

ORDINANCE NO. 2026-10

AN ORDINANCE REPEALING CHAPTER 1171.02(c)(9) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF COMMERCIAL POINT; PROHIBITING NEW DATA CENTER USES; ESTABLISHING LIMITED NONCONFORMING USE PROVISIONS FOR SPECIFIED PROPERTIES; AND DECLARING AN EMERGENCY.

WHEREAS, Ordinance 2023-09 permitted Data Centers as a permitted use within the Village zoning framework, thereby allowing large-scale infrastructure development within designated districts;

WHEREAS, Data Centers represent high-intensity infrastructure uses that impose substantial and continuous demand on electrical systems, roadway networks, emergency services, and long-term municipal planning;

WHEREAS, such uses typically generate limited employment relative to their infrastructure impact, creating an imbalance between public burden and public benefit;

WHEREAS, the Village possesses authority pursuant to Article XVIII of the Ohio Constitution and Ohio Revised Code Chapters 713 and 715 to regulate land use in furtherance of public health, safety, and welfare;

WHEREAS, Ohio Revised Code Section 713.15 governs lawful nonconforming uses and permits reasonable limitation and regulation thereof;

WHEREAS, Council finds that the continued allowance of new Data Center development is not in the best interest of the Village and its residents;

WHEREAS, immediate legislative action is necessary to prevent reliance on prior zoning provisions;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Commercial Point, Ohio:

SECTION 1. REPEAL

Chapter 1171.02(c)(9) of the Codified Ordinances is hereby repealed in its entirety.

SECTION 2. PROHIBITION

No Data Center shall be established, constructed, operated, or approved.

SECTION 3. DEFINITIONS

Large-scale data centers, including but not limited to cloud-computing facilities, hyperscale server farms, colocation centers, and similar high-intensity digital infrastructure uses, impose extraordinary demands on electrical capacity, water systems, stormwater infrastructure, transportation networks, and emergency services; and

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For purposes of this Resolution, “Data Center” includes any facility primarily used for the centralized storage, processing, management, or transmission of digital information, including but not limited to:

- Hyperscale or cloud-computing centers
- Server farms or colocation facilities
- High-density computing or AI-processing facilities
- Any accessory or supporting infrastructure associated with such uses

SECTION 4. LIMITED NONCONFORMING USE

Only the following properties shall qualify as lawful nonconforming uses for Data Center purposes:

1. Durrett Road Property (AWS Site) – Located at the southwest corner of Durrett Road and State Route 104, Orient, Ohio 43146, within Scioto Township, Pickaway County, Ohio, commonly associated with parcel identifier L2700010055504, consisting of approximately 234 acres, acquired December 28, 2023, and included within the annexation area described in Village Ordinance 2023-08.

2. Jahn Farm Property – Being the same property described in full in Village of Commercial Point Ordinance 2024-02, said legal description being incorporated herein by reference as if fully rewritten.

No expansion, intensification, structural enlargement, or rebuild beyond fifty percent (50%) of replacement value shall be permitted.

Any discontinuance of such use for a period of twelve (12) consecutive months shall terminate the nonconforming status.

SECTION 5. EMERGENCY

This ordinance is hereby declared to be an **emergency measure** necessary for the immediate preservation of the public peace, health, safety, and welfare of the Village. This Ordinance shall take effect **immediately upon passage**.

SECTION 6. SEVERABILITY CLAUSE

If any provision of this legislation, or its application is held to be invalid, illegal, unconstitutional or otherwise found to be unenforceable, it is the intent of Council that the remainder of this legislation shall remain of full force and effect.

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Vote on Suspension of the Readings:

Motion by: _____

2nd: _____

Roll Call:

___ Jay Weaver

___ Dustyn Fox

___ Ezekiel Miller

___ Courtney Denton

___ Patricia Anderson

___ Eric Nungester

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Vote on Passage of the Ordinance:

Motion by: _____

2nd: _____

Roll Call:

___ Jay Weaver

___ Dustyn Fox

___ Ezekiel Miller

___ Courtney Denton

___ Patricia Anderson

___ Eric Nungester

Adopted this _____ day of _____, 2026.

Nancy Geiger, Mayor

Wendy L. Hastings, Fiscal Officer

Approved as to Form:

William Mattes, Village Solicitor