

## **ORDINANCE**

### **AN ORDINANCE TO APPROVE A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLES 3, 9 AND 12 TO ALLOW A DATA CENTER USE WITH THE APPROVAL OF A SPECIAL USE PERMIT**

WHEREAS, the Town of Warrenton seeks to update Articles 3, 9 and 12 of the Zoning Ordinance to allow a Data Center with the approval of a special use permit; and

WHEREAS, in addition to allowing the Data Center use, supplemental standards and a definition are being added to Articles 9 and 12 respectively; and

WHEREAS, the text amendment seeks to require legislative action for a data center proposal in the Industrial District; and

WHEREAS, the Town Council of the Town of Warrenton feels a data center use is appropriate for the Town's Industrial District with the appropriate safeguards as proposed as part of the Supplemental Use Regulations; and

WHEREAS, the Town Council has determined that the health, safety, general welfare of the public and good zoning practice warrant this amendment; and

WHEREAS, the Town Council initiated this text amendment on April 13, 2021; and

WHEREAS, the Town of Warrenton Planning Commission held a work session on the proposed amendment on May 25, 2021; and

WHEREAS, the Town of Warrenton Planning Commission held a public hearing on the proposed amendment on June 22, 2021 where the applicant's representative spoke and the Commission deferred recommendation until the next scheduled Regular Meeting; and

WHEREAS, the Town of Warrenton Planning Commission discussed this text amendment as part of their Unfinished Business portion of the agenda on July 20, 2021 and recommended approval by a 5-1 vote; and

WHEREAS, on August 10, 2021, the Town of Warrenton Town Council held a public hearing and considered written and oral testimony on the proposed text amendment; now, therefore, be it

ORDAINED by the Town Council of the Town of Warrenton this 10<sup>th</sup> day of August 2021, That the Town Council hereby approves the following text amendment to Articles 3, 9 and 12 of the Zoning Ordinance:

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Town Clerk

## **Article 3 Zoning Districts and Map**

**Amended by Town Council:** **March 11, 2008**  
**February 12, 2013**  
**April 12, 2016**  
**June 14, 2016**  
**August 9, 2016**  
**December 11, 2018**  
**August 11, 2020**  
**August 10, 2021**

3-4.12 I Industrial District

### **3-4.12.1 Legislative Intent**

It is the intent of this district to implement the Town's Comprehensive Plan by providing for a variety of light manufacturing, fabricating, processing, wholesale distributing, and warehousing uses appropriately located for access by highways and providing a controlled environment within which signing is limited, uses are to be conducted generally within completely enclosed buildings, and a moderate amount of landscaping is required. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district and future residential uses are restricted.

### **3-4.12.2 Permitted Uses (by-right)**

- Accessory buildings
- Active and Passive Recreation and Recreational Facilities
- Banks and savings and loan offices
- Broadcasting studios and offices
- Business and office supply establishments
- Cabinet, upholstery, and furniture shops
- Cafeteria or snack bar for employees
- Clinics, medical or dental
- Commercial uses constituting up to 15% of permitted site or building area
- Conference Centers
- Contractor's office and warehouse without outdoor storage
- Crematory
- Dwellings for resident watchmen and caretakers employed on the premises
- Employment service or agency

- Flex Office and Industrial uses
- Health and Fitness Facilities
- Institutional buildings
- Janitorial service establishment
- Laboratories, research, experimental or testing, but not testing explosives, rockets, or jet engines
- Light manufacturing uses which do not create danger to health and safety in surrounding areas and which do not create offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with light industries
- Mobile Food Vendors subject to Article 9-24
- Monument sales establishments with incidental processing to order but not including shaping of headstones
- Motion picture studio
- Nurseries and greenhouses
- Offices- business, professional, or administrative
- Off-street parking and loading subject to Article 7
- Open space subject to Article 9
- Printing, publishing, and engraving establishment; photographic processing; blueprinting; photocopying; and similar uses
- Private club, lodge, meeting hall, labor union, or fraternal organization or sorority
- Rental service establishment
- Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing, or distributing use
- Rug and carpet cleaning and storage with incidental sales of rugs and carpets
- Security service office or station
- Sign fabricating and painting
- Signs, subject to Article 6
- Studios
- Transmission and receiving towers of height not exceeding one hundred twenty-five (125) feet
- Utilities related to and necessary for service within the Town, including poles, wires, transformers, telephone booths, and the like for electrical power distribution or communication service, and underground pipelines or conduits for local electrical, gas, sewer, or water service, but not those facilities listed as requiring a special use permit
- Wholesale establishment, storage warehouse, or distribution center. furniture moving

