



FAIRFAX COUNTY

PROPOSED ZONING ORDINANCE AMENDMENT

STAFF REPORT Data Centers

May 17, 2024

Hearing Dates

Planning Commission: June 5, 2024 @ 7:00 p.m.

Board of Supervisors: July 16, 2024 @ 4:00 p.m.

Staff Contact

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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call 703-324-1334 or TTY 711 (Virginia Relay Center).



PLANNING & DEVELOPMENT

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Background

On March 19, 2024, the Board of Supervisors (Board) directed staff to prepare a Zoning Ordinance amendment to strengthen the current provisions for data centers and authorized the scheduling of public hearings on an amendment. The [Board Matter](#) stated that the public hearing before the Board should be scheduled for July 2024.

Previously, on May 9, 2023, the Board directed staff to research and provide recommendations regarding data centers. In accordance with that direction, an interagency staff team researched data centers, met with numerous stakeholders, and provided a report to the Board on January 9, 2024. The proposed Zoning Ordinance amendment is based on the research included in the [Data Centers Report and Recommendations](#), the discussions at the Board’s Land Use Policy Committee meeting on March 12, 2024, and staff’s further research and outreach.

Current Regulations

The [Zoning Ordinance](#) currently allows data centers in the zoning districts shown in Table 1 below. Lot size and bulk regulations vary according to the zoning district. In addition, transitional screening and barriers are required in accordance with the recently amended [Section 5108](#) of the Zoning Ordinance. Among other provisions, these regulations require a 50-foot-wide landscaped transitional screening yard between industrial and residential uses.

The use-specific standards for data centers ([subsection 4102.6.A](#)) include the building size thresholds for by-right development listed in the table below, as well as a requirement that—except in the I-4, I-5, and I-6 Districts—all equipment for cooling, ventilating, or otherwise operating the facility, including emergency power generators and other power supply equipment, be contained in an enclosed building.

Zoning District	By Right	Special Exception
C-3 (Office) C-4 (High Intensity Office)	Up to 40,000 SF of GFA; or larger if repurposing a building existing on May 10, 2023	Required for larger size; or for increase in height or FAR
I-2 (Low Intensity Industrial) I-3 (Light Intensity Industrial)	Up to 80,000 SF of GFA; or larger if repurposing a building existing on May 10, 2023	Required for larger size; or for increase in height or FAR
I-4 (Medium Intensity Industrial) I-5 (General Industrial) I-6 (Heavy Industrial)	Yes (limited by district height of 75 feet and FAR of 0.5)	Required for increase in height or FAR
PRC (Planned Residential Community – Town Center, Convention/Conference Center) PDC (Planned Development Commercial) PTC (Planned Tysons Corner Urban)	Yes, if shown on the development plan	n/a

Table 1: Current Zoning Permissions¹

Proposed Changes

Proposed text is provided below. The proposed amendment revises the permissions and adds or revises the use-specific standards for data centers to address issues of compatibility with surrounding uses, noise, and aesthetics.

Permissions

The proposed amendment revises the permissions for data centers to show that in all conventional districts where a data center is allowed (C-3, C-4, and I-2 to I-6), a data center could either be allowed by right, subject to use-specific standards, or require a special exception (SE) to modify certain standards. For example, if a use standard specifies a maximum building size or a minimum distance to residential, then an SE could allow for a larger size or a lesser distance. This approach recognizes that the potential impacts of a data center may vary based on its size, location, equipment, and other features, as well as the evolving nature of the data center industry. It should be noted that although the proposed amendment recommends by-right development of data centers that meet certain requirements, as with any use or development, an SE is required to exceed the maximum height or FAR of the zoning district (where allowed), and an amendment to an approved rezoning with proffered uses or a specific plan of development is required to add a new use or modify an approved development plan.

For the C-3 and C-4 Districts, a use standard allows by-right data centers up to 40,000 square feet. An option is included to consider always requiring an SE in C-3 and C-4; these are

¹Abbreviations used in the table: SF – square feet; GFA – gross floor area; FAR – floor area ratio.

commercial office districts, and the only other industrial uses permitted in these districts are goods distribution hub and small-scale production establishment.

