ongoing Study*. The City Planning Commission is studying proposed Cincinnati Zoning Code or map amendments that would affect the area within the IDC District;
- (b) *Study Completion*. The study is not yet completed, but may reasonably be expected to be completed and Cincinnati Zoning Code amendments enacted within the year; and
- (c) *Inconsistent Uses*. There is a prospect of changes in use, construction of new structures or alteration or demolition of existing structures that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission.

Staff findings on the above criteria are described further in the “Analysis” section of this report.

ANALYSIS:

The initial three-month period of IDC Overlay District No. 89 is currently set to expire on May 11, 2026, unless City Council approves an extension of IDC Overlay District No. 89 for an additional nine months. The City Council must receive an affirmative recommendation from the City Planning Commission to make this extension. An additional nine months would leave IDC Overlay District No. 89 in effect until February 11, 2027, (if approved by City Council), or sooner once the zoning study is complete and any potential text amendments have been approved by City Council, at which time the IDC Overlay District could be dissolved by ordinance.

As described above, the City Council may extend IDC No. 89 for a period of nine months if the City Planning Commission gives them an affirmative recommendation on the finding that:

- a) *Ongoing Study*. The City Planning Commission is studying proposed Cincinnati Zoning Code or map amendments that would affect the area within the IDC District;

The zoning study initiated by the City Manager’s Office will result in text amendments to the Cincinnati Zoning Code to define “Data Centers” as a use in the code. Additional amendments regarding the regulation of data centers in the City are also anticipated. These amendments have the potential to impact the use, and therefore community members and businesses, in the area within the IDC District. Therefore, the Department of City Planning and Engagement staff believe these impacts require more study before making recommendations on the proposed text amendments.

- b) *Study Completion*. The study is not yet completed, but may reasonably be expected to be completed and Cincinnati Zoning Code amendments enacted within the year; and

The Department of City Planning and Engagement staff intend to conduct research and community engagement over a three-to-four-month period with additional engagement as needed to obtain

feedback on the recommended zoning code changes to be pursued after the study is completed. With this timeline, a three-month IDC is insufficient to complete the study and text amendments. Therefore, the IDC will require a nine-month extension.

- c) *Inconsistent Uses.* There is a prospect of changes in use, construction of new structures or alteration or demolition of existing structures that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission.

IDC No. 89 was established to study the impacts and appropriateness of data centers in the City of Cincinnati. Before IDC No. 89 was established on February 11, 2026, the City received permit applications that would allow for the expansion of an existing data center. The Department of City Planning and Engagement staff are concerned that more permits to build or expand data centers may be submitted before the study is complete and text amendments are approved if the IDC is dissolved on May 11, 2026. The Department of City Planning and Engagement staff believe new and expanded data centers could be inconsistent with the preliminary objective for IDC No. 89 to allow for additional review of data centers by City Planning Commission to ensure compatibility with community character and lack of adverse effects on residents. Therefore, the extension of IDC No. 89 is needed to protect against this possible outcome.

IDC No. 89 helps to ensure the compatibility of any proposed data centers in the City of Cincinnati while the Department of City Planning and Engagement studies the effect of data centers. The proposed extension of IDC No. 89 for nine additional months will give the Administration enough time to complete its zoning study, engage the community, and take any proposal(s) through the approval process of City Planning Commission and City Council.

PUBLIC COMMENT:

In accordance with Section 111-1, “Hearings on Zoning Amendments,” of the Municipal Code, the Department of City Planning and Engagement staff posted 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 in the Cincinnati Enquirer on February 18, 2026. Notice was also mailed and emailed to all Community Councils in the City of Cincinnati. Staff have received no public inquiry to-date.

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) **ADOPT** the Department of City Planning and Engagement's staff findings that the proposed extension of IDC No. 89 meets the criteria set forth in Cincinnati Zoning Code Section 1431-11, *One-Year IDC Overlay Districts*, as discussed on pages 1 – 3 of this report; and,
- 2) **RECOMMEND** that City Council extend Interim Development Control (IDC) Overlay District No. 89, "Data Centers," for a period of nine additional months, or until the Department of City Planning and Engagement's zoning study is complete and implemented.