**3-4.12.3 Permissible Uses (by special use permit upon approval of the Town Council)**

- Automobile body shop

- Automobile and truck repair and service
- Commercial Kennels
- Contractor's storage yard
- **Data Center**
- Farm equipment, motorcycle, boat and sport trailer sales and service
- Fuel, coal, oil distribution storage yards
- Lumber and building supply with undercover storage.
- Maintenance and equipment shops with screened outside storage
- Outdoor storage of any kind
- Plumbing and electrical supply with undercover storage
- Restaurant or cafeteria, drive-thru or otherwise
- Self-service mini-warehouse
- Temporary fair and show grounds
- Tire and battery sales and service, tire recapping and retreading
- Transmission and receiving towers of height greater than one hundred twenty-five (125) feet.
- Treatment plants, water storage tanks, major transmission lines or pipelines, pumping or regulator stations, communications towers, storage yards and substations, and cable television facilities and accessory buildings

**3-4.12.4 Lot and Yard Regulations**

Use	Minimum Lot Size (sq. ft.)	Minimum Lot Frontage (at front setback)	Maximum Lot Coverage (impervious surfaces and accessory buildings)
All principal manufacturing and processing uses in industrial parks	One (1) acre	100 ft.	75%
Other uses, including permitted retail and service establishments	10,000 square feet	100 ft.	75%

**Minimum Setbacks**

Use	Front	Side	Rear
All principal manufacturing and processing uses in industrial parks	Fifty (50) feet from the right-of-way of a local street having a right-of-way of fifty (50) feet or less.	Twenty-five (25) feet on an interior lot or adjacent to any C or I district including accessory buildings or parking structures, ten (10) feet for parking lots.	Forty (40) feet on an interior lot or adjacent to any C or I district including accessory buildings or parking structures, ten (10) feet for parking lots.
	Sixty-five (65) feet from the right-of-way of a major thoroughfare or collector street having a right-of-way greater than fifty (50) feet.	Fifty (50) feet adjacent to any R district including accessory buildings or parking structures, thirty (30) feet for parking lots.	Sixty-five (65) feet adjacent to any R district including accessory buildings or parking structures, fifty (50) feet for parking lots.
	Forty (40) feet from the right-of-way of a service drive. Accessory buildings shall not be permitted forward of the setback line.		
Other uses, including permitted retail and service establishments	same	same	same

**3-4.12.5 Building Regulations**

Use	Maximum Height
All buildings	35 feet
Accessory buildings	Within 20 feet of any lot line shall not exceed 15 feet in height. All accessory buildings shall be less than the main building in height.

**3-4.12.6 Special Regulations for Manufacturing and Commercial Buildings**

3-4.12.6.1 Enclosed Buildings. All uses shall be conducted within a completely enclosed building of permanent and durable construction, with no open storage of raw, in process, or finished material and supplies or waste material. Finished or semi-finished products manufactured on the premises may be stored in the open if screened from the street or from a residence district by landscaping, fences, or walls.

3-4.12.6.2 Landscaping. In general, where approval of a site plan is required, the landscape plan shall be designed to promote harmonious

relationships with adjacent and nearby residential properties, developed or undeveloped, and to this end may provide effective screening along side and rear property lines by means of fences, walls, hedges, planting screen, or natural vegetation as outlined in Article 8, General Provisions for Landscaping.

3-4.12.6.3 Fencing. All fencing shall have a uniform and durable character and shall be properly maintained.