While data centers are currently permitted in the areas designated as Town Center and Convention/Conference Center within the PRC District, no existing or approved data centers are currently located in the PRC District. The purpose of the PRC District is to provide a variety of housing types, employment opportunities, and commercial services in an orderly and creative arrangement. No other industrial uses are allowed in the PRC District except for craft beverage production establishment and small-scale production establishment – uses with a customer focus that is compatible with the Town Center and Convention/Conference Center areas. Therefore, the amendment shows an option to remove the permission for data centers in the PRC District. Additionally, in the planned districts, sometimes the proffers allow all or most of the uses permitted in the zoning district. To ensure that a data center is specifically planned for a particular location, the proposed amendment revises the permissions in the applicable planned districts to SE (PDC, PTC, and the PRC District if the use is not removed).

To provide flexibility for the Board, the permission options will be broadly advertised to allow the Board to adopt any permission (other than special permit) – permitted, SE, permitted if shown on an approved development plan, and/or not permitted in certain districts. If the Board revises the permissions to require an SE in all districts where permitted, the use standards discussed below would also be revised accordingly to remove the standards relating to maximum size and building design for by-right data centers.

Use Standards and Submission Requirements

Several new and revised standards are listed in Table 2 and further described below. Also, see the discussion below for advertised options not included in the table.

	By-right standards	SE standards
Equipment screening/enclosure <i>(revised)</i>	All districts	Same
Maximum building size <i>(revised)</i>	C-3, C-4: 40,000 SF I-2, I-3, I-4: 80,000 SF	Size limit may be exceeded; zoning district FAR still applies
Setback from residential <i>(new)</i>	200 feet	SE for lesser distance
Distance from Metro <i>(new)</i>	½ mile	SE for lesser distance
Noise study <i>(new)</i>	All districts	Same
Building design standards <i>(new)</i>	Conventional districts: main entrance feature; variation in façade surface every 150 feet; minimum 30% fenestration	SE or development plan: submit architectural sketches, sight line studies; variation in massing if within 200 feet of residential

Table 2: Data Center Use Standards (Staff Recommended Options)

The revised or new use-specific standards are intended to mitigate potential impacts. Certain standards that apply to by right development could be modified as part of an SE process. In addition, the text includes references to advertised ranges for consideration, and the advertising for the amendment will allow for consideration of new or revised use-specific standards.

- Screening and enclosure of equipment – The Zoning Ordinance currently requires equipment for data centers (HVAC, generators, etc.) to be in an enclosed building, except in the I-4, I-5, and I-6 Districts. The proposed amendment includes several revisions to this standard: (a) removes the exception for the I-4, I-5, and I-6 Districts; (b) adds that the purpose of the provision is to provide visual screening and reduce noise; (c) requires equipment to be fully enclosed, except where the Director of Land Development Services determines that it is not mechanically feasible and adds a requirement for a screening wall if the equipment cannot be fully enclosed; and (d) adds a requirement for a screening wall for any accessory electrical substation.

The revisions recognize that certain types of systems, such as a cooling tower, cannot typically be located within an enclosed building. Cooling system equipment requires that the heat be able to dissipate to the outdoor atmosphere. The manufacturer of the equipment sets the required clearances for the equipment to operate properly, including the types of enclosures. If the manufacturer specifications do not permit full enclosure, sound walls and equipment screens would still be required to mitigate visual and noise impacts. It should also be noted that, in accordance with [subsection 5100.2.C\(2\)](#) of the Zoning Ordinance, if the equipment and other rooftop accessory structures cumulatively exceed 25 percent of the roof area, then the mechanical equipment counts as part of the building height, which is limited by the zoning district regulations.

- Size thresholds for by-right data centers – The potential for certain localized impacts of data centers increases in accordance with the gross floor area. Size thresholds allow data centers to be approved by right up to a certain size, or larger with SE approval. The size thresholds are intended to reflect the purpose of each zoning district. In order to guide data centers to locate in the I-5 and I-6 Districts, the heaviest industrial areas in the County, no additional building size limit is proposed for these districts. Each district’s limitations on FAR and height would continue to apply.
 - C-3 and C-4: These are commercial office districts. Recognizing that data centers are industrial uses which may not be compatible with the surrounding development, the Zoning Ordinance currently allows a maximum size of 40,000 square feet of gross floor area, or a larger size with repurposing of an existing building or with SE approval in a new building. The standard is clarified to indicate that the maximum size applies per building. Several options are shown for this use standard:
 - (a) Remove the allowance for a larger by-right size with repurposing. Given the specific needs for a data center, repurposing of an existing building would likely require

extensive building and site modifications. If a large building were to be proposed for a data center use, an SE would provide for a site-specific review for compatibility with surrounding uses.

