SPECIAL PLANNING COMMISSION MEETING
WEDNESDAY, JULY 29, 2026 @ 7:00PM
Town Hall – 2nd Floor, East Conference Room

I. CALL TO ORDER

II. ROLL CALL – DETERMINATION OF QUORUM

III. PUBLIC COMMENTS NOT RELATED TO PUBLIC HEARINGS

IV. PUBLIC HEARING

- **2500345 – An Ordinance Amendment to Town Code §175-3 – Definitions to define Data Centers and redefine Technology Businesses and Town Code §175-53.10, §175-55, and §175-65 to prohibit data centers as a use within the Mixed-Use Campus Development (MCD) District, the I-1, Limited Industrial District and the I-2, Industrial Employment District.**

V. ADJOURNMENT

Town of Front Royal, Virginia

Planning Commission Special Meeting Agenda

☐ Consent Action ☐ Administrative Action ☑ Public Hearing ☐ Discussion

Agenda Item: 2500345 Zoning Text Amendment – Data Center Prohibition

Meeting Date: July 29, 2026

Draft Proposed Motion 1, Approval

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may amend, supplement, or change the regulations, district boundaries, or classifications of property by ordinance.

Therefore, I move that Planning Commission forward a recommendation to the Town Council to approve the proposed amendments to Chapter 175 of the