## Article 9 Supplemental Use Regulations

Amended by Town Council: February 12, 2013  
July 8, 2014  
August 9, 2016  
December 11, 2018  
April 9, 2019  
August 10, 2021

### Contents (Sections)

- 9-1 Accessory Structures and Uses; Parcel Limitations
- 9-2 Additional Regulations Where a Grouping or More than One Use is Planned for a Tract
- 9-3 Affordable Dwelling Unit Provisions
- 9-4 Apartment Buildings, Special Regulations
- 9-5 Bed and Breakfast Facilities
- 9-6 Cluster Development Provisions
- 9-7 Home Occupations and Home Businesses
- 9-8 Lighting
- 9-9 Manufacturing Buildings, Special Regulations
- 9-10 Mobile Homes (Manufactured Homes)
- 9-11 Office and Other Business Buildings, Special Regulations
- 9-12 Open Space
- 9-13 Outdoor Display
- 9-14 Performance Standards for All Non-Residential Uses
- 9-15 Recycling Facilities
- 9-16 Residential Use Limitations
- 9-17 Steep Slopes
- 9-18 Telecommunications Facilities
- 9-19 Temporary Uses
- 9-20 Traditional Neighborhood Development Option (TND)
- 9-21 Utility Lots
- 9-22 Yard and Garage Sales
- 9-23 Massage Therapy, Establishment of Provisions for Therapists and Businesses
- 9-24 Mobile Food Vendors
- 9-25 RESERVED
- 9-26 Data Centers

## Article 9 Supplemental Use Regulations

### 9-26 Data Centers

Data Centers, as defined in Article 12, are permissible in the Industrial (I) District, subject to the following requirements.

#### 9-26.1 Additional Standards

- A. Minimum Lot Size: 25 acres. Town Council may approve a data center on parcels less than 25 acres as part of the special use permit application.
- B. The data center shall utilize recycled water or air chillers, in conjunction with using recycled water, for cooling purposes. Potable water shall not be used for cooling.
- C. All electric service lines from the substation to the data center shall be placed underground.
- D. Setbacks: Per Section 3-4.12.4 (“All principal manufacturing and processing uses in industrial parks”).
  - 1. Town Council may approve building heights greater than 35 feet during the review of the Special Use Permit. Buildings must be setback one (1) additional foot (horizontally) from the required setback line for each additional one (1) foot (vertically) greater than 35 feet. Building heights shall be in conformance with the Comprehensive Plan.
  - 2. The data center building shall be setback a minimum of one-hundred (100) feet from property lines.
- E. Parking: In accordance with “Assembly or Manufacturing Uses” per Section 7-7 of the Zoning Ordinance.
- F. Building Facades:
  - 1. Building facades shall include at least two of the following design elements:
    - a. Change in building height;
    - b. Building step-backs or recesses;
    - c. Fenestration (25% minimum);
    - d. Change in building material, pattern, texture, or color;
    - e. Use of accent materials.

G. Mechanical Equipment:

1. Mechanical equipment shall be completely screened through the use of walls, fences or evergreen vegetation so that no part of the mechanical equipment can be seen from adjoining properties or right-of-ways.
2. All generators shall be equipped with mufflers to reduce emissions and noise.

H. Security:

1. The facility shall provide access to Town and County emergency services staff at all times.

I. Landscaping:

1. In addition to the landscape planting requirements of Article 8 of the Zoning Ordinance, any portion of the data center (including equipment) visible from a park or adjoining/across the street from a residential district shall be screened by vegetation consisting of a double staggered row of evergreen trees planted 15 feet on center. A minimum 3 foot berm planted with a double staggered row of evergreen shrubs planted 10 feet on center may be used in place of the double staggered row of evergreen trees required above.

J. Substations:

1. Substations associated with the data center shall be screened from adjacent properties and right-of-ways through the use of opaque fencing in addition to evergreen trees and shrubs.

**Article 12      Definitions**

**Amended by Town Council:    February 12, 2013**

**June 14, 2016**

**August 9, 2016**

**December 11, 2018**

**April 9, 2019**

**September 10, 2019**

**October 13, 2020**

**August 10, 2021**

**Data Center:** A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, electric substations, cooling units, fire suppression systems, and enhanced security feature