



LUC Regional Planning Commission

Data Centers in the LUC Region

Zoning Considerations

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Introduction

Introduction

Data centers are becoming a common land use in communities across Ohio. The State currently ranks fifth nationally, with 191 operational facilities as of October 2025 (Bricker, 2025). Much of this growth has been concentrated in Central Ohio, where large tech companies have established significant operations (NBC4i, 2024). For many communities, data center development represents a source of economic growth, providing new jobs and generating local income and property tax revenue for communities. However, some communities have begun to express concerns regarding potential environmental impacts, noise, and strains on local electricity and water resources. In response, jurisdictions across the country are reassessing policies and permitting processes related to data center development (NPR, 2025).

Typically, zoning codes have neither a specific definition for data centers, nor conditions or design standards specific to the land use. Without a specific definition, these facilities might be shoehorned into existing land use definitions such as offices, warehouses, and light industrial, none of which fully capture or contemplate the use of these facilities. Data centers might also not fit appropriately under any existing land use definition, which likely means that data centers would not be an allowable use in any district. Land uses should be located in districts intentionally to ensure the use is compatible and to avoid negative externalities. Thus, it is imperative that communities update their zoning codes in order to account for data center facilities.

The purpose of this report is to provide LUC communities with resources and samples to update their zoning codes.

Context

Context

Historical Context

Data processing centers have existed in some form since the advent of digital computing in the 1940s. Early computing systems were complex and required a large amount of space to operate, often taking the form of computer rooms, and were used almost exclusively for military and government operations. Starting in the 1980s with a boom in microcomputing, digital computers began to be deployed widely for both business and personal use. This necessitated the construction of computer rooms to house IT resources for companies utilizing digital computing (Digital Realty, 2023).

With the widespread adoption of the internet and the dotcom and telecom bubbles of the 1990s, organizations began a race to build infrastructure including fiber optic cables and data centers to provide faster and more reliable access to the web. Companies like Amazon began to build divisions dedicated to cloud computing through the 2000s and 2010s, necessitating more physical data center infrastructure (Digital Realty, 2023)

The latest development in data centers has been the rapid and widespread deployment of Artificial Intelligence in the market. A report from McKinsey and Company found that global demand for data centers could triple between 2023 and 2030, rising somewhere between 19% and 22% annually. Artificial intelligence requires significantly more energy consumption than traditional cloud computing, and has subsequently caused the average power density of data centers to double in just two years (McKinsey, 2024).

Context

Data Centers in Ohio

Central Ohio has, in recent years, become a hub of data center expansion (Axios, 2025). Starting in the 2010s, large tech companies like Amazon, Google, and Meta (formerly Facebook) began building data centers in the region. Licking County and the City of New Albany in particular have taken advantage of this growth, with around 25 data centers operational in New Albany as of October 2025.

For some communities, data centers have become a key part of their economic development strategy (City of New Albany, 2016). Although data centers employ relatively few people compared to other industrial and office uses, they are able to generate revenue through income taxes in addition to property taxes. Many communities offer property tax abatements in order to attract data centers to their communities, which can limit the amount of revenue they can generate through property taxes; this tax generates the lion's share of public education funding in Ohio. To compensate for this lost revenue, some communities have utilized revenue-sharing agreements with local school districts and PILOT (Payment In Lieu Of Taxes) agreements that allow the data centers to provide revenue at the same level as office space (New Albany Business, n.d.).

Not all communities are as optimistic about data center development. Community members have expressed a variety of concerns about data center development, including safety issues, rising utility costs (Shillcock, 2025), and noise and environmental impacts (Kreemer, 2025). Some local governments in Ohio have begun pursuing moratoriums on data center construction in order to respond to these concerns (Coupand, 2025).

Context

Environmental and Utility Impacts

Powering and cooling data centers requires a relatively large amount of electricity and/or water. Much of the pushback against data center development is the result of these concerns.

Water consumption has become a particularly contentious issue in relation to data centers (Crawford, 2025). Many data centers utilize liquid cooling systems, which require large quantities of water to maintain. A data center can consume between 300k and 500k gallons per day (Copley, 2022), equivalent to the consumption of a town of ten to fifty thousand people (Yañez-Barnuevo, 2025a). High-volume water users can have an outsized impact on the water supply. In Northern Virginia, which is home to the largest concentration of data centers in the world, water consumption from data centers in 2023 was up 63% from just four years earlier (Hodgson, 2024). As data center construction accelerates, communities may observe increased demand on their water supply. In rural communities without municipal water systems, data centers may make use of groundwater, which could put data centers and farmers in competition for water.

In the City of Marysville's Water Master Plan Update, typical data center average and peak day demand was estimated. The estimates in the Update were an average use of 44,767 gallons per day with a peak demand of 630k gallons per day. The Update emphasizes data center demand is extremely variable coming primarily from cooling water used during hot summer months with very low demand in fall, winter, and spring (Marysville, 2024).

Locally, water capacity varies by jurisdiction. The City of Urbana is home to two water plants, which can produce up to a combined 4 million gallons of water per day. The City of Bellefontaine operates one water plant with a design capacity of approximately 4.6 million gallons per day. The City of Marysville's new water plant can produce a maximum of 7.5 million gallons per day, but could be expanded up to 10-15 million gallons per day. These figures represent the maximum amount of water able to be produced for the given communities, not actual water usage.

Different cooling methods for data center equipment have different impacts on utility consumption as well. For example, facilities that utilize air-cooling technology can reduce their water consumption. However, this increases the amount of electricity needed by the facility and could potentially result in louder noise from the facility (Morley, 2022).

Data centers are also reportedly placing a high demand on electric grids (Evans, 2025). Data centers consume energy not only to power IT equipment, but also to secure and cool the infrastructure housed inside. In 2022, data centers in the US consumed about 17 gigawatts of electricity. By 2030, the US Department of Energy expects them to consume 130 gigawatts of electricity, equivalent to 12% of total electricity demand in the United States (Yañez-Barnuevo, 2025b). This growth in data centers and the subsequent strain on grid infrastructure will require large amounts of investment into energy production, transmission, and distribution in order to meet growing demand (Puttré, 2025).

Case Studies

Loudoun County, VA

New Albany, OH

Loudoun County, VA

Background

Loudoun County, VA, is home to the largest concentration of data centers in the world (Loudoun County Economic Development, n.d.). Most facilities in Loudoun County were initially built to support cloud computing, and there is now a growing number of proposals for AI-oriented centers (Turner, 2025).

Zoning and Land Use

Initially, data centers fell under the definition of office, which allowed them to be built as a permitted land use in office zones. As data centers became a more prevalent land use, the County defined data centers as a discrete land use. Currently, data centers are defined in the zoning code, as:

“An establishment engaging in the storage, management, processing, and/or transmission of digital data, and housing computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations” (Loudoun County, VA, n.d.).

Data centers are only allowed to be constructed through the special exception process in office and industrial zones, meaning that they must get approval from the County’s planning and zoning board. Additionally, data centers are only permitted in the urban and suburban zoning districts and may not be built at all in the transition and rural districts.

Data centers are also subject to use-specific standards outlined in section 4.06.02 of the Loudoun County Zoning Ordinance (Loudoun County, VA, n.d.). These standards govern the development and site standards for data centers. These standards could potentially be revised to allow for taller facilities, as well as to provide a stronger framework for redeveloping older facilities.

Included in this section is a copy of 4.06.02 of the Zoning Ordinance.

Noise Impacts

One issue with data centers that the County has encountered is noise complaints. Neighboring Prince William County has assembled a Data Center Ordinance Advisory Committee which is charged with reviewing the County's noise ordinance and making recommendations as they relate to the data centers (Prince William County, VA, n.d.). A shift towards air-cooling technology as opposed to water-cooling technology could potentially make data centers noisier (Richardson, 2024).

Utility Considerations

Data centers are typically co-located with existing utility infrastructure, particularly electrical transmission, natural gas power generation, and water. Larger data centers may require electrical substations to be constructed near the facilities.

Economic Development

Data centers account for over half of all property tax revenue in the County, which has allowed the County to make investments in schools and other public services while simultaneously lowering the real property tax rate. The County estimates that for every \$1 in services provided to data centers, the county receives \$26 back in tax revenue (Loudoun County, VA, n.d.). Virginia's tax incentives for data centers take the form of a sales tax exemption, which leaves localities unaffected by lost revenue from incentives (Virginia Economic Development Partnership, n.d.).

Takeaways

- Initial absence of a specific land-use definition for data centers can facilitate rapid growth but limit opportunities for oversight.
- Revised regulations now require special exception approval and define clear design and siting standards. Data centers as a conditional use promote clear development and siting standards.
- Data centers consume a significant amount of water and energy, leading to a push towards solutions such as air-cooling and onsite power generation.
- Facilities can significantly boost a county's tax base, allowing for reinvestment in community services.

4.06.02 Data Centers

- A. **Applicability.** Section 4.06.02 applies to Data Center Uses. In addition to any other applicable requirements of Chapter 10, applicants must submit materials at the time of submission of a Site Plan that include any information necessary to evaluate conformance with standards in Section 4.06.02. Conditional or final Site Plan approval is contingent upon the applicant demonstrating conformance to standards in Section 4.06.02 and other standards of the Zoning Ordinance.
- B. **Data Center Use-Specific Standards.** Data centers must meet the Façade Standards in Section 4.06.02.C and the General Site Design Standards in Section 4.06.02.D.
- C. **Façade Standards.**
 1. **Principal Façade.**
 - a. **Applicability.** Principal Façade requirements apply to all building façades that face adjacent existing or planned public roads or that face an adjacent property with existing residential development, an approved CDP, or plat, or plan showing residential development, or Zoning District permitting residential uses; and all building facades adjacent to or facing property with the following existing uses or an approved CDP, or plat, or plan showing the following uses:
 1. Uses listed in Chapter 3 under the Residential and Lodging use classifications;
 2. Uses listed in Chapter 3 under the Day Care, Financial Services, Food and Beverage Sales/Service, Government, Education, Arts, Entertainment, and Recreation, and Retail use categories; and
 3. The following additional uses: civic, social, and fraternal meeting place, community center, standalone religious assembly, cemetery, farm winery, community garden, and limited brewery.
 - b. **Requirements.**
 1. **Differentiated Surfaces.** Principal façades of a building must incorporate the following standards at horizontal linear intervals that may vary in frequency but must be no less frequent than every 150 horizontal linear feet or no less frequent than 3 times the average height of the building:
 - a. Fenestration or Fenestration and (Optional) Green Wall; and
 - b. A change in 1 of the following design elements:
 - A. Building material;
 - B. Pattern;
 - C. Texture;
 - D. Color; or
 - E. Accent materials.
 2. **Consistent Design.** When a building has more than 1 Principal Façade, the Principal Façades of such building must be consistent in terms of design, materials, details, and treatment.
 3. **Fenestration.** Each Principal Façade of a building must include Fenestration as follows:
 - a. **Fenestration Surface Coverage of the Façade.** Fenestration must comprise at least 30% of the total surface coverage area of the Principal Façade. **Distributed Fenestration Coverage.** Fenestration provided to meet the following:

- A. Each placement or bay may count towards no more than 7.5% of such total surface coverage area.
 - B. Required 30% total surface coverage area of the Principal Façade must be located in separated, individual placements or clustered bays; and
 - b. **Fenestration Coverage Pattern.** The placement pattern of individual or clustered bays of Fenestration must be distributed horizontally and vertically across the Principal Façade; and
 - c. **Fenestration Consistent Design with Principal Façade.** The Fenestration must be compatible with the other design, materials, details, and treatment used on the same Principal Façade.
- 2. **Green-Wall Treatment.**
 - a. **Applicability.** A Green-Wall Treatment may be provided in lieu of up to half of the Fenestration Surface Coverage of the façade requirement of Section 4.06.02.C.1.b.3.a.
 - b. **Requirements.** Green-Wall Treatments must provide the following:
 - 1. **Maintenance.** The owner, or the owner's agent, is responsible for the repair, replacement, and maintenance of the Green-Wall for the duration of the use;
 - 2. **Distributed Green-Wall Surface Coverage.** Green-Wall areas must be provided to meet up to half of the required 30% total surface coverage area of the Principal Façade of a building; and
 - 3. **Green-Wall Coverage Pattern.** The Green-Wall areas must be distributed horizontally and vertically across the Principal Façade.
- 3. **Data Center Mechanical Equipment Façade.**
 - a. **Applicability.** If 2 Principal Façades are required on opposing sides of a building pursuant to Section 4.06.02.C.1, up to 1 Data Center Mechanical Equipment Façade pursuant to Section 4.06.02.C.3.b may be provided in lieu of 1 such required Principal Façade if such Principal Façade faces an adjacent existing or planned public road.
 - b. **Requirements.**
 - 1. **Data Center Mechanical Equipment Façade.** Optional Data Center Mechanical Equipment Façades must provide the following:
 - a. **Partial or Full Visual Screening of Data Center Mechanical Equipment.** Data Center Mechanical Equipment attached to or mounted on the building façade must be partially or fully visually screened from view at the ground level from all existing and planned public roads and adjoining parcels using mesh, lattice, cladding, or grillwork or a combination of these methods, or similar methods so as to ensure that the Data Center Mechanical Equipment is partially or fully screened to the maximum extent that permits necessary ventilation for any equipment; and
 - b. **Differentiated Surfaces.** The Data Center Mechanical Equipment Façade, including any provided screening methods, must incorporate a change in at least one of the following design elements at horizontal linear intervals that may vary in frequency but must be no less frequent than every 150 horizontal linear feet or no less frequent than 3 times the average height of the building:
 - A. Building material;
 - B. Pattern;
 - C. Texture;

- D. Color; or
- E. Accent materials.

4. Main Entrance Feature.

- a. **Applicability.** Each building containing a Data Center must include at least 1 Main Entrance Feature that meets the requirements of Section 4.06.02.C.4.b.
- b. **Requirements.**
 - 1. **Entrance Feature Design.** Main Entrance Features must either project or recess from the main building plane, and/or be differentiated from the remainder of the building façade by a change in building material; and
 - 2. **Foundation Plantings or Enhanced Landscaping.** Main Entrance Features must incorporate foundation plantings consisting of a mix of evergreen and deciduous shrubs, grasses, sedges, or rushes, and/or herbaceous perennials, ferns, or vines for a minimum of 50% of the length of the Façade. These foundation plantings are in addition to any required buffers and parking lot landscaping required by Section 7.04 and Section 4.06.02.D.11. Alternatively, in lieu of Foundation Plantings, any required buffering and parking area landscaping may be provided at an enhanced rate of 20% of plant units greater than what is required pursuant to Section 4.06.02.D.11 and Section 7.04.06, respectively.

D. General Site Design Standards.

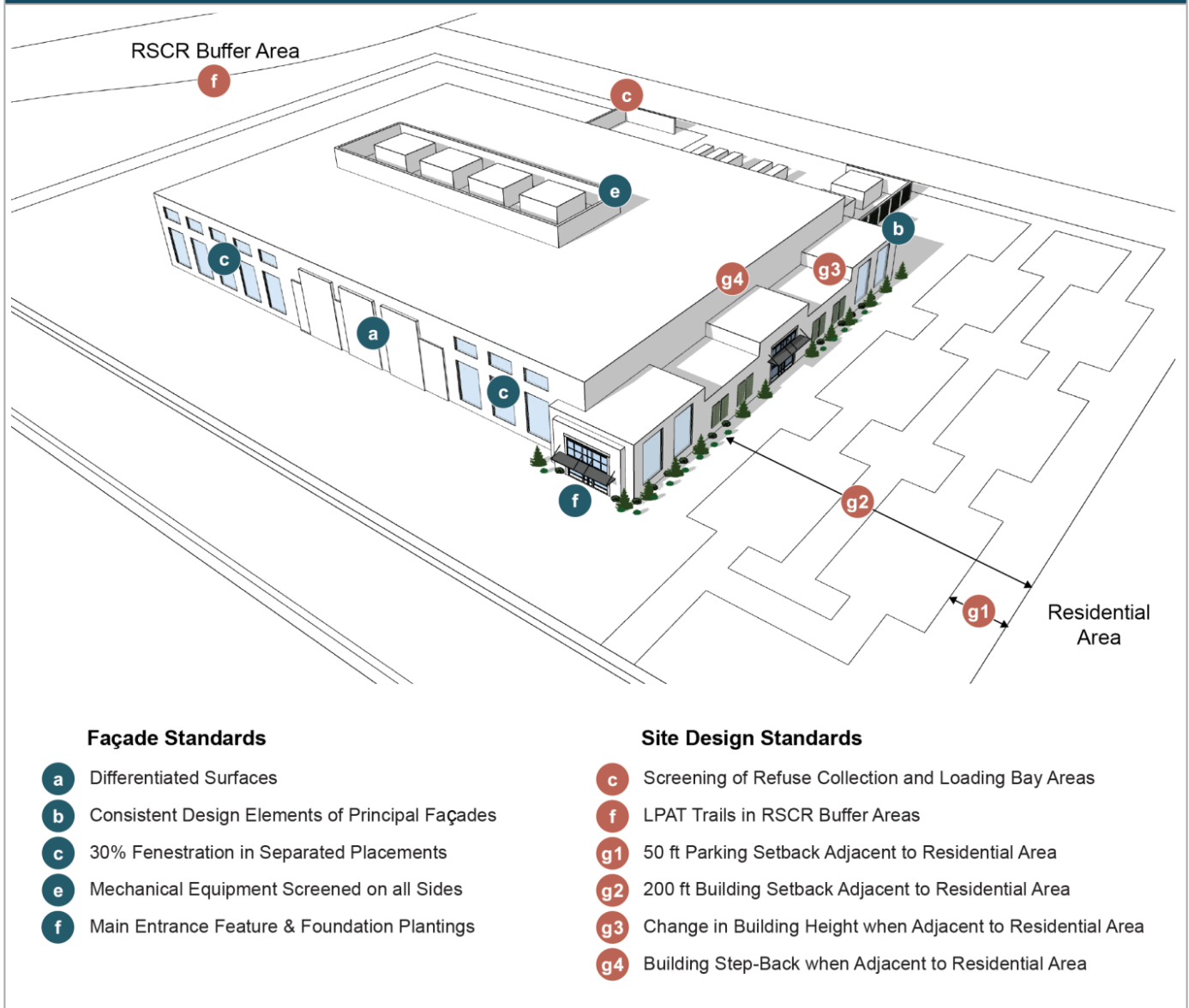
- 1. **Loading Bay Location.** Loading bays are permitted to be located on only 1 façade.
- 2. **Location and Screening of Data Center Mechanical Equipment.** All ground level and roof top Data Center Mechanical Equipment must meet the following standards: Data Center Mechanical Equipment must be shown on any proposed Site Plan and must be fully screened on all sides. Such visually solid screen must be constructed with a design, materials, details, and treatment compatible with those used on the nearest Principal Façade of a building;
 - a. **Perforation for Ventilated Screening.** As determined by the Zoning Administrator, screening for Data Center Mechanical Equipment may incorporate perforated surfaces on screening walls as necessary to permit ventilation of Data Center Mechanical Equipment;
 - b. **Separation from Residential.** Ground mounted Data Center Mechanical Equipment must be separated from adjacent property that has existing residential development, an approved CDP or plat or plan showing residential development, or Zoning District permitting residential uses, by a principal building, or is otherwise not permitted adjacent to property with existing residential development, an approved CDP or plat or plan showing residential development, or Zoning District permitting residential uses;
 - c. **Ground Mounted Prohibited in Front Yards.** Ground mounted Data Center Mechanical Equipment must not be located in any required front yard; and
 - d. **No Screening Requirements Adjacent to Industrially Zoned Property.** As determined by the Zoning Administrator, Data Center Mechanical Equipment located in a manner found to have no adverse impact on adjacent properties zoned IP, GI, or MR-HI is not required to be screened pursuant to Section 4.06.02.D.2, except that such Data Center Mechanical Equipment must be screened from any existing or planned public road.
- 3. **Refuse Collection and Loading Bay Area Screening.** Refuse collection areas must be fully screened on all sides and loading bays must be screened from view at the ground level from all adjacent parcels and existing or planned public roads.

4. **Utilities.** Data Centers are subject to Utilities requirements pursuant to Section 7.08.
5. **Transportation.** Except for the Mid-Block Passageway requirement pursuant to Section 7.07.03.C, which does not apply to Data Centers, Data Centers are subject to Transportation requirements pursuant to Section 7.07.
6. **LPAT Trails in RSCR Buffer Areas.** For any proposed Data Center use on a lot containing RSCR Buffer Areas or Adjacent Steep Slopes pursuant to Chapter 6, Trails must be provided as determined by the Department of Parks, Recreation, and Community Services in accordance with the LPAT Design Guidelines for a trail.
7. **Setbacks and Building Massing Adjacent to Residential.** The following requirements apply when a proposed Data Center is to be located on a property adjacent to property with existing residential development, an approved CDP or plat or plan showing residential development, or Zoning District permitting residential uses, including when the Data Center property and adjacent residential property are separated by a principal arterial or lesser designated roadway, per the Countywide Transportation Plan:
 - a. **Minimum Parking Setback.** Parking must be setback at least 50 feet from the common property line, provided existing forest and other natural screening exists within 50 feet of the lot line, and such forest and screening remains undisturbed or enhanced in accordance with Chapter 7; or, if no forest or natural screening exists, berms are provided at least 10 feet in height constructed to a maximum 2:1 slope on either side of the crown edge, and 10-foot-tall fencing and plantings are placed on top of the berm;
 - b. **Minimum Setback for Structures.** Structures must be setback at least 200 feet from the common property line;
 - c. **Change in Building Height.** If a building is located within 400 feet measured from the property line adjacent to property with existing residential development, an approved CDP or plat or plan showing residential development, or Zoning District permitting residential uses, any building façade facing the adjacent property must include a change in building height at a minimum interval no less frequent than every 150 horizontal linear feet or no less frequent than 3 times the average height of the building; and
 - d. **Building Step-Back.** If a building is located within 400 feet measured from the property line adjacent to property with existing residential development, an approved CDP or plat or plan showing residential development, or Zoning District permitting residential uses, the building envelope must provide a step-back of no less than 15 feet from the building wall at a height point that begins at the top of the second story of the building or 40 feet, whichever of the 2 is lower.
8. **Generator Noise Adjacent to Residential.** For Data Centers on property adjacent to property with existing residential development, an approved CDP, or plat, or plan showing residential development, or Zoning District permitting residential uses, the following standard applies to generator testing, subject to Commonwealth regulations or permits issued for the property:
 - a. Generator testing is limited to between 5:00 p.m. and 7:00 m. between May 1 and September 30;
 - b. Generator testing is limited to between 11:00 a.m. and 5:00 p.m. between October 1 and April 30; and
 - c. Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only.