- (b) Add a maximum size of 200,000 square feet of GFA for a by-right data center through repurposing.
- (c) Maintain the current Zoning Ordinance provisions.
- (d) If the permissions in C-3 and C-4 are changed to always require an SE, then the standard for a maximum size would be deleted.
- I-2, I-3, and I-4: The proposed amendment adds the I-4 District to the standard that currently applies to I-2 and I-3, which limits the maximum size of a data center to 80,000 square feet of gross floor area. As with the standard that applies to C-3 and C-4, the Zoning Ordinance currently allows the 80,000-square-foot limit to be exceeded with SE approval or with the repurposing of an existing building. The standard is clarified to indicate that the size applies per building. Options are included to remove the allowance for a larger by-right size with repurposing or to add a maximum size of 200,000 square feet of GFA for a data center proposed by right through repurposing.
- Setback from residential – Setbacks can minimize potential visual and noise impacts on surrounding areas. A new standard is included that requires a data center building and/or its equipment (e.g., HVAC, generators) to be located a minimum distance from property with residential zoning or use, and a lesser distance could be allowed with SE approval. In addition to requiring the setback from any property developed with a residential use, the proposed standard refers to an “R district” which includes both conventional and planned district residential areas in accordance with subsection [9100.11](#) of the Zoning Ordinance. The proposed standard includes a setback of 200 feet, but up to 500 feet will be advertised for consideration. This setback is based on a review of other setbacks in the Zoning Ordinance for uses which can have impacts on adjacent residential property including, among other uses, 100 feet for a barn for livestock or poultry with an agricultural operation, 150 to 250 feet for an extraction activity, and 250 feet for a crematory. In addition, Loudoun County, with the recent update of its zoning ordinance, requires a 200-foot setback for a data center from residential property. Staff considered the possibility that a data center could be constructed or approved before an adjacent rezoning to an R district and how that could create a nonconformity. But staff nevertheless recommends a firm 200-foot setback, as any potential future data center expansion was not part of the original approval and should, at that point, have to account for an adjacent residential district or use.
- Distance from Metro – Because of the expectation for pedestrian activity and active street fronts, and the desire to put high-population and employment centers near transit, data centers would not generally be compatible with the type of development planned for transit station areas and other areas near Metro stations. Therefore, a standard is included that would not allow a data center within ½ mile of a Metro station entrance without SE approval. The SE approval would allow an innovative data center form, such as wrapping a building with active uses, to be accommodated on a site-specific basis. The ½-mile distance is in accordance with the higher density/intensity planned for these areas in the

Comprehensive Plan. An advertised option to consider any distance up to one mile is included.

- Noise study – To ensure that data centers incorporate the features needed to mitigate potential noise impacts and comply with the Noise Ordinance, the amendment includes a use standard and submission requirements for a noise study to be submitted for by-right data centers as well as those undergoing rezoning or SE review. The standard also requires a post-construction noise study to confirm compliance with the Noise Ordinance prior to issuance of a Nonresidential Use Permit (NonRUP). Noise studies have been submitted as part of the review of certain data centers within Fairfax that have been approved by a rezoning or SE, and are required by other jurisdictions, including Loudoun County. The proposed standard requires that, prior to site plan approval and prior to issuance of the first NonRUP, a noise study demonstrate, to the Zoning Administrator’s satisfaction, that the proposed operation of the data center will comply with the Noise Ordinance. The noise modeling would address the worst-case scenario, including all cooling equipment at full operational load. The Noise Ordinance includes exceptions for the routine testing and maintenance of backup generators (between 7 a.m. – 9 p.m. for up to two hours per day) and the emergency use of generators during a power outage.
- Building design – A data center is an industrial building, and many have large blank façades. To facilitate a high-quality building design, standards are proposed for by-right data centers. The draft standards are objective and would require building designs that include a main entrance feature, façade variation, and a minimum amount of fenestration design features, which can include faux windows. For data centers undergoing rezoning or SE review, architectural renderings and sight-line studies would be required to demonstrate that the building would be reflective of a high-quality design. For data centers that are closer to residential areas, a variation in massing would also be required, such as changes in the building height.

