A-60

Presented by the Administration
Upon Recommendation of the Planning Commission

CITY OF CUYAHOGA FALLS, OHIO

ORDINANCE NO. 70 - 2026

AN ORDINANCE APPROVING TEXT AMENDMENTS TO THE CUYAHOGA FALLS DEVELOPMENT CODE REGARDING DATA CENTERS, AS MORE FULLY DESCRIBED AND DEPICTED HEREIN, AND DECLARING AN EMERGENCY.

WHEREAS, the Charter of the City of Cuyahoga Falls requires that all decisions made by the Planning Commission be submitted to Council; and

WHEREAS, considering the potential negative impacts of data centers on the community, it was determined that updates to the Development Code were required to establish regulations for data centers; and

WHEREAS, the updates include providing a definition for data centers, limiting the maximum size for such uses, limiting the districts where such facilities can be located, and providing specific limitations for such uses; and

WHEREAS, on August 4, 2026 the Planning Commission recommended the approval of multiple amendments to the Development Code as more fully described in Project File TXT-26-00026.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit, and State of Ohio:

Section 1. That Council hereby approves the text amendments, summarized in Exhibit A, along with a full copy of the proposed text amendments to the Development Code, which are on file with the Clerk of Council.

Section 2. That any other ordinances or resolutions or portions of ordinances and resolutions inconsistent herewith be and the same are hereby repealed, but any ordinances and resolutions not inconsistent herewith and which have not previously been repealed are hereby ratified and confirmed.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the Codified Ordinances.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the inhabitants thereof, and for the reason that it is immediately necessary to establish appropriate limitations on data centers to protect the community from potential impacts on infrastructure, utilities, land use, and surrounding properties; and provided it receives the affirmative vote of two thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

Passed: 10-9-2026

President of Council

Clerk of Council

Approved: 10-10-2026

Mayor

9/14/26

**Exhibit A**
Temporary Ordinance A-60

6/12/26

**Chapter 1115 Definitions**

**D**

**Data Center:** A building that houses the information technology (IT) infrastructure needed to process and store data. This can include computing machines and related hardware equipment such as servers, data storage drives and other systems, as well as cooling and environmental control and security.

**Deck:** A horizontal platform, unenclosed with no roof, providing access for persons from within or outside of the building, attached to or functionally related to the principal structure and not constructed on a foundation.

**Density:** The number of dwelling units within a standard measure of land area, usually given as units per acre. If a street dedication is required, density shall be calculated using the size of the lot prior to the street dedication.

**Design and Historic Review Board or DHR:** The Design and Historic Review Board of the City of Cuyahoga Falls, Ohio.

**Design Speed**: The speed selected by planners for determining the various geometric design features for a planned street.

**Development Pattern:** The pattern of streets, blocks, and lots that determine the scale and connectivity of the land uses within the vicinity. Examples of development patterns are nodes, corridors, neighborhoods, or districts.

**Directional Expression:** The orientation of different elements as determined by their height and width, which can generally be horizontal, vertical, or square. The consistent directional expression of different elements can be used to convey a proportional scale.

**Exhibit A**
Temporary Ordinance A-60

6/12/26

***Section 1131.03 Use Type Categories***
*Subsections A through E remain the same*

F. Manufacturing Use Category. The Manufacturing Use Category is for businesses engaged in construction, production, processing, transformation, warehousing, wholesale, and disposal of goods, products, and component parts of goods and products, including related services. These uses typically belong in a special district due to their inability to blend with the uses from other use categories, except when occurring at the smallest scale.

1. *Limited.* A manufacturing use where small-scale activities produce no by-products discernable from the outside of the facility, where individual facilities typically occupy less than 10,000 square feet of gross leasable area, and distribution and deliveries are commonly made by general consumer delivery services, requiring no significant truck access. A retail, showroom, or service component shall be associated with the use. Examples include artist studios, metal and wood shops, arts and crafts manufacturing, small appliance or machine repairs, or other smallscale assembly of finished parts or products from previously prepared materials.

2. *Clean.* A manufacturing use where the nature of the production and distribution process involves no raw materials or by-products capable of producing noise or odors discernable from outside of the facility, requires no outdoor storage or operations to occur, and where distribution and deliveries can occur from general consumer delivery services or limited commercial truck access. Examples include administrative and management functions for industry, import/export activities, assembly, testing and quality control of products, research, development, training and design, data processing and IT, service and media production, sales and marketing, storage and distribution, showrooms.

3. *General*. A manufacturing use where the nature of the production and distribution produces noise or other non-noxious by-products discernable from outside the facilities, involves outdoor storage or materials, and may require substantial commercial vehicle access for distribution and deliveries. Examples include machine shops, large-scale non-animal food processing, commercial warehouses or wholesale distribution centers.

4. *Heavy.* A manufacturing use whose scale and operations are capable of producing significant byproducts discernable from outside the facility including noise, odors, or other potentially offensive or dangerous materials, and involves outdoor storage of materials. Examples include food processing involving animals, metal or chemical manufacturing, or impoundment yards.

5. *Data Center.* A building that houses the information technology (IT) infrastructure needed to process and store data. This can include computing machines and related hardware equipment such as servers, data storage drives and other systems, as well as cooling and environmental control and security.

