

RESOLUTION 08-01-2026

A RESOLUTION DECLARING A TEMPORARY MORATORIUM ON THE RECEIPT OF APPLICATIONS, PROCESSING, OR APPROVAL OF APPLICATIONS FOR ZONING CERTIFICATES FOR DATA CENTER DEVELOPMENT WITHIN THE ZONED PORTION OF ATHENS TOWNSHIP, ATHENS COUNTY, OHIO, AND TO ALLOW FOR THE STUDY AND ADOPTION OF AMENDMENTS TO THE “ZONING CODE FOR A PORTION OF ATHENS TOWNSHIP IN THE PLAINS, OHIO”

WHEREAS, the “Zoning Code for a portion of Athens Township in The Plains, Ohio” (hereinafter “the Zoning Code”) was approved by the voters in the election of November 3, 2020; and

WHEREAS, The Board of Township Trustees of Athens Township, Athens County, Ohio (hereinafter the “Board”) has therefore the authority to regulate land use through township zoning pursuant to *Ohio Revised Code §519.02* and *Ohio Attorney General Opinion No. 2003-024*; and

WHEREAS, The Board recognizes that data centers are becoming increasingly common throughout Ohio due to growing demand for digital infrastructure and artificial intelligence computing; and

WHEREAS, data centers may have significant impacts on land use, including but not limited to:

- Electrical transmission and distribution infrastructure;
- Water supply and wastewater systems;
- Stormwater management;
- Noise from cooling equipment and electrical generators;
- Air emissions quality associated with backup power generation;
- Visual impacts due to principal building size, ancillary services and structures and utility infrastructure;
- Traffic associated with construction and maintenance;
- Public safety and emergency response requirements;
- Compatibility with surrounding residential, agricultural, commercial, and industrial uses;
- Long-term planning and orderly community development; and

WHEREAS, Athens Township's current Zoning Code does not specifically define or address data centers or establish standards governing their location, size, operation, buffering, environmental impacts, utility demands, or compatibility with neighboring land uses; and

WHEREAS, The Board finds that permitting data center development before such regulations are adopted could result in land uses inconsistent with the Athens Township Comprehensive Plan and the Athens County Comprehensive Plan and could adversely affect the public health, safety, convenience, comfort, prosperity, and general welfare of Athens Township residents, specifically in the zoned area and in Athens County in general; and

WHEREAS, The Board desires to allow the Athens Township Zoning Commission sufficient time to study data center development, receive public input, consult with technical experts, coordinate with utility providers and other governmental agencies, and prepare proposed amendments to the Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Athens Township, Athens County, Ohio as follows:

SECTION I: The purpose of this Resolution is to preserve the status quo while Athens Township, Athens County, Ohio (hereinafter “the Township”) evaluates and possibly adopts amendments to the Zoning Code specifically addressing data center development.

SECTION II: Effective immediately upon adoption of this Resolution, the Zoning Official shall not accept, process, approve, or issue zoning permits, zoning certificates, conditional use approvals, variances, or any other zoning approvals for the establishment, construction, expansion, or substantial modification of any ~~new~~ data center within the zoned area of the Township. For purposes of this Resolution, a "data center" means a facility primarily used to house computer systems, servers, networking equipment, cloud computing infrastructure, artificial intelligence computing equipment, digital storage systems, or similar electronic equipment requiring substantial electrical power and mechanical cooling systems.

SECTION III: During the moratorium, the Township directs the Zoning Commission to:

- Evaluate appropriate zoning districts for data centers, if any;
- Develop use definitions and if applicable;
- Consider setbacks and buffering requirements;
- Evaluate building height and lot coverage standards;
- Consider noise limitations;
- Evaluate water usage and wastewater impacts;
- Evaluate electrical infrastructure impacts;
- Consider emergency generator standards;
- Review traffic impacts;
- Evaluate environmental impacts;
- Develop landscaping and screening requirements;
- Consider decommissioning requirements where appropriate; and
- Conduct public meetings and hearings as required by law.

SECTION IV: This moratorium shall remain in effect for twelve (12) months from the effective date of this Resolution unless:

1. Repealed earlier by the Board; or
2. Superseded by the adoption of amendments to the Zoning Code regulating data centers or any lawful order mandated by the State of Ohio or Athens County.

SECTION V: The Board has specifically determined that:

1. This moratorium is temporary in nature and effect.
2. This moratorium is necessary to protect the public health, safety, welfare, convenience, comfort, and prosperity of the residents of Athens Township and Athens County.
3. The Township requires additional time to consider amendments to the Zoning Code.
4. Immediate action is necessary to avoid incompatible development that could occur before such regulations are adopted.

SECTION VI: If any provision of this Resolution is determined to be invalid by a court of competent jurisdiction, such determination shall not affect the remaining provisions, which shall remain in full force and effect.

SECTION VII: It is found and determined that all formal actions of the Board of Trustees of Athens Township, Athens County, Ohio concerning and relating to this Resolution were discussed and voted upon in an open meeting of the Board of Trustees,

Athens Township, Athens County, Ohio on August 1, 2026 and that all deliberations which resulted in such formal actions were conducted in meetings open to the public and in compliance with all legal requirements, including *Ohio Revised Code §121.22*.

Motion: _____ Second: _____

Aye: _____ Nay: _____

Mr. Linscott: _____

Mr. Pierson: _____

Mr. Baker: _____

Attest: _____
Brenda Cox, Athens Township Fiscal Officer

This Resolution shall take effect at the earliest date provided by law. Duly resolved by the Athens Township Board of Trustees this 1st day of August, 2026.

Ted Linscott, Athens Township Board of Trustees Chair

Approved as to form and content:

Keller Blackburn, Athens County Prosecuting Attorney