9. **Light and Glare.** In addition to the requirements of Section 7.05.02, Data Centers must meet the following standards:
 - a. Data Centers must include a photometric plan that shows all exterior lighting, including any security lighting; and
 - b. Maximum illumination under Section 7.05.02.B.3 includes any security lighting.
10. **Noise Studies and Soundproofing.**
 - a. **Noise Studies.** Data Centers are subject to the Noise Study standards pursuant to Section 7.05.03.G.
 - b. **Soundproofing.** For Data Centers on property adjacent to property with existing residential development, an approved CDP, or plat, or plan showing residential development, or Zoning District permitting residential uses, any Data Center Mechanical Equipment located on the property, whether on a roof top, on the ground level, or elsewhere on the exterior of the property, must be screened on all four sides by an acoustical barrier. For purposes of this section, acoustical barrier is defined as an exterior solid or louvred wall containing soundproofing materials designed to absorb noise and protect neighboring properties from noise pollution.
11. **Landscaping/Buffering/Screening.** All applicable regulations for Landscaping, Buffers, and Screening pursuant to Section 7.04 apply except as follows:
 - a. **Specific Plant Unit Composition Requirements.** In lieu of the requirements of Section 7.04.07.B.2, the following requirements apply to the plant types used to meet Section 7.04.03 Buffer requirements. Maximum percentages apply solely in determining the quantity of a given plant type that can be counted towards meeting a Plant Unit requirement and do not preclude the installation of additional plant material from that plant type, if desired.
 1. **Specific Plant Unit Percentages.** The following plant unit percentages apply to each property line where the buffer or road corridor buffer is required:
 - a. A maximum of 20% of the required plant units may be a combination of shrubs, ornamental grasses, and perennials.
 - b. A minimum of 40% and a maximum of 70% of the required plant units must be evergreen trees that are a minimum of 8 feet in height at the time of planting.
 - c. A maximum of 30% of the required plant units may be small deciduous trees.
 - d. A maximum of 30% of the required plant units may be large deciduous trees.
 - e. Buffer Substitution Using Topography and Vegetation. Use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, may be substituted for the above requirements if determined by the Zoning Administrator in consultation with the County Urban Forester to provide screening at the density, depth, and height equivalent to the Buffer Type C with earthen berm or Road Corridor Buffer Type 3 with earthen berm.
 2. **Specific Buffer and Berm Requirements.** In lieu of the buffer required under Table 7.04.03-1, a Buffer Type C is required with the specified plantings and located on an earthen berm that has a minimum height of 6 feet and a grade lower than 2:1. Use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, may be substituted if determined by the Zoning Administrator in consultation with the County Urban Forester to provide an equivalent density, depth, and height to the required Buffer Type C and earthen berm.

3. **Road Corridor Buffer.** If a Gateway Corridor Buffer is required pursuant to Section 7.04.02, the Gateway Corridor Buffer standards of Section 7.04 apply.

Figure 4.06.02-1. Data Center Standards



New Albany, OH

Background

New Albany, OH, has become a statewide leader in data center development, with a relatively high amount of projects operational (~25) with more proposed. Some have attributed this success to the City's integrated community development structure, which combines planning, zoning, building, engineering, and economic development under one director, allowing for efficient review and coordination. New Albany prides itself in its ability to "move at the speed of business," making it an attractive location for investment (Hooker, 2025).

Zoning and Land Use

New Albany's zoning code defines data centers generally as:

"Real and personal property consisting of buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, without limitation, power and cooling equipment, used primarily to provide, as a service to persons other than the company operating the data center, data and transaction processing services, outsource information technology services and computer equipment colocation services, or, used primarily to provide, to a single user, including the user's affiliates, customers, lessees, vendors and other persons authorized by the user, data and transaction processing services" (New Albany, OH, Code of Ordinances, § 1105.02(p)).

Data centers are principally permitted in the General Employment and the Technology Manufacturing districts and allowed conditionally in the Limited Industrial District (City of New Albany, Ohio, n.d.). Projects are subject to the City's Design Guidelines and Requirements (DGR) and facilities within a certain area of the City may also be subject to a limitation text. Both sets of regulations outline site-specific conditions for setbacks, landscaping, building design, and infrastructure.

Included in this section is a copy of the City's Design Guidelines and Requirements.

Utility Considerations

The City's water supply is contracted through Columbus (City of New Albany, Ohio, n.d.). In Ohio, water treatment plants, and the water supply source(s) that those plants draw from, must be adequately sized to ensure clean, uninterrupted delivery of the water. The capacity must be enough to meet certain demand thresholds across the entirety of the distribution system (Ohio Environmental Protection Agency, 2010).

Most data centers rely on the regional electric grid, though some operators are considering on-site power generation (NBC4 Columbus, n.d.). Newer facilities are increasingly adopting air-based cooling systems to reduce water use, though these can generate some noise complaints from nearby neighborhoods.

Economic Development

Roughly 80 percent of New Albany's general fund revenue comes from income tax (City of New Albany, 2025). Economic development efforts have focused on expanding and diversifying the City's economy (City of New Albany, 2016), which helped set the stage for the arrival and growth of the technology sector in the City, notably in the form of data centers (Columbus CEO, 2015).

Though data centers employ relatively few workers directly (Thomas, 2025), the City maintains fiscal balance through a payment formula that ensures a minimum revenue generation per square foot of commercial development (City of New Albany Economic Development, n.d.). This ensures steady income tax revenue despite limited employment.

Property tax abatements, which generally can be offered for 15 years or up to 30 years for state-designated mega projects, are offset through revenue-sharing agreements with local school districts (Spalding, 2016). Companies can also make voluntary community contributions, such as technology donations, to local schools.

Takeaways

- Integrated review structure and stable leadership foster efficient development
- Property tax abatements are paired with school revenue sharing. Minimum payment formulas sustain revenue despite low job counts.
- Adequate infrastructure supports growth, though clustering has created localized impacts.
- Air cooling reduces water use but may introduce noise concerns.



ORDINANCE O-37-2025

AN ORDINANCE TO AMEND CHAPTERS 1105, 1153, AND 1157 OF THE PLANNING AND ZONING CODE OF THE CITY OF NEW ALBANY CODIFIED ORDINANCES AS REQUESTED BY THE CITY OF NEW ALBANY

WHEREAS, it has been found that the Codified Ordinances of the City of New Albany, Chapters 1105, 1153, and 1157 need to be amended; and

WHEREAS, New Albany City Council has determined that it is necessary to amend the codified ordinances of the city of New Albany to promote orderly growth and development of lands; and

WHEREAS, the amendments will provide updated and appropriate architectural standards for commercial development with the Limited Industrial (LI) and General Employment (GE) zoning districts; and

WHEREAS, the Planning Commission has held a public hearing and received public input into the amendments and recommended approval of the proposed amendments to the codified ordinances at its meeting on August 18, 2025.

NOW, THEREFORE, BE IT ORDAINED by Council for the City of New Albany, Counties of Franklin and Licking, State of Ohio, that:

Section 1. Portions of Codified Ordinance Chapters 1105, 1153, and 1157 shall be amended as set forth in Exhibit A, which depicts these amendments in colored ink.

Section 2. It is hereby found and determined that all formal actions of this council concerning and relating to the adoption of this legislation were adopted in an open meeting of council, and that all deliberations of the council and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

Section 3. Pursuant to Article 6.07(B) of the New Albany Charter, this ordinance shall become effective thirty (30) days after adoption.

CERTIFIED AS ADOPTED this 14 day of Sept, 2025.

Attest:



Sloan T. Spalding
Mayor



Jennifer H. Mason
Clerk of Council

Approved as to form:



Benjamin S. Albrecht
Law Director

Legislation dates:

Prepared: 08/22/2025

Introduced: 09/02/2025

Revised:

Adopted: 09/16/2025

Effective: 10/16/2025

PART ELEVEN - PLANNING AND ZONING CODE
TITLE ONE - ZONING ADMINISTRATION
CHAPTER 1105 DEFINITIONS

CHAPTER 1105 DEFINITIONS¹

1105.01 INTERPRETATION.

For the purpose of this Zoning Ordinance, certain terms and words are to be defined as found in this chapter. Words and terms specifically defined carry their customarily understood meanings. Words used in the present tense include the future tense. The singular form shall include plural and plural shall include singular. The word "shall" is intended to be mandatory. "Occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

Specific terms related to swimming pools, signs, landscaping, and matters specific to the Technology Manufacturing District (TMD) zoning district classification are defined within the specific sections of the Zoning Ordinance where those requirements are found.

(Ord. 08-2006. Passed 9-5-06; Ord. O-04-2022. Passed 3-1-22.)

1105.02 DEFINITIONS.

As used in this Zoning Ordinance, the following terms shall be defined as follows:

- a) "Accessory use" means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.
 - b) "Accessory building" or "accessory structure" means a building or structure occupied by an accessory use.
 - c) "Administrative and business offices" means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.
 - d) "Agriculture" means the use of land for growing crops in the open, dairying, pasturage, horticulture, floriculture and necessary accessory uses, as further defined and specified in Section 1129.02.
 - e) "Alley" means a public right-of-way ten (10) to twenty (20) feet wide which provides only secondary means of access to abutting property. (Ord. 20-90. Passed 6-19-90.)
 - f) "Appurtenance" means something that belongs to or goes with another thing.
 - g) "Basement" means a story whose floor level is two (2) feet or more below grade level, but having less than half its clear height above grade level.
 - h) "Building" means a structure permanently affixed to the land with one or more floors and a roof supported by columns or walls, used or intended to be used for shelter or enclosure of persons, animals and/or property.
- (1) "Height of building" means:

A. The vertical distance from the average existing grade level around the foundation of the new work to the highest point of the coping of a flat roof or mansard roof or to the top of the highest ridge line of gable, hip or gambrel roofs on the new work. The average existing grade level is determined by measuring at four (4) specific points around the foundation, as follows: two (2) front corners and two (2) rear corners.

¹Cross reference(s)—General definitions - see ADM. 101.02

B. For new work not requiring a grading plan and spot elevations, building height shall be determined by measuring from the average existing contact ground level for each building elevation to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the top of the highest ridge line for gable, hip or gambrel roofs on that building elevation. The highest as measured for each building elevation shall then be combined and divided by the number of measurements taken to determine the height of the building in relation to this subsection.

(2) "Building line" means the front yard setback line established by this Zoning Ordinance generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located as provided by this Zoning Ordinance.

(3) "Principal building" means a building in which is conducted the main or principal use of the property on which such building is located.

