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DATA CENTERS - OHIO

State ex rel. Bristolville 25 Developer, L.L.C. v. Lordstown

Supreme Court of Ohio - October 20, 2026 - N.E.3d - 2026 WL 3131082 - 2026-Ohio-4073

Real-estate developer that sought to construct a data center and property owner that agreed to sell developer a parcel brought mandamus action against village and its planning-and-zoning administrator, seeking writ to compel village to perform site-plan-review duties under local zoning ordinances in effect before village council enacted a moratorium on data centers.

Developer and property owner also moved for leave to file rebuttal evidence and asked the court to take judicial notice of subsequent village council actions.

The Supreme Court held that:

- Developer and owner were not entitled to leave to file rebuttal evidence;
- The Supreme Court would take judicial notice of a notice of a public hearing and a proposed ordinance, which was ultimately enacted, extending a data-center moratorium, and a copy of an ordinance by which village entered into an agreement under which consultant would assist village in amending its Planning and Zoning Code;
- The Supreme Court had subject-matter jurisdiction over developer and owner's mandamus action, even though, according to village, the action was actually a disguised action for declaratory judgment;
- Repeal of village's data center ban did not render developer and owner's mandamus action moot;
- Act that developer and owner sought to compel in mandamus action had not yet been performed, and thus the rule that mandamus will not issue to compel an act already performed did not bar the action; and
- Developer and owner were not entitled to a writ of mandamus compelling village and its planning-and-zoning administrator to perform site-plan-review duties under local zoning ordinances.

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