In addition to the use-specific standards, all SE applications are reviewed for conformance with the general SE standards in the Zoning Ordinance and must be in harmony with the Comprehensive Plan. The general SE standards ([subsection 4102.1.F](#)) include, among other standards, that the proposed use must not adversely affect the use or future development of neighboring properties. The Comprehensive Plan review includes the Policy Plan and any site-specific text and may recommend that issues such as green building and renewable energy commitments, stormwater quality, and other environmental topics be addressed. On December 6, 2022, the Board authorized consideration of a [Comprehensive Plan amendment](#) to update the Countywide Policy Plan. The first stage of community engagement is scheduled to begin in the summer of 2024.

Several topics are not addressed in the proposed standards for the Zoning Ordinance amendment.

- Fuel tanks – As recommended in the report issued on January 9, 2024, staff further reviewed whether standards should be added for surface grading, berms, or other

containment around fuel tanks. The Virginia Code includes pollution prevention standards that apply to aboveground storage tanks.² The County requires permitting and inspection of diesel fuel or gasoline storage tanks through the Office of the Fire Marshal.³ Based on input from the Office of the Fire Marshal, no ruptures of tanks that meet the current requirement for double-walled construction have occurred, and no spills have occurred during re-fueling. In staff's analysis, the current regulations provide appropriate protection, and staff has not identified the need for additional regulations at this time.

- Energy demand – Energy transmission and usage are regulated at the state level by the State Corporation Commission. Aside from the context of zoning incentives, the Virginia Code does not authorize the County to regulate energy efficiency or to require the use of renewable energy directly through the Zoning Ordinance. The Zoning Ordinance currently requires SE approval for an increase in FAR, and that process provides for consideration of Comprehensive Plan policies, which include energy efficiency and use of renewables. The new building code standards that apply to data centers provide comprehensive guidelines for optimizing energy efficiency, indoor air quality, and sustainable building design. For projects undergoing rezoning or SE review, LEED certification is recommended, and commitments are typically obtained. LEED certification addresses energy efficiency and incorporates additional sustainability and design principles.
- Air quality – The emergency backup generators used by data centers are regulated by the Virginia Department of Environmental Quality (VDEQ) and the County does not have the authority to impose more stringent emissions standards. Encouragingly, it appears that the data center industry is trending toward use of Tier IV generators that have reduced emissions.
- Cooling water discharge – Some data centers (like other large commercial and industrial buildings) use cooling towers. The discharge from a cooling tower requires permitting, whether it is connected to the wastewater system or the stormwater system.⁴ If a cooling tower discharges to the stormwater system, permitting is required by VDEQ, with effluent limits established for certain pollutants.⁵ The stormwater discharge permit also requires ongoing effluent monitoring and reporting to ensure compliance with established pollutant limits. Due to stringent stormwater quality standards, data centers typically elect to discharge to the wastewater system. Discharge to this system requires review in conjunction with the plumbing permit, with limits on constituents established for the protection of the receiving treatment plant and the water body receiving its treated discharge. As described in the January 9, 2024, Data Center Report, there may be a concern about concentrated salts in the discharge, particularly within the sewer collection area of the Upper Occoquan Service Authority's (UOSA) Water Reclamation Plant (WRP) which treats wastewater for releases to the Occoquan Reservoir, one of the County's public water

² Chapter 91, Virginia Administrative Code: <https://law.lis.virginia.gov/admincode/title9/agency25/chapter91/>

³ Fuel storage tank program: [https://www.fairfaxcounty.gov/plan2build/fuel-storage-tanks#:~:text=Tank\(s\)%20capacity%20of%20500,and%20plan%20reviews%20may%20apply.](https://www.fairfaxcounty.gov/plan2build/fuel-storage-tanks#:~:text=Tank(s)%20capacity%20of%20500,and%20plan%20reviews%20may%20apply.)