Respectfully submitted:



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

Approved:



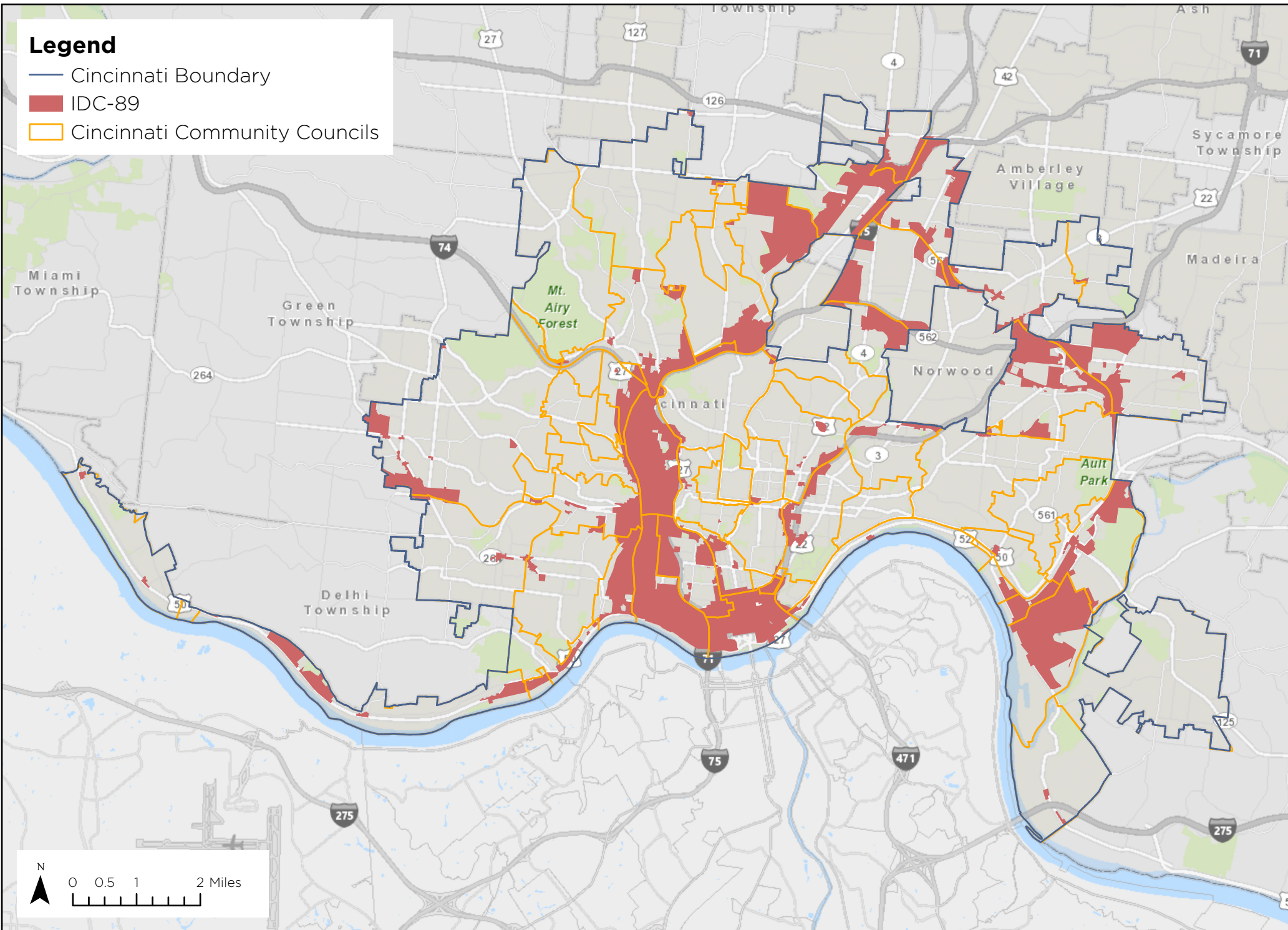
Katherine Keough-Jurs, FAICP, Director
Department of City Planning and Engagement

Proposed 9-month Extension of Interim Development Control Overlay District No. 89, "Data Centers"

Exhibit A

Legend

- Cincinnati Boundary
- IDC-89
- Cincinnati Community Councils



**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.