- i) "Business day" means any full business day (i.e., 8:00 a.m. to 5:00 p.m.) other than Saturday, Sunday, or a holiday during which the City's offices are closed. For purposes of measuring business days with regard to timing of reviews of applications under this Zoning Ordinance, the first business day of such a review period shall be the first full business day after an application is received by the City.
- j) "Business services" means any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.
- k) "Cemetery" means land used or intended to be used for the burial of human dead.
- l) "Certificate of occupancy" means a certificate issued by the Zoning Inspector, pursuant to Section 1109.09, confirming that the requirements of this Zoning Code have been met, and the building can be occupied.
- m) "Clinic, human" means an establishment where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.
- n) "Common ownership" means ownership of two (2) or more parcels by the same owner or by one (1) owner and an affiliated person or entity of that owner.
- o) "Conditional use" means an uncommon or infrequent use which may be permitted in specific zoning districts subject to compliance with certain standards, explicit conditions, and the granting of a conditional use permit as specified in Chapter 1115.
- ~~p)~~ q) "Data Center" means real and personal property consisting of buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, without limitation, power and cooling equipment, used primarily to provide, as a service to persons other than the company operating the data center, data and transaction processing services, outsource information technology services and computer equipment colocation services, or, used primarily to provide, to a single user, including the user's affiliates, customers, lessees, vendors and other persons authorized by the user, data and transaction processing services.
- ~~p)q)~~ g) "Design Guidelines and Requirements (DGRs)" means the building, construction and design standards that apply to any environmental change within the City of New Albany. The Design Guidelines and Requirements shall have the force and effect of law.
- ~~q)r)~~ r) "Director" means the City's Director of Community Development.
- ~~r)s)~~ s) "Drive-through facilities" mean a designated place, in conjunction with a retail or service establishment, from which persons can conduct the major portion of their business without leaving their motor vehicle.
- ~~s)t)~~ t) "Dwelling" or "residence" means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

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- (1) "Multiple-family dwelling" or "multiple-family residence" means a building designed or used as a residence for three (3) or more families living independently and doing their own cooking therein.
- (2) "Single family dwelling" or "single family residence" means a building designed for or occupied exclusively by one family.
- (3) "Two-family dwelling" or "two-family residence" means a building designed for or occupied exclusively by two families living independently.
- ~~t~~u) "Essential services" means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.
- ~~u~~v) "Failure of delivery" means that a particular notice was not received, due to circumstances beyond the control of the VillageCity, and does not include the lack of mailing of the subject notices in the matter specified in the Zoning Code.
- ~~v~~w) "Floor area" of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. "Floor area" shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages.
- ~~w~~x) "Frontage" or "lot frontage" means that portion of the lot that directly abuts the street, and has direct access thereto. "Lot frontage" shall be measured along the minimum building setback line for the district within which such lot is located.
- ~~x~~y) "Garage, private" means a building, or portion of building, designed or used for the storage of motor-driven vehicles owned and/or used by the occupants of the principal use of the property.
- ~~y~~z) "Gasoline service station" means any building or land used for the sale, offering for sale, and/or dispensing of any vehicular fuels, oils or accessories, including the lubrication of automobiles or motor vehicles and replacement or installation of minor parts and accessories, but not including major repair work, such as motor replacement, body and fender repair, or painting and finishing.
- ~~z~~aa) "Gross density" means a unit of measurement of the number of dwelling units per acre of land divided by the total number of dwelling units within the particular project, development or subdivision excluding all dedicated public streets therein.
- ~~aa~~bb) "Home occupations" means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling's residential use. A home occupation must meet the standards and requirements specified in Section 1165.09.
- ~~bb~~cc) "Hospital" means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments.
- ~~cc~~dd) "Hotel" or "motel" means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests, in contradiction to a boarding house or lodging house operated on a membership basis.
- ~~dd~~ee) "Institution" means an organization providing social, cultural, educational, religious or health services to member agencies, organizations, and individuals, or to the general public.
- ~~ee~~ff) "Loading space" is a space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks.

~~ff)gg)~~ "Lot" means a division of land separated from other divisions for purposes of sale, lease, or separate use, described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms "plat" and "parcel."

(1) "Corner lot" means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than one hundred thirty-five (135) degrees.

(2) "Lot coverage" means the ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

(3) "Rear lot line" means that lot line which is opposite and furthest removed from the front lot line. In such a lot where the side lot lines meet to the rear of the lot, or where the rear lot line is less than ten (10) feet, the minimum rear yard shall be computed from the point of intersection of the side lot lines on an imaginary line that is at equal angles from each side lot line. In the case of a corner lot, the rear lot line is opposite and furthest removed from the front lot line of least dimension.

(4) "Side lot line" means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

(5) "Lot of record" means any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder, Franklin County, Ohio, as of the effective date of this Zoning Code.

(6) "Minimum area of lot" means the area of a lot computed exclusive of any portion of the right-of-way or any public thoroughfare.

(7) "Lot width" is the width of a lot at the building setback line measured at right angles to its depth.

~~gg)hh)~~ "Manufacturing" means any production or industrial process, including food processing, which combines one or more raw materials or components into a product or which changes the nature of the materials entering the process, and which by the nature of the materials, equipment and/or process utilized is not objectionable by reason of odor, noise, vibration, gas fumes, dust, smoke, refuse, or water-carried wastes.

~~hh)ii)~~ "Nonconforming use" means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Zoning Ordinance.

~~ii)jj)~~ "Nonresidential use" means a premises not used primarily for human habitation.

~~jj)kk)~~ "Nursery" or "day care center" means a facility which temporarily assumes responsibility for more than four (4) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four (24) hour day for a period of two (2) consecutive days.

~~kk)ll)~~ "Nursing home" includes convalescent and extended care facilities; an establishment which specializes in providing necessary care, shelter and nursing services and services to those unable to be responsible for themselves.

~~ll)mm)~~ "Open space" means that part of a zoned property, including courts or yards, which is open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning property.

~~mm)nn)~~ "Off-street parking space" means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in Chapter 1167.

~~nn)oo)~~ "Park" is a public area of land, usually in a natural state, having facilities for rest and recreation.

~~oo)pp)~~ "Parking area" or "parking lot" means any area other than street, drive, or alley used or intended to be used for the storage of motor vehicles, with or without a fee.

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- ~~pp)qq)~~ "Personal services" means any enterprise, conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.
- ~~qq)rr)~~ "Private road" means a strip of privately owned land providing access to abutting properties.
- ~~rr)ss)~~ "Professional offices" means the offices which engage in the providing to the general public services of a professional nature such as legal, medical, accounting, and architectural services.
- ~~ss)tt)~~ "Recreational facilities" means public or privately-operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and passive recreation.
- ~~tt)uu)~~ "Religious exercise facility" means any use, building or conversion of real property for the purpose of any exercise of religion, whether or not compelled by, or central to a system of religious belief and shall be considered to be religious exercise of a person or entity that uses or intends to use the property for that purpose.
- ~~uu)vv)~~ "Residence" - see "Dwelling."
- ~~vv)ww)~~ "Restaurant" means a business establishment where food and beverages are prepared and presented for human consumption on the premises.
- ~~ww)xx)~~ "Retail stores" means stores primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.
- ~~xx)yy)~~ "Right-of-way" means a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features required by the topography or treatment such as grade separation, landscaped areas, viaducts and bridges.
- ~~yy)zz)~~ "Secondary school" means an institution that provides secondary education offered after a primary school and before higher, optional education. Secondary schools may also be referred to as junior high, middle, senior high, or high schools and may include public, alternative, technical, vocational, private, or parochial schools.
- ~~zz)aaa)~~ "Similar use" means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 1127.02(e).
- ~~aaa)bbb)~~ "Street" or "thoroughfare" means a public way for the purpose of vehicular travel, including the entire area within the right-of-way.
- ~~bbb)ccc)~~ "Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including, among other things, walls, buildings, and patios. "Structure" does not include fences.
- ~~ccc)ddd)~~ "Structural alteration" means any change which would replace or tend to prolong the life of a supporting member of a structure, such as bearing walls, columns, beams, or girders.
- ~~ddd)eee)~~ "Use" means the purpose for which a building is arranged, designed, or intended, or for which either land, lot, piece or parcel thereof or a building located thereon or may be occupied or maintained.
- ~~eee)fff)~~ "Variance" means a modification from the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.
- ~~fff)ggg)~~ "Yard" means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded lot upward.

(1) "Front yard" means that portion of a lot extending across the front of the lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the front of the building or structure.

(2) "Rear yard" means that portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.

(3) "Side yard" means that portion of a lot that is located between the side lot line and the nearest building or structure.

~~ggg)hhh~~ "Zoning permit" means an official statement certifying that a proposed building or use complies with all the provisions of this Zoning Code.

~~hhh)iii~~ "Zoning district" means a portion of the ~~VillageCity~~ within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Code.

~~iii)jii~~ "Zoning district map" means the zoning district of the ~~VillageCity~~, together with all amendments subsequently adopted by ~~VillageCity~~ Council.

~~jii)kkk~~ "Zoning Inspector" means the zoning enforcement officer of the ~~VillageCity~~, hired by the ~~VillageCity~~ Council who is charged with the duty of enforcing the provisions of the Zoning Code.

~~kkk)lll~~ "Zoning Ordinance" or "this Ordinance" means Ordinance 20-90, passed June 19, 1990, as amended, which is codified as Titles One to Five of this Part Eleven - Planning and Zoning Code.

~~lll)mmm~~ "Marijuana" means recreational or medical marijuana, as defined in ORC 3719.01, that is cultivated, processed, dispensed, tested, possessed, or used for a medical or recreational purpose. In accordance with Chapter 1127 of the Codified Ordinances, the cultivation, processing and dispensing of recreational or medical marijuana shall not be permitted in any zoning district within the city.

(Ord. 20-90. Passed 6-19-90; Ord. 72-92. Passed 12-15-92; Ord. 30-2001. Passed 8-21-01; Ord. 08-2006. Passed 9-5-06; ; Ord. O-07-2015. Passed 3-3-15; Ord. O-19-2017. Passed 11-28-17; Ord. O-03-2022. Passed 3-1-22; Ord. O-04-2022. Passed 3-1-22; Ord. O-24-2024. Passed 1, 8-6-24.)

CHAPTER 1153 LI LIMITED INDUSTRIAL AND GE GENERAL EMPLOYMENT DISTRICTS¹

1153.01 PURPOSE.

(a) These regulations are established to provide for a range of industrial and other employment-generating activity, while protecting the health, safety and welfare of the users of the district and residents of the City. Two (2) separate industrial districts are established.

(1) LI - Limited Industrial District. This district provides areas where most industrial and industrial related activities may locate. Retail activities are limited and residential uses are prohibited. The district is intended for areas which are primarily undeveloped, having larger lots and irregular block patterns.

(2) GE - General Employment District. This district provides areas for a wider range of employment opportunities. The district allows for a more restricted range of industrial activities, but a wider range of office, business and retail uses. As with the LI District, this district is intended for areas which are primarily undeveloped.

(b) Nothing in this Chapter shall limit the authority of City Council to also adopt a limited overlay district in the LI - Limited Industrial or GE - General Employment District as provided in Chapter 1160.

(Ord. 08-2006. Passed 9-5-06; Ord. 07-2007. Passed 2-20-07; Ord. 20-2008. Passed 7-15-08; Ord. O-15-2011. Passed 8-16-11; Ord. O-07-2015. Passed 3-3-15.)

1153.02 PERMITTED AND CONDITIONAL ACTIVITIES.

Permitted and conditional activities in each district are as shown on the following table. Descriptions and characteristics of activity categories listed are contained in Section 1153.03.