⁴ Cooling tower permitting: <https://www.fairfaxcounty.gov/publicworks/stormwater/cooling-towers>

⁵ VPDES general permit: <https://law.lis.virginia.gov/admincode/title9/agency25/chapter196/section70/>

supplies. Additional information about the contribution of data centers to sodium levels is needed and DPWES is partnering with the Virginia Tech Occoquan Watershed Monitoring Lab to monitor known and suspected sodium sources, including data center, industrial laundry, and residential discharges in the County's portion of the UOSA sewershed, with results expected in the fall 2024. While UOSA has addressed sources of sodium on a case-by-case basis, there is no enforceable federal or state standard, and UOSA has not granted the County authority to regulate sodium or require pre-treatment for sodium. UOSA is re-evaluating its local limits for the WRP, including whether to establish a new local limit for sodium. Additionally, it may be possible for guidance to be included in the Comprehensive Plan.

- Noise Ordinance – Consideration of revising the exceptions for the use or testing of backup generators would require amending the Noise Ordinance, which is a separate chapter in the County Code. Additionally, any study of lower sound frequencies would need to be conducted and considered as part of a Noise Ordinance amendment.

Community Outreach

Following the Board Matter and authorization on March 19, 2024, staff held four community meetings to discuss draft text that was posted in advance of the meetings. The meetings were broadly advertised, and the recordings are posted on the project [website](#). Comments have also been submitted via email. The draft text was discussed at the Planning Commission Infrastructure Committee meeting of May 9, 2024, as well. Feedback has included concerns about energy demand, noise, aesthetics, proximity to residential, and other potential impacts of data centers.

Summary

Overall, the proposed amendment would strengthen the standards for data centers, including maximum sizes, setbacks, noise, and building design. Where options are presented in the amendment text, staff recommends Option 1. In addition, it is recommended that the amendment become effective at 12:01 a.m. on the day following adoption.

4. Use Table for Planned Development Districts

TABLE 4101.2: Use Table for Planned Development Districts

✓ = permitted if shown on final development plan/PRC development plan and PRC plan;
 ✓/SE = permitted if shown on final development plan/PRC development plan and PRC plan, or as special exception if not on plan(s)
 SE = special exception; SP = special permit; blank cell = not allowed
 A = allowed as accessory use only; A+ = permitted as an associated service use;
 AP = allowed with approval of administrative permit

Use	PDH		PRC					PDC		PRM		PTC	PCC		Use-Specific Standards NOTE: General Standards also apply
	Principal	Secondary	Residential	Neighborhood Convenience Center	Village Center	Town Center	Convention/Conference Center	Principal	Secondary	Principal	Secondary		Principal	Secondary	
Industrial Uses															
Freight Movement, Warehousing, and Wholesale Distribution: uses involving the movement, storage, and distribution of goods. Goods are generally delivered to other firms or the final consumer.															
Data Center OPTION 1						✓	✓	✓ SE				✓ SE			4102.6.A
Data Center OPTION 2						✓ SE	✓ SE	✓ SE				✓ SE			4102.6.A

4102. Use Standards

INSTRUCTION: Revise the standards as shown below. Renumber/reletter as needed. *[Advertised options included below.]*

6. Industrial Uses

Freight Movement, Warehousing, and Wholesale Distribution

A. Data Center

Standards applicable to all data centers:

- (1) In all districts except the I-4, I-5, and I-6 Districts, To provide visual screening and reduce noise levels, all equipment necessary for cooling, ventilating, or otherwise operating the facility, including power generators or other power supply equipment, must be contained within an fully enclosed, except where determined by the Director not to be mechanically feasible, building where the use is located. This includes emergency power generators and other emergency power supply equipment. If the Director determines it is not mechanically feasible to fully enclose the equipment, it must be screened by a wall or similar barrier. In addition, any accessory electrical

substation must be screened by a wall or similar barrier. This standard does not apply to solar panels.

