

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, George L. Gordon, Jr., Government Center, Stafford, Virginia, on the 17th day of October, 2023:

<u>MEMBERS:</u>	<u>VOTE:</u>
Dr. R. Pamela Yeung, Chairman	Yes
Thomas C. Coen, Vice Chairman	Yes
Tinesha O. Allen	No
Meg Bohmke	Yes
Darrell E. English	Yes
Monica L. Gary	Yes
Crystal L. Vanuch	Yes

On motion of Ms. Vanuch, seconded by Ms. Bohmke, which carried by a vote of 6 to 1, the following was adopted:

AN ORDINANCE TO AMEND AND TO REORDAIN STAFFORD COUNTY CODE SEC. 28-25, "DEFINITIONS OF SPECIFIC TERMS;" SEC. 28-35, "TABLE OF USES AND STANDARDS;" AND SEC. 28-39 "SPECIAL REGULATIONS" REGARDING DATA CENTERS

WHEREAS, the Stafford County Code defines data and computer service centers, but does not provide development standards or regulations for such uses; and

WHEREAS, the Board desires to establish zoning and development regulations for data center uses; and

WHEREAS, the Board carefully considered the recommendations of the Planning Commission and staff, and the public testimony, if any, received at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require the adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 17th day of October, 2023, that Stafford County Code Sec. 28-25, "Definitions of specific terms;" Sec. 28-35, "Table of uses standards;" and Sec. 28- 39 "Special regulations," be and they hereby are amended and reordained as follows, with all other portions remaining unchanged:

Sec. 28-25. - Definitions of specific terms.

~~Data and computer service centers. A use where the majority of the space is occupied by computers and/or related equipment, and where electronic information is processed, transferred and/or stored. Data and computer services centers may contain data technology centers, internet service providers, network operations centers, web hosting facilities, and other similar establishments primarily engaged in providing direct access through telecommunications networks to computer held information.~~

Data center: A facility where the principal use is the storage, management, processing, and/or transmission of digital data, and containing one or more large-scale computer systems and/or related equipment. Such facility or use typically may include but is not limited to air handlers, water cooling and storage facilities, utility substations and infrastructure, back-up power generation, fire suppression systems, and/or enhanced security systems, any of which may require additional approvals or conditional use permits, as applicable.

Sec. 28-35. - Table of uses and standards.

Table 3.1. District Uses and Standards

B-2 Urban Commercial.

(a) *Uses permitted by right:*

~~Data and computer service centers.~~

RBC Recreational Business Campus.

(a) *Uses permitted by right:*

~~Data and computer service centers.~~

M-1 Industrial Light.

(a) *Uses permitted by right:*

~~Data and computer service centers.~~

M-2 Industrial, Heavy.

(b) *Uses permitted by right:*

~~Data and computer service centers.~~

Data center.

ICTP Integrated Corporate and Technology Park Overlay.

(a) *Uses permitted by right:*

~~Data and computer service centers.~~

Data center.

Sec. 28-39. - Special regulations.

(q) ~~Reserved.~~ *Special provisions applicable to data centers.*

- (1) All primary structures shall be set back at least one hundred (100) feet from any property line abutting non-commercial or non-industrial zoned properties for sites located within the Urban Services Area, and at least two hundred (200) feet from any property line abutting non-commercial or non-industrial zoned properties for sites located outside the Urban Services Area.
- (2) For sites abutting or across a road from non-industrial or non-commercial zoned properties, a vegetated buffer shall be required consisting of a landscaped strip at least fifty (50) feet wide. Any buffer required pursuant to this subsection may be located within the setback required pursuant to subsection (q)(1) directly above.
- (3) Required buffers and/or setbacks may be modified by the board of supervisors as part of the approval of zoning reclassification or conditional use permit applications based on considerations specific to the site including, but not limited to, a viewshed analysis and/or noise propagation study that demonstrates that such reduction is reasonable.
- (4) A minimum of thirty percent (30%) open space shall be maintained for sites located outside the Urban Services Area.
- (5) The site shall be enclosed with security fencing at least seven (7) feet in height, include an appropriate anti-climbing device, and shall be secured with gates. Security fencing shall be installed interior to any required buffer.
- (6) All mechanical equipment, both on ground and roof-mounted equipment, shall be attenuated through sound mitigation measures including, but not limited to, sound muffling materials.
- (7) A series of sound propagation studies shall be submitted as outlined herein.
 - a. The sound study shall be specific to the proposed site layout and building type shown on the site plan.
 - b. The sound study shall be prepared by an environmental noise professional and submitted to the County (i) prior to final site plan approval for each phase of the project and (ii) if approval of a conditional use permit is required, with the

conditional use permit application.

- c. The sound study shall evaluate (i) the noise conditions at the site prior to project development, and (ii) model-predicted noise conditions at the site resulting from the project after project development.
- d. The sound study shall include recommendations for mitigation measures, which mitigation measures may be incorporated into conditions of approval for the conditional use permit by the board of supervisors.
- e. Post-development noise conditions at the site will be evaluated and compared to local code requirements within ninety (90) days after the issuance of the occupancy permit for each phase of the project, and annually thereafter for a period of ten (10) years. Such evaluations shall be conducted by planning and zoning staff, or other appropriate staff as determined by the county administrator, on a weekday. In the event that the report shows that the use emanates sound that exceeds the maximum allowable decibel levels, all legal avenues available to obtain compliance shall be pursued.

; and

BE IT FURTHER ORDAINED that applications submitted to the department of planning and zoning regarding the development of data centers prior to October 17, 2023, are allowed to continue with their applicable land use review and consideration processes, if diligently pursued, until such applications expire pursuant to deadlines imposed by the Stafford County Code.

A Copy, teste:


Randy E. Vosburg
County Administrator

REV:KCB:kb