Activity	District	
	LI	GE
Industrial Categories		
• Industrial Product Sales	P	C
• Industrial Service	P	C
• Industrial Manufacturing and Assembly	C	C
• Manufacturing and Production	P	P
• Warehouse and Distribution	P	P
• Research and Production	P	P
• General Office Activities & Data Centers	C	P
• Personal Service	C	P

¹Cross reference(s)—Districts established - see P. & Z. Ch. 1125;
Noxious or offensive odors - see GEN. OFF. 521.09

• Retail Product Sales and Service	C	P
• Vehicle Service	P	P
Other Activities		
• Radio/Television Broadcast Facility	P	C
• Off-Premises Signs	P	P
• Sexually Oriented Businesses	N	P
• Religious exercise facilities and related uses	P	P
• Car fleet and truck fleet parking	C	C
• Park-and-Ride Facility	P	P
• Limited Educational Institutions	N	C
P = Permitted Activity		
C = Conditional Activity		
N = Not Permitted or Conditional		

(Ord. 36-2003. Passed 1-13-04; Ord. 08-2006. Passed 9-5-06; Ord. 07-2007. Passed 2-20-07; Ord. 20-2008. Passed 7-15-08; Ord. O-15-2011. Passed 8-16-11; Ord. O-15-2013. Passed 6-4-13; Ord. O-07-2015. Passed 3-3-15; Ord. O-16-2021. Passed 4-20-21; Ord. O-03-2022. Passed 3-1-22.)

1153.03 ACTIVITY CATEGORIES FOR INDUSTRIAL AND GENERAL EMPLOYMENT DISTRICTS.

(a) Industrial and General Employment Categories.

(1) Industrial product sales.

- A. Characteristics. Firms are involved in the sale, rent or lease of products generally intended for industrial or commercial users. Sales may be wholesale or retail. Emphasis is on on-site sales or order taking and may include display areas. Products may be delivered to the customer.
- B. Accessory activities. Accessory activities may include administrative offices, product repair, and warehouses.
- C. Examples. Industrial product sales activities may include: sale of machinery, and equipment, special trade tools, electrical supplies, janitorial supplies, restaurant equipment, office furniture, and store fixtures. Industrial product sales also include industrial equipment and vehicle rentals.
- D. Exceptions. Firms that primarily engage in retail sales to the general public are classified as retail product, sales and service.

(2) Industrial service.

- A. Characteristics. Firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment or products. Few customers especially the general public, come to the site.
- B. Accessory activities. Accessory activities may include administrative offices.
- C. Examples. Industrial service activities may include welding shops; machine shops; tool and appliance repair; electric motor repair, truck and large equipment repair, storage and salvage; headquarters for building, heating, plumbing, or electrical contractors; printing, publishing and blueprinting; janitorial and building maintenance services; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.

(3) Industrial manufacturing and assembly.

- A. Characteristics. Firms are involved in heavy manufacturing, processing, fabrication, packaging, or assembly of goods for industrial or construction industries. Raw, secondary, or partially completed materials may be used. Goods are generally not displayed or sold on-site. Relatively few customers come to the manufacturing site.
- B. Accessory activities. Accessory activities may include administrative offices, cafeterias, employee recreational facilities, warehouse, storage yards, outlets, and caretaker's quarters. Retail outlets as an accessory to industrial manufacturing and assembly plants shall be treated as retail product sales and service.
- C. Examples of heavy industrial manufacturing and assembly include, but are not limited to, metal stamping; pressing and buffing; tool and die shops; machine, sheet metal and welding shops; construction related and building material manufacturing (including milling, planning and joining); vehicle and/or vehicle part manufacturing and fabrication; construction equipment and/or construction equipment part manufacturing; recycling or creation of materials, textiles, lumber, paper, rubber, batteries, etc.

(4) Manufacturing and production.

- A. Characteristics. Firms are involved in the manufacturing, processing, packaging, or assembly of goods or materials using clean or advanced automated or semi-automated technology. Raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on-site. Relatively few customers come to the manufacturing site.
- B. Accessory activities. Accessory activities may include administrative offices, cafeterias, employee recreational facilities, warehouse, storage yards, outlets, caretaker's quarters, scientific research facilities, and medical and dental laboratories. Retail outlet as an accessory to manufacturing plants shall be treated as retail product sales and service.
- C. Exceptions. Manufacturing of goods to be sold primarily on-site and to the general public are classified in the retail product sales and service category. Manufacturing of products related to research activities under Section 1153.03(a)(5).

(5) Warehouse and distribution.

- A. Characteristics. Firms are involved in the movement, storage and/or sales of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer. The category includes wholesale sales which are not open to the general public and where on-site sales are low.
- B. Accessory activities. Accessory activities may include administrative offices, truck fleet parking and maintenance areas, repackaging of goods, and showrooms or display areas, but generally not for direct sale.
- C. Examples. Warehouse and distribution firms may include warehouse used by retail stores such as furniture and appliance stores; food and hardware distributors; household moving and general freight storage; distribution of industrial items; building materials, plumbing and electrical distributors; truck terminals; parcel services; major post offices; mail order houses; and public mini-warehouses.

(6) Research and production.

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- A. Characteristics. Firms engaged in research, synthesis, analysis, development and testing laboratories, including the fabrication, assembly, mixing and preparation of equipment, materials (raw and processed) and components incidental or convenient or necessary to the conduct of such activities. The category also includes production facilities that require the continual or recurrent application of research knowledge and activity as an integral part of the manufacturing process. Such production facilities may produce commercial quantities of products intended for wholesale sales and distribution. An allowed use in this district shall operate entirely within an enclosed structure, emitting no vibrations, dust, smoke, noxious gas, odor or toxic fumes. Noise shall not be emitted past the property limits, if such sound levels exceed typical traffic background noise.
 - B. Accessory activities. Accessory activities may include administrative and executive offices for personnel engaged in general administrative, supervisory, purchasing, accounting and other functions related to office operations.
 - C. Examples. Firms engaged in pharmaceutical, food science, life science, medical, research, production, development, clinical testing facilities, synthesis, analysis, development, pharmaceutical compounding and testing laboratories; technology and biotechnology firms.
 - D. HVAC equipment, emergency power systems and similar operating equipment shall be screened from public rights-of-way and residential districts in accordance with Chapter 1171 of these Codified Ordinances.
- (b) Sales and Service Categories.
- (1) General office activities and data centers.
 - A. Characteristics. Firms where activities are conducted in an office setting and generally focus on business or personal services. If the office activity is part of a larger firm, it does not need to be on the same site as the primary activity. Most people coming to the site are employees.
 - B. Accessory activities. Accessory uses may include: cafeterias, health facilities, or other amenities primarily for the use of employees in the firm or building.
 - C. Examples. Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as brokerage houses, lenders, or realtors; data-processing; sales offices; industrial or commercial company headquarters when not adjacent with other portions of the firm; and government offices.
 - (2) Personal service.
 - A. Characteristics. These establishments provide on-site personal services or entertainment to the general public or business person.
 - B. Accessory activities. Accessory uses may include administrative offices, product sales and laboratories.
 - C. Examples. Examples include barbers, hair salons and personal care services; banks, savings and loans, and credit unions; continuous entertainment activities such as arcades, bowling alleys, ice rinks libraries, and museums; cafes, restaurants, bars, and taverns, day care facilities; laundromats; business and trade schools; dance and martial arts schools; health clubs, gyms, racquet centers, membership clubs, and lodges; medical related offices such as doctors, dentists, optometrist and veterinarians; public service agencies such as employment offices, social service agencies, and permit issuing offices.
 - (3) Retail product sales and service.

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- A. Characteristics. Firms are involved in the sale, lease or rent of used products or goods to the general public and/or provide on-site product repair or services for consumer and business goods. Goods are displayed and sold on-site, and use or consumption is primarily off-site. Goods are generally taken off-site by the customer at the time of sale or may be delivered by the firm. For items being serviced, customers generally deliver and pick up the items and spend little time at the site.
- B. Accessory activities. Accessory uses may include: offices, storage and display of goods.
- C. Examples. Examples include stores selling apparel, housewares, furniture, hardware, auto parts, flowers, personal care items, sporting goods, office products and machines, and computers; food, produce or meat markets; delicatessens and caterers; tool rental and household moving centers; sales of cars, motorcycles, boats, and recreational vehicles; repair of TVs, appliances, shoes, precision instruments, and business machines; laundry or dry cleaning drop-off; on-site launderer; photo drop-off; quick printing or reproducing; tailors; locksmiths; upholsterers; and furniture refinishing.
- D. Exceptions.
1. Lumber yards and similar building material sales which sell primarily to contractors and do not have a retail orientation are classified in the industrial product sales category.
 2. Repair and service of consumer vehicles is classified in the vehicle service category. Repair of motor vehicles in conjunction with vehicle sale is classified in the vehicle service category.
 3. Repair and service of industrial vehicles and equipment is classified in the industrial service category.
- (4) Vehicle services.
- A. Characteristics. Firms servicing automobiles, light trucks and other consumer vehicles such as motorcycles, boats and recreational vehicles.
- B. Accessory activities. Accessory uses may include offices and sales of parts.
- C. Examples. Examples may include gas stations, vehicle repair, auto body shop, alignment shop, auto upholstery shop, tire sales and mounting, towing and vehicle storage; and surface or garage fee parking.
- (c) Other Activity Categories.
- (1) Radio or television broadcast facility. Characteristics. Any and all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing, electromagnetic radiation within the range of frequencies from one hundred (100) KHz to three hundred (300) GHz and operating as a discrete unit to produce a signal or message.
 - (2) Off-premises signs. Subject to regulations of Section 1169.08.
 - (3) Sexually oriented businesses as defined, regulated and licensed by Chapter 743 entitled "Sexually Oriented Business Establishments" provided the proposed location of such use is more than seven hundred fifty (750) feet (as measured from property line to property line) from all of the following uses:
 - A. Any other place licensed to operate a sexually oriented business.
 - B. Any elementary school, middle school or high school.