- (2) In the C-3 and C-4 Districts, the maximum building size is 40,000 square feet of gross floor area. However, this size limit may be exceeded:
 - ~~(a)~~ If the use is located in a building existing on May 10, 2023; or **[OPTION 1: Delete (a) and combine (b) as part of (2) to read: However, this size limit may be exceeded with special exception approval in accordance with subsection 8100.3.]**
 - (a) **[OPTION 2]** If the data center use does not exceed 200,000 square feet of gross floor area is located in a building existing on ~~May 10, 2023~~ **(insert effective date of the amendment)**; or
 - (a) **[OPTION 3]** If the use is located in a building existing on ~~May 10, 2023~~ **(insert effective date of the amendment)**; or
 - (b) With special exception approval in accordance with subsection 8100.3.
[OPTION 4: If the permissions for C-3 and C-4 are revised to always require an SE, delete standard (2)]
- (3) In the I-2, ~~and I-3,~~ and I-4 Districts, the maximum building size is 80,000 square feet of gross floor area. However, this size limit may be exceeded:
 - ~~(a)~~ If the use is located in a building existing on May 10, 2023 **[OPTION 1: Delete (a) and combine (b) as part of (3) to read: However, this size limit may be exceeded with special exception approval in accordance with subsection 8100.3.]**
 - (a) **[OPTION 2]** If the data center use does not exceed 200,000 square feet of gross floor area is located in a building existing on ~~May 10, 2023~~ **(insert effective date of the amendment)**; or
 - (a) **[OPTION 3]** If the use is located in a building existing on ~~May 10, 2023~~ **(insert effective date of the amendment)**; or
 - (b) With special exception approval in accordance with subsection 8100.3.
- (4) Any data center building, equipment for cooling, ventilating, or otherwise operating the facility, power generator, or other power supply equipment must be located at least 200 feet from the lot line of an R district or a property developed with a residential use. A lesser distance may be allowed with special exception approval in accordance with subsection 8100.3. For the purpose of this provision, an R district does not include an area within a public street right-of-way. [option for a minimum distance up to 500 feet, and for a different distance within the 500-foot limit for I-5 and I-6 than other districts]
- (5) A data center building must be located at least one-half mile [up to one mile] from a Metro station entrance. A lesser distance may be allowed with special exception approval in accordance with subsection 8100.3.
- (6) Prior to site plan approval, a noise study must be submitted demonstrating to the Zoning Administrator's satisfaction that the operation of the data center will comply with the Noise Ordinance, Chapter 108.1 of the County Code. In addition, prior to issuance of a Nonresidential Use Permit, a post-construction noise study must be submitted demonstrating to the Zoning Administrator's satisfaction that the operation complies with the Noise Ordinance.

Standards when permitted by right:

- (7) A data center building must include a main entrance feature that is differentiated from the remainder of the building façade by a change in building material, pattern, texture, color, or accent material. The entrance feature must also either project or recess from the adjoining building plane.
- (8) All building façades must include:
 - (a) A change in the façade surface for every 150 horizontal feet of at least one of the following: building material, pattern, texture, color, or accent material; and
 - (b) Windows, doors, or similar fenestration design features such as faux windows, must be distributed horizontally and vertically across the façade and comprise a minimum of 30 percent of the individual façade.

Standards when permitted by development plan or special exception:

- (9) A data center building must be designed to minimize adverse visual impacts on surrounding development as demonstrated by the submission of elevations, architectural sketches, or sight line studies. The building should have a high-quality design as evidenced by the use of materials, color, and texture. If the building is located less than 200 feet [*distance to match the distance in A(4) above*] from an R district or a property developed with a residential use, it should include changes in building height or other design techniques to provide variation in building mass as viewed from the nearby residential district.

INSTRUCTION: Add rezoning and special exception submission requirements for a data center. Renumber as needed.

ARTICLE 8 - ADMINISTRATION, PROCEDURES, AND ENFORCEMENT

8101. Submission Requirements

2. Zoning Map Amendments (Rezoning)

E. Supporting Reports and Studies

The following additional information must be submitted:

(12) Data Center

For a rezoning to allow a data center, the application requires the following additional information:

- (a) A noise study demonstrating that the operation of the data center will comply with the Noise Ordinance, Chapter 108.1 of the County Code.

- (b) Architectural depictions of the proposed building and associated equipment as viewed from all lot lines and street lines.

3. Special Exceptions, Special Permits, and Variances

D. Additional or Modified Submission Requirements for Specific Special Exception Applications

The following are additional or modified submission requirements for special exception applications for:

(8) Data Center

- (a) A noise study demonstrating that the operation of the data center will comply with the Noise Ordinance, Chapter 108.1 of the County Code.
- (b) Architectural depictions of the proposed building and associated equipment as viewed from all lot lines and street lines.