**Exhibit A**
Temporary Ordinance A-60

6/12/26

***Section 1133.02 Limited Uses***
*Subsections A through E remain the same*

F. Manufacturing Uses.

1. *Limited Industrial.* In districts where Limited Industrial use is a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

a. At least 30% of the floor areas shall be dedicated to retail, showroom, or walk-in services component, directly accessible and visible from the street.

b. No impacts or byproducts of the use, including noise, odor, or operations such as delivery facilities, supply storage, or waste disposal shall be discernable from the exterior of the building.

c. In any Mixed-Use zoning district or in any zoning district in the CR Planning Area, building footprints for buildings with limited industrial uses shall not exceed 5,000 square feet. Limited industrial uses, which occupy up to 10,000 square feet, shall be located in buildings with 2 or more stories.

2. *Clean or General Industrial.* In districts where Light or General Industrial use is a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

a. In the CR Planning Area, building footprints for buildings with Clean or General Industrial uses shall not exceed 60,000 square feet. Clean or General Industrial uses, which occupy more than 60,000 square feet, shall be located in buildings with 2 or more stories.

b. All storage and operations for any General Industrial use in the CR Planning District shall occur indoors.

3. *Data Center.* In districts where a Data Center is a use is a Limited Use, Subject to Specific Conditions ("O"), the following specific standards apply:

a. Maximum building size 5,000 sq ft, and no more than one (1) data center building on a single property.

b. Maximum electric power draw of up to 5 MW at any time subject to the approval and any additional requirements from the Electric Department. In the event of expansion of the physical facility and/or an increase in power draw, prior approval will be required by the Electric Department.

c. Water consumption for cooling will be subject to approval and any additional requirements from the Water Department.

d. Noise levels at the data center property line, between the hours of 8:00 am and 5:00 pm, shall not exceed 70 decibels (dBA). At all other times, generated noise shall be subject to the regulations in Chapter 509.03 (a)(6)A.

e. Air Pollution-Dust or particulate matter. No use, operation, or activity shall exhaust or discharge into the air any fly ash, dust, dirt or other particulate matter except in conformance with the current air pollution standards of the Ohio Environmental Protection Agency (OEPA).

f. Water Pollution-No use, operation, or activity shall emit or discharge solids, liquids or other matter into or onto any bodies of water, streams or the ground except in conformance with the water pollution control standards established by the Ohio Environmental Protection Agency (OEPA) and pursuant to a valid discharge permit issued by the OEPA.

g. Toxic or Noxious Matter. No use, operation or activity shall emit or discharge toxic or noxious matter in any form which may be detrimental to the public health, safety, or general welfare or which may endanger the natural environment. The use or storage of any hazardous or regulated materials shall be reported to the City of Cuyahoga Falls Fire Department using the appropriate Material Safety Data sheets. Provisions for proper storage, use, and disposal of hazardous and/or noxious materials shall conform to the standards and requirements for such materials as established by the Ohio Environmental Protection Agency (OEPA).

**Exhibit A**
Temporary Ordinance A-60

6/12/26

## *Section 1131.05 Zoning District Use Table*

Table 1131-1: Zoning Districts and Uses

**Key:**

**X = Allowed in Planning Area**
**O = Limited Use only allowed subject to Specific Use standards**
**All undesignated uses are considered prohibited**

**✓ = Allowed Use subject to general zoning district and design standards**
**◆ = Conditional Use only allowed subject to conditional zoning Certificate**

| Zoning Districts → / ↓ Use Types and Use Categories | | Residential Neighborhoods | | | | | | | Mixed-Use Districts | | | | | | General Districts | | | | Special Overlay Districts | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | R-R | R-1 | R-2 | R-3 | R-4 | R-5 | R-6 | MU-1 | MU-2 | MU-3 | MU-4 | MU-5 | MU-6 | C-1 | E-1 | M-1 | NP-1 | R-C | R-M | H |
| Planning Areas | | | | | | | | | | | | | | | | | | | | | |
| Cuyahoga River (CRA) | | | | | | X | X | X | | X | | X | X | X | | X | | | | X | X |
| State Portage Trail (SPT) | | | X | X | X | X | X | | | X | X | X | | | X | X | X | | X | X | X |
| Bailey Munroe Falls (BMF) | | | X | X | X | X | X | | | X | X | X | | | X | X | X | | X | X | X |
| Northampton (NH) | | X | X | X | X | | X | | X | | X | | | | | X | | X | X | X | X |
| Merriman Valley Schumacher (MVS) | | Refer to Title 5 for district and uses in the MVS Area | | | | | | | | | | | | | | | | | | | |
| | Publication and Broadcast Services | | | | | | | | | | ✓ | | ✓ | ✓ | ✓ | ✓ | | | | | |
| | Indoor Recreation Facility | | | | | | | | | | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | | | | | |
| Manufacturing Uses | | | | | | | | | | | | | | | | | | | | | |
| | Limited Industrial | | | | | | | | | | | | O | O | | O | ✓ | | | | |
| | Clean Industrial | | | | | | | | | | | | | | | O | ✓ | | | | * |
| | General Industrial | | | | | | | | | | | | | | | O | ✓ | | | | |
| | Heavy Industrial | | | | | | | | | | | | | | | | ✓ | | | | |
| | Data Center | | | | | | | | | | | | | | | O | O | | | | |