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- C. Any child day-care center or nursery school.
 - D. Any park, playground, playfield or community center publicly owned or operated.
 - E. Any residential use or residential zoning district.
 - F. Any place licensed for the sale of beer or intoxicating liquor for consumption on the premises.
 - G. Any place of worship.
 - H. Any public library.
- (4) Religious exercise facilities and related uses.
- (5) Fleet parking. Shall only be used to park car fleets and truck fleets (fleet parking) providing services directly to and for the benefit of a primary business located on a contiguous real estate parcel as set forth herein. In addition to meeting all of the requirements of this chapter, fleet parking shall also require conditional use approval pursuant to Chapter 1115 of this Zoning Code.
- A. Characteristics. Fleet parking is permitted only as a conditional use and only when used in conjunction with a contiguous parcel containing the primary business served by the fleet parking (primary business parcel). For the purposes of this chapter, contiguous shall mean that the proposed fleet parking parcel shares a contiguous boundary with the primary business parcel for a continuous length of at least fifteen percent (15%) of the perimeter of the property upon which fleet parking is proposed. The fleet parking parcel cannot be used as a junkyard, salvage yard, impound lot, or similar facility, or for car or truck vehicle repair or service, even if the permitted business use would allow such activities on the primary business parcel.
 - B. Location. Fleet parking shall be located on a parcel which is contiguous with the parcel that contains a permitted primary business associated with the parking area;
 - C. Justification. In addition to the conditional use provisions set forth in Chapter 1115 of this Zoning Code, an applicant for fleet parking must also demonstrate to the Planning Commission that sufficient space for fleet parking does not exist on the primary business parcel, and that it is not practicable to combine the proposed fleet parking parcel with the primary business parcel;
 - D. Setbacks. Fleet parking shall be set back from the public right-of-way at least forty (40) feet; and
 - E. Landscaping. Landscaping shall be provided as follows, subject to the approval of the City Landscape Architect or designee:
 - 1. Car fleet parking:
 - a) A minimum three (3) foot tall mound but no greater than five (5) feet tall, shall be provided between the public right-of-way and parking area. The mound shall have a slope no steeper than 4:1 on that part of the slope that abuts the parking area. The mound shall have a slope no steeper than 9:1 that part of the slope that abuts the public right-of-way. If necessary due to site constraints and upon a showing of extenuating circumstances, the Planning Commission may approve a steeper slope as part of the conditional use approval for only that part of the slope that abuts the public right-of-way. In no instance, however, shall the Planning Commission approve a slope steeper than 6:1 for that part of the slope.
 - b) The mound shall be planted with deciduous shade trees at the rate of ten (10) trees per one hundred (100) linear feet. Some evergreen trees may be used as appropriate in the context of the location and to the design intent of the site,

subject to City Landscape Architect approval. Trees shall be planted with random spacing (naturalized) within tree groupings approximately eight (8) to fifteen (15) feet on center.

- c) Trees planted on the mound facing public right-of-way shall be located as follows: Trees shall be planted in naturalized massings. Massings shall include no less than three (3) trees and no more than twenty-five (25) trees. No more than ten percent (10%) of massings shall include three (3) trees and no less than fifty percent (50%) of massings shall include less than eight (8) trees. Massings shall be separated by varying distances, from twenty (20) feet to fifty (50) feet. Massings shall be planted on upper ½ of mound, but staggered along contours to avoid the impression that trees are planted in a line.
- d) Tree species shall be native to central Ohio and varied to promote diversity as follows: no given species shall account for more than twenty percent (20%) of the overall quantity of trees. At least five (5) different species shall be used. Tree plant lists must be submitted for review.

2. Truck fleet parking:

- a) A minimum nine (9) foot mound but no greater than fifteen (15) foot tall shall be provided between the public right-of-way and parking area. The mound shall have a slope no steeper than 4:1 on that part of the slope that abuts the parking area. The mound shall have a slope no steeper than 9:1 that part of the slope that abuts the public right-of-way. If necessary due to site constraints and upon a showing of extenuating circumstances, the Planning Commission may approve a steeper slope as part of the conditional use approval for only that part of the slope that abuts the public right-of-way. In no instance, however, shall the Planning Commission approve a slope steeper than 6:1 for that part of the slope.
- b) The mound shall be planted with deciduous shade trees at the rate of twelve (12) trees per one hundred (100) linear feet. Some evergreen trees may be used as appropriate in the context of the location and to the design intent of the site, subject to City Landscape Architect approval. Trees shall be planted with random spacing within tree groupings approximately eight (8) to fifteen (15) feet on center.
- c) Trees planted on the mound facing public right-of-way shall be located as follows: Trees shall be planted in naturalized massings. Massings shall include no less than three (3) trees and no more than twenty-five (25) trees. No more than ten percent (10%) of massings shall include three (3) trees and no less than fifty percent (50%) of massings shall include less than eight (8) trees. Massings shall be separated by varying distances, from twenty (20) feet to fifty (50) feet. Massings shall be planted on upper ½ of mound, but staggered along contours to avoid the impression that trees are planted in a line.
- d) Tree species shall be native to central Ohio and varied to promote diversity as follows: no given species shall account for more than twenty percent (20%) of the overall quantity of trees. At least five (5) different species shall be used. Tree plant lists must be submitted for review.

(6) Park-and-ride facility. A facility providing daily parking as the principle use which may include accessory shelters for mass transit passengers or carpooling that typically includes parking lots and associated structures located along or near public transit routes.

(7) Limited educational institutions.

A. Characteristics. Facilities offering educational courses and having no rooms regularly used for housing or sleeping of students, including:

1. Secondary schools.
2. Higher education institutions including junior colleges, community colleges, colleges, and universities.

B. Accessory activities. Ancillary uses typical of that found on a school campus including, but not limited to, parking lots, signs, gymnasiums, auditoriums, cafeterias, administrative offices, and indoor or outdoor recreational facilities.

(Ord. 36-2003. Passed 1-13-04; Ord. 08-2006. Passed 9-5-06; Ord. 07-2007. Passed 2-20-07; Ord. 20-2008. Passed 7-15-08; Ord. O-15-2011. Passed 8-16-11; Ord. O-15-2013. Passed 6-4-13; Ord. O-07-2015. Passed 3-3-15; Ord. O-16-2021. Passed 4-20-21; Ord. O-03-2022. Passed 3-1-22.)

1153.04 LOT AND YARD REQUIREMENTS.

(a) Minimum Lot Area. No minimum lot area is required in the LI or GE Districts; however, lot area shall be sufficient to provide for all yards and distances as required by this Zoning Code.

(b) Lot Width. All lots shall abut a public or private street and have adequate lot width to provide for yards and distances as required by this Zoning Code.

(c) Side Yards. For any structure or service area within the LI or GE Districts, the required side yard shall be not less than twenty-five (25) feet from any interior lot line.

(d) Rear Yards. For any structure or service area within the LI or GE Districts, the required rear yard shall not be less than twenty-five (25) feet from any interior lot line.

(e) Maximum Lot Coverage. For structures and paved areas within the LI or GE Districts the maximum lot coverage shall be seventy-five percent (75%). The remainder of the site shall be landscaped in natural vegetation.

(f) Distance From Residential Districts. In no case shall any structure, service area, or parking area in any LI District be located less than fifty (50) feet from any district where residences are a permitted use. In no case shall any structure, service area or parking area in any GE District be located less than fifty (50) feet from any district where residences are a permitted use.

(g) Elimination of Setbacks. In the event that a parcel zoned GE or LI District and an adjacent parcel zoned GE or LI District (a) come under common ownership or control, and (b) are zoned to allow compatible non-residential uses, but (c) cannot be combined into a single parcel due to the parcels being situated within separate Ohio counties, then any minimum building, pavement, or landscaping setbacks set forth in this chapter shall no longer apply where these parcels' lot lines abut on Ohio county boundaries.

(Ord. 08-2006. Passed 9-5-06; Ord. 07-2006. Passed 2-20-07; Ord. 20-2008. Passed 7-15-08; Ord. O-15-2011. Passed 8-16-11; Ord. O-07-2015. Passed 3-3-15; Ord. O-14-2018. Passed 6-19-18.)

1153.05 ARCHITECTURE

(a) Except as otherwise expressly provided in this Chapter, this section shall apply in the Limited Industrial (LI) and General Employment (GE) Districts in addition to the provisions of the Architectural Review Overlay District in Chapter 1157, including the New Albany Design Guidelines and Requirements (DGRs) as provided in Section 1157.01.

(1) Building Design

- A. Building designs shall not mix architectural elements or ornamentation from different styles.
- B. Buildings shall be required to employ a comparable use of materials on all elevations.
- C. The number, location, spacing, and shapes of windows and door openings shall be carefully considered. Primary entrances to buildings shall be made sufficiently prominent that they can be easily identified from a distance.
- D. For office buildings and complexes, achieving a human or pedestrian scale is of less concern. When achieving such a scale is desired, it may be achieved by careful attention to width of facades, size and spacing of window and door openings, and floor-to-floor heights on exterior walls.
- E. Use of elements such as shutters, cupolas, dormers, and roof balustrades shall be avoided in building designs that are not based on traditional American architectural styles. Such elements may be employed only when they are common elements of a specific style, and this style shall be replicated in its entirety. When shutters are employed, even if they are non-operable, they must be sized and mounted in a way that gives the appearance of operability.
- F. Elements such as meter boxes, utility conduits, roof and wall projections such as vent and exhaust pipes, basement window enclosures, and trash containers shall be designed, located, or screened so as to minimize their visibility and visual impact from off-site. Solar energy systems shall be excluded from the requirements of this section.
- G. Accessory or ancillary buildings, whether attached or detached, shall be of similar design, materials, and construction as the nearest primary structure. Fenestration themes that employ windows, panels, and piers that are consistent with the architectural vocabulary of the building are encouraged.
- H. Service areas and loading docks shall be screened to limit visibility from off-site.
- I. When a building is designed for retail use, commercial storefront design shall employ the use of traditional features, including a bulkhead, display window, and transom.
- J. Office buildings shall be designed to have an equal degree of design and finish on all sides/elevations. Building additions, whether attached or detached, shall be complementary in design.
- K. Warehouse/distribution buildings shall be designed to be harmonious in character with other warehouse/distribution buildings on the campus. Façade colors and materials shall be coordinated to complement each other.
- L. Buildings should be sited in relationship to each other to provide convenient pedestrian connections between each building.

(2) Building Form

- A. All building elevations shall be designed to be compatible with each other and to reflect a consistent design approach

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- B. Gable or hip roofs shall be avoided unless a building design replicates a traditional American architectural style that employs such roof forms. In non-stylistic contemporary designs, low or flat roofs may be employed. Roof visibility shall be minimized.

(3) Materials

- A. Exterior building materials shall be appropriate for contemporary suburban designs and shall avoid overly reflective surfaces. Traditional materials such as, but not limited to, wood, stone, brick, and concrete shall be permitted, along with contemporary materials such as, but not limited to, aluminum, metal, glass, stucco, or cementitious fiberboard (e.g., Hardiplank or equivalent) shall be permitted on buildings not employing traditional styles. The use of reflective or mirrored glass shall be prohibited
- B. Generally, the quantity of materials selected for a building shall be minimized. A single material selection for the independent building components of roof, wall, and accents is permitted (i.e., Architectural Grade shingle roof with Brick Masonry wall and EIFS Cornice and Accents).
- C. Loading docks are not required to have the same degree of finish as a main entry unless they are visible from a public right-of-way.
- D. Roof-Mounted Equipment: Complete screening of all roof-mounted equipment shall be required on all four sides of buildings with materials that are consistent and harmonious with the building's façade and character. Such screening shall be provided in order to screen the equipment from off-site view and to buffer sound generated by such equipment. Solar energy systems shall be excluded from the requirements of this section.
- E. Building color palettes shall be simple and unobtrusive. Buildings shall avoid overly bright and jarring colors.

(4) Regulations for Advanced Fabric Structures: A site with a development proposal on a single parcel or multiple contiguous parcels containing at least three hundred (300) acres shall be permitted to include Advanced Fabric Structures as primary or accessory buildings. "Advanced Fabric Structures" shall be defined to mean "a clear-span building with a durable, tensioned fabric used as the primary exterior finish material for its roof, all or some of its exterior facades, or both." When installed, such structures shall comply with the following:

- A. Utilize tensioned fabric that is certified by its manufacturer as having a useful life of at least twenty (20) years and being able to withstand wind speeds of at least one hundred (100) miles per hour.
- B. Have a building substructure that consists of aluminum, steel, or some other metallic materials to ensure durability and longevity for the building.
- C. Have a climate-controlled interior.
- D. Not exceed sixty-five (65) feet in height at the highest point of the roof.
- E. Not be required to include windows if the lack of windows is needed for security reasons and/or for temperature control.
- F. Must adhere to the building and pavement setback requirements of this zoning district, or any limitation text that applies to the property on which they are located, whichever is more restrictive.

(b) The provisions of the New Albany Design Guidelines and Requirements (DGRs), provided in Section 1157.01, shall not apply to warehousing, distribution, manufacturing, industrial, research and production facilities, and data centers in the Limited Industrial (LI) District and General Employment (GE) District.

1153.065 EXTERIOR DEVELOPMENT.

- (a) Exterior Operations. Exterior operations include: outdoor processing, assembly or fabrication of goods; movement of bulk goods not in containers or pipelines; maintenance, repair and salvage of equipment. Exterior operations shall not be permitted in the GE District.
- (b) Exterior Storage. Exterior storage includes the outdoor storage of: raw or finished goods (packaged or bulk) including gases, chemicals, gravel, building materials; packing materials; salvage goods; machinery; equipment; damaged vehicles, etc. Exterior storage shall be permitted in the LI District but not permitted in the GE District, unless an acceptable plan for screening such storage is submitted to and approved by the Planning Commission.
- (c) Exterior Display. Exterior display includes the display of products, vehicles, equipment and machinery for sale or lease. Display items are intended to be viewed by customers and are not just being stored or parked. Exterior display does not include damaged vehicles, vehicles or equipment being serviced, bulk goods and materials, or other such products. Exterior display shall not be permitted in the LI District but shall be permitted in the GE District.

(Ord. 08-2006. Passed 9-5-06; Ord. 07-2007. Passed 2-20-07; Ord. 20-2008. Passed 7-15-08; Ord. O-15-2011. Passed 8-16-11; Ord. O-07-2015. Passed 3-3-15.)

1153.076 OFF-SITE IMPACTS.

No land or structure in the LI or GE Districts shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district. Such impacts may result from noise, vibration, odor, smoke or dust, or glare. Statements in writing that such uses comply or will comply with such uses may be required by the Planning Commission from the owner. In cases of doubt, the Municipality shall select and arrange for an independent survey by a professional engineer qualified in the particular field and the costs for such service shall be paid by the owner.

- (a) Noise. The sound pressure level of any operation on a lot within the LI or GE Districts shall not exceed the average intensity of street traffic noise in the nearest residential districts, and no sound shall be objectionable due to intermittence, best frequency or shrillness.
- (b) Vibration. No vibrations which are perceptible without the aid of instruments shall be permitted, as measured on the lot within the non-industrial district.
- (c) Odor. No emission of odorous matter in any quantities so as to produce a public nuisance shall be permitted, as measured on the lot within the non-industrial district.
- (d) Dust and Smoke. The emission of smoke, soot, fly ash, fumes, dust or other types of pollutants borne by the wind shall be controlled so that the rate of emission and quantity deposited do not create a public nuisance, as measured on the lot within the non-industrial district.
- (e) Glare. Exterior lighting shall be used in a manner that produces no glare on public highways or non-industrial zoned land.

(Ord. 08-2006. Passed 9-5-06; Ord. 07-2007. Passed 2-20-07; Ord. 20-2008. Passed 7-15-08; Ord. O-15-2011. Passed 8-16-11; Ord. O-07-2015. Passed 3-3-15.)

CHAPTER 1157 ARD ARCHITECTURAL REVIEW OVERLAY DISTRICT¹

1157.01 ADOPTION.

There is hereby adopted and incorporated by reference, the New Albany Design Guidelines and Requirements (DGRs), as if set out at length herein.

Section 1: Design Principles and American Architectural Precedent

Section 2: Village Center Residential

Section 3: Village Center Commercial

Section 4: Existing Buildings

Section 5: Residential Outside Village Center

Section 6: Commercial Outside Village Center

Section 7: Isolated Sites

Section 8: Civic & Institutional Buildings

Section 9: Small Cell Design Guidelines and Requirements

(Ord. 26-2007. Passed 8-21-07; Ord. O-08-2011. Passed 5-17-11.)

1157.02 PURPOSE.

- (a) The City of New Albany contains numerous architectural and environmental assets that establish an environmental character. This environmental character is directly linked to the economic, social, historical and cultural health and well being of the community. The purpose of the Architectural Review District is to protect and preserve these assets, by regulating the architectural characteristics of structures and their surroundings, as well as the preservation and protection of buildings of architectural or historical significance throughout the City. The Architectural Review District has also been created to recognize, preserve and enhance the architectural and historical character of the community and to prevent intrusions and alterations within the established zoning districts which would be incompatible with their established character.
- (b) The Architectural Review District is an Overlay District. This means that the requirements of this chapter are requirements which must be met in addition to the established requirements and standards of the base district over which the Architectural Review District is placed.

(Ord. 10-98. Passed 8-4-98; Ord. 26-2007. Passed 8-21-07; Ord. O-08-2011. Passed 5-17-11.)

¹Cross reference(s)—Historic Village District - see P. & Z. Ch. 1135

1157.03 DEFINITIONS.

As used in this chapter, the following words shall be defined as:

- (a) "Applicant" means any person, persons, association, organization, partnership, unit of government, public body or corporation who applies for a certificate of appropriateness in order to undertake an environmental change within the District.
- (b) "Board" means the Architectural Review Board of the City of New Albany.
- (c) "Certificate of Appropriateness" means a certificate authorizing any environmental change within the Architectural Review District.
- (d) "Design Guidelines and Requirements (DGRs)" means the building, construction and design standards that apply to any environmental change within the City of New Albany. The Design Guidelines and Requirements shall have the force and effect of law.
- (e) "District" means the Architectural Review Overlay District.
- (f) "Environmental change" means new construction or alterations which change, modify, reconstruct, remove or demolish any exterior features of an existing structure.
- (g) "Hamlet" or "Hamlet Area" means that area defined as a Hamlet in the Strategic Plan of the City of New Albany.
- (h) "Preserve" or "preservation" means the process, including maintenance, or treating of an existing building to arrest or slow future deterioration, stabilize the structure, and provide structural safety without changing or adversely affecting the character or appearance of the structure.
- (i) "Owner" means the owner of record, and the term shall include the plural as well as the singular.
- (j) "Village Center" or Village Center Area" means that area defined as the Village Center in the Village Center Strategic Plan of the City of New Albany.

(Ord. 10-98. Passed 8-4-98; Ord. 12-99. Passed 10-5-99; Ord. 26-2007. Passed 8-21-07; Ord. O-08-2011. Passed 5-17-11; Ord. O-23-2022. Passed 7-19-22.)

1157.04 DISTRICT BOUNDARIES.

The Architectural Review District shall consist of all zoning districts in the City of New Albany other than the Technology Manufacturing District (TMD) and except as otherwise provided in the Limited Industrial (LI) and General Employment (GE) District. The ARD shall apply to all environmental changes: private, municipal, and to the extent municipal design review is not pre-empted by state or federal law, all other government environmental changes.

(Ord. 10-98. Passed 8-4-98; Ord. 26-2007. Passed 8-21-07; Ord. O-08-2011. Passed 5-17-11; Ord. O-04-2022. Passed 3-1-22.)

Recommendations

Recommendations

Overview

Zoning is a tool which is used to regulate land use and the area requirements for structures in the interest of public health, safety, convenience, comfort, prosperity, and general welfare. Zoning codes should be updated to include a definition specific to data centers so the use can be located intentionally and permitted accordingly.

Communities should consider which zoning districts are appropriate for data centers. For example, permitting data centers in all districts of a township could result in water line extensions to undeveloped and unplanned areas of a county. Without proper planning documents to support this, disorderly development could occur along any new water line.

Communities should consider use-specific standards for data centers. New uses, and even some conventional land uses, appearing possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. This can be done in conjunction with use-specific standards.

Communities implementing these two changes will be better equipped to plan for the challenges that future data center construction may present.

Recommendations

Sample Definitions

Example definitions for data centers are included in this section. These definitions vary in length and specificity, ranging from one sentence to full paragraphs.

In Central Ohio, the city with the largest concentration of data centers is New Albany, which sees data centers as a key part of its economic development strategy (City of New Albany, OH, 2016). The City of New Albany defines data centers as:

Data Center means real and personal property consisting of buildings or structures specifically designed or modified to house networked computers and data and transaction processing equipment and related infrastructure support equipment, including, without limitation, power and cooling equipment, used primarily to provide, as a service to persons other than the company operating the data center, data and transaction processing services, outsource information technology services and computer equipment colocation services, or, used primarily to provide, to a single user, including the user's affiliates, customers, lessees, vendors and other persons authorized by the user, data and transaction processing services (1105.02).

The City of Marysville, OH, generally defines data centers in their zoning code, with the definition expanded to include call centers:

DATA PROCESSING/CALL CENTER means a facility, which is operated for the purpose of storing or managing data or operating customer service communications functions (Appendix).

The City of Dublin, OH, also defines data centers more generally:

A facility with typically lower employee counts than general office uses that houses computer systems and associated data and is focused on the mass storage of data (§ 153.002).

Ohio is not the only state experiencing rapid growth in data center construction. Loudoun County, VA, is currently home to the largest concentration of data centers in the world. When data centers first started locating in the County, the use was not separately defined in the zoning code. As the need for oversight into data centers has grown, the County has defined data centers as:

An establishment engaging in the storage, management, processing, and/or transmission of digital data, and housing computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations (Chapter 12.d).

Alternatively, communities may consider adopting a standard definition based on federal guidelines. The North American Industrial Classification System (NAICS) is used by statistical agencies across the United States, Canada, and Mexico to sort and categorize industries. The most recent update to the NAICS was in 2022, which defined computing infrastructure providers under code 581:

“Computing Infrastructure Providers, Data Processing, Web Hosting, and Related Services” establishments that provide computing infrastructure, data processing services, Web hosting services (except software publishing), and related services, including streaming support services (except streaming distribution services) (U.S. Census Bureau, 2022).

Some definitions strike a strong balance between clarity and specificity, capturing key characteristics of data centers while remaining broad enough to encompass the full range of facilities. However, even well-crafted definitions can run into issues when too much detail is embedded directly within the definitions. In many cases, the more technical or operational elements would be better placed in use-specific standards rather than within the definition itself. Other definitions introduce challenges by grouping data centers together with unrelated uses. While such pairings may appear straightforward, they can obscure important differences in utility needs, staffing levels, and functional purpose. As a result, combining data centers with these other uses within a single definition can create confusion and weaken the regulatory clarity the definition is intended to provide.

Recommendations

Principal / Conditional Use

Communities vary in how they classify data centers, particularly in whether they are principally permitted or require approval through a conditional use process. In some jurisdictions, data centers are allowed as a principally permitted use in certain employment or industrial areas, meaning permitted outright in districts where a zoning permit is issued by the zoning inspector provided that the applicant meets the requirements.

Other communities instead require conditional use approval, meaning that the use is permitted in the district only if a zoning permit is expressly authorized by the board of zoning appeals. This process provides an opportunity to examine whether a project will be adequately served by essential public services including roads, police, fire, refuse disposal, water, and sewer, as well as ensuring that it is designed, operated, and maintained so as to be harmonious in appearance with the existing character of the general vicinity. The process also seeks to ensure that the project will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. Approaches that rely on this form of review give communities a stronger role in shaping how and where data centers are developed, ensuring that proposals are more thoroughly considered and evaluated rather than principally permitted. An example of general standards for conditional uses from Claibourne Township, Union County, is attached.

5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this Resolution.
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, odor and fumes on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district.

Section 563

General Standards Applicable to all Conditional Uses. The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 9 and appears on the Official Schedule of District Regulations adopted by Section 910 for the zoning district involved;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to property, or the

general welfare by reason of excessive production of traffic, noise, smoke, fumes or odors;

7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

- Section 565 **Supplementary Conditions and Safeguards.** In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution and punishable under Section 350 of this Resolution.
- Section 566 **Procedure for Hearing, Notice.** Upon receipt of the application for a conditional use permit specified in Section 562, the Board shall hold a public hearing, public notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Section 546 through 548.
- Section 567 **Action by the Board of Zoning Appeals.** Within thirty (30) days after the public hearing required in Section 566, the Board shall either approve, approve with supplementary conditions as specified in Section 565, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 530.
- Section 568 **Expiration of Conditional Use Permit.** A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than six (6) months. Change of ownership shall have no effect on the validity of the conditional use.

Recommendations

Use-Specific Conditions

For data centers, there are several use-specific standards that communities may wish to take into account, including but not limited to (Morley, 2022):

- Varied surfaces on facades
- Fenestrations
- Screening of mechanical equipment
- Orientation and bulk of main entrances and loading docks
- Screening and buffering of structures
- Setbacks of structures, buildings, and screening
- Building height
- Standards for exterior lighting
- Noise (Ohio counties / townships have limited authority to regulate)
- Public facilities and services

Additionally, the conditions should take into account the surrounding land uses. For instance, if a data center were to be located adjacent to land zoned for residential development, then increased screening for mechanical equipment or an adjusted building height may be appropriate. Conversely, if a data center is surrounded on all sides by land zoned for industrial use, communities might require less stringent requirements for screening and landscaping. This same concept could also be applied to facades, whereby facades facing public roads could be required to exhibit a more pronounced differentiation of surfaces than those which are not.

Use-specific standards should be clear and coherent. Communities can achieve this by clearly defining the requirements for data center development, including design guidelines where appropriate to ensure compatibility with surrounding land uses. Incorporating diagrams into these standards can further improve clarity by visually illustrating the expectations outlined in the zoning text.

Although counties and townships have more limited authority to regulate land uses, an example is provided from the City of Urbana with text intended to regulate bulk or mass. While some of the City of Urbana text is outside the scope of county or township zoning authority, it is a good example of how zoning can be used to reduce the impact of large format sites and buildings.



Large Format Retail – highly articulated facades with fenestration provides for an engaging building

BUILDINGS

DEVELOPMENT SUBAREA C - CITY EDGE

Large format retail development is permitted in the Development Subarea C. Additional architectural standards apply to large format retail centers.

17) Entryway design elements and variations should provide orientation, aesthetically pleasing character, and pedestrian scale to the building. These elements should be architecturally integrated with the building to create the appearance of multiple entrances and storefronts. Entrances shall integrate the following features into the structure in order to create a diversified storefront:

- Overhangs
- Recesses/projections
- Verandas
- Arches
- Architectural detailing such as a variation in materials and moldings which emphasizes an entrance location
- Landscaped areas for pedestrian seating
- Outdoor patios/public plazas with seating
- Peaked roof forms
- Canopies or porticos

(18) Facades shall be articulated to reduce the massive scale and the uniform disengaging appearances of large format retail buildings. The intent is to encourage developments with high quality materials, varied architecture, and a pedestrian friendly scale so as to contribute to and identify a sense of identity to the City of Urbana.

(19) Buildings with a large “box” appearance are not permitted.

(20) No uninterrupted length of any façade shall exceed 75 feet.

(21) No segment of wall should exceed 10 vertical feet without interruption by an architectural feature such as a change in color, texture, material, or design.

B. BUILDINGS

(22) Ground floor facades that face public streets or parking areas must have display windows, awning, verandas, entry areas, public plazas, or other such features no less than 60 percent their horizontal length.

(23) Building facades should have architectural features, finishes, and patterns that provide visual interest, contribute to a pedestrian scale, and reduce massive effects.

(24) Each development application shall be evaluated with the scale, massing, and location of the project in mind. Two-story buildings which provide substantially more green space on a site is generally preferred over single story buildings with more lot coverage.

(25) Building facades shall incorporate a horizontally repeating pattern that incorporates elements such as:

- Color
- Texture
- Material
- Reveals
- Offsets
- Columns
- Pilasters

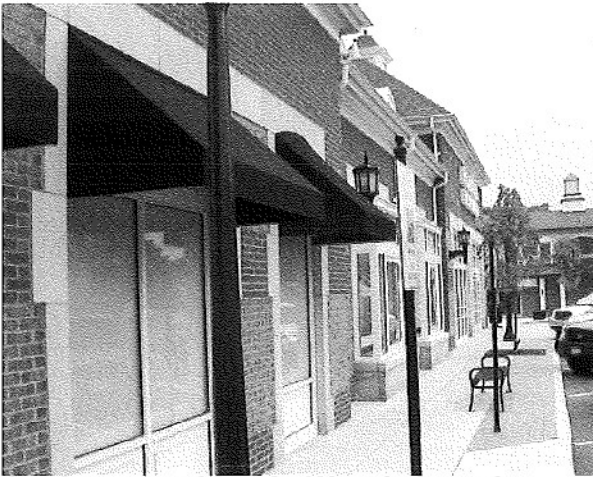
(26) Variations in roof lines should be used to reduce the mass and add interest to large buildings.

(27) Flat roofs can be used, must integrate strong, highly detailed cornice lines and parapets. Parapet backing, if visible, must match the materials of the front elevation of the parapet. If the building uses parapet returns into the building, they shall not appear to terminate from views from public parking areas or the right of way.

(28) The use multiple horizontal roof planes per building elevation is encouraged.



Large Format Retail – peaked roof forms, overhangs, and arches diversify the storefront



Storefronts – ground floors should have display windows, awning, verandas, entry areas, or other features

(29) Development located next to large format retail buildings shall be substantial enough in scale and massing to appear appropriate. Surrounding buildings shall not be dwarfed in appearance.

STOREFRONTS AND WINDOWS

Storefronts are the first floor of the building facing the street and public access areas. They are important because they engage the pedestrian with the business and can also be used to bring down the scale of large format retail centers.

(30) Upper half-stories or full stories shall have a consistent and compatible fenestration pattern as used on the first floor. A minimum 30 percent of the upper stores of new construction must contain windows.

(31) The amount of fenestration should be balanced with the amount of solid façade.

(32) Ground floor facades that face public streets or parking areas shall have display windows, awnings, verandas, entry areas, or other such features.

(33) Windows shall be provided on all exposed sides of the building.

(34) Windows details should incorporate appropriate trim, mullion, and ornamentation to enhance the appearance of the building.

(35) Glass storefronts shall be clear or lightly tinted. Very dark, reflective, or opaque glass is strongly discouraged and will not count toward the required transparent glass or windows. Use of glass blocks to fill the majority of window openings on storefronts is discouraged and glass block is not considered transparent for the purpose of these standards.

MATERIALS AND COLORS

(36) Materials shall utilize high quality exterior materials such as brick or stone. The following materials are not acceptable:

- Concrete block (painted or unpainted, textured or untextured)
- Pre-engineered building systems and panels
- Vinyl or aluminum siding
- Sheet metal
- Plastic panels

(37) Engineered wood composite materials (e.g. hardi-plank or smartside siding and trim) are an acceptable exterior material. Stucco or EIFS (Exterior Insulation Finishing System) may be used but shall only be used as accents and shall not exceed 25% of the total area of the building. A brick or stone watercourse of at least 18 inches must be used to protect stucco or drivet exterior surfaces.

(38) Roof materials shall be dimensional shingles, cedar shakes or shingles, standing seam roofs, or simulated slate materials. Exceptions on roof building materials are made for flat roofs but must utilize strong cornice lines.

(39) The same degree of finish, including the required percentages of building materials, shall be used on all facades that have visibility from the public R.O.W., parking areas, open space, or residential zoning districts.

(40) The quality of materials used on the first floor shall not diminish on upper stories. The entire building shall be composed of high quality materials.

(41) Materials of any secondary structure shall be consistent and compatible with those used on the exterior of the main structure.



Exterior Materials – stucco or drivet should be reserved for accents and shall not exceed 25% of the total building area



Exterior Colors – wall colors should be neutral though more dominant colors can also work effectively.

(42) A variety of color palettes can be used for different materials. Colors shall be compatible with each other and with those of adjoining buildings.

(43) Neutral and subtle colors shall be used for wall surfaces, except where it can be demonstrated that a dominant color is appropriate. Bold, contrasting, or subtle colors are appropriate for trim and accents. Building material colors, including different types of glass and metal, can be used effectively as part of the color scheme.

MATERIALS & COLORS
DEVELOPMENT SUBAREA C - CITY EDGE

The building materials used for large format retail centers contribute significantly to the visual impact of a building. Building materials can be effective in reducing the massing of large buildings, and providing pedestrian scale to a building. High quality materials are significant in gaining community-wide acceptability and contextual appearance. Additional large format retail standards shall apply for buildings in Development Subarea C.

(44) Building materials shall be of high quality and rely heavily on traditional and natural materials such as brick, stone, wood, and glass. A minimum of 60 percent of every building facade (excluding glazing) must be brick or stone.

(45) Artificial building materials such as vinyl siding shall not be used. Materials to be avoided include:

- Sheet metal
- Plastic panels
- Rough-sawn wood
- Vinyl
- Unfinished poured concrete

(46) Stone must be left unpainted. Smooth or split face concrete block is not an acceptable exterior material.

(47) A variety of color palettes can be used for different materials. Colors shall be compatible with each other and with those of adjoining buildings.

(48) No structure is considered as having "front" or "rear" facades. The same degree of finish including the required percentage of brick and stone, shall be utilized on all sides of the building that is visible from the public right of way, residential districts, or open space. The



Exterior Materials - facade incorporates repeating horizontal and vertical elements that finish off all sides of the building



Exterior Materials - same degree of finish should be used for the side and rear of buildings

same degree of finish including the percentage of brick and stone shall be utilized on all sides of the building. All facades shall contribute to the scale and features of the building by featuring similar characteristics as the front façade.

BUILDING LIGHTING

(49) Storefront facades, recessed doorways, rear entrances, outdoor spaces, parking areas, and passageways between parking areas and the storefront entrances should be lighted.

(50) Up or down flood lighting may be used to light building faces. These lights shall be concealed and shielded (cut-off type fixtures) to prevent light trespass and glare on adjoining properties. Ground mounted up-lighting must be shielded from view and surrounded by evergreen planting material.

(51) Lights should be oriented to highlight the main sign, window displays, and architectural features of the building.

(52) Interior fluorescent lighting shall not be visible from outside. Awnings or light window tinting should be used to cut down from interior light glare.

(53) A maximum of one-foot candle is permissible at all property lines. A photometric plan is required to show proposed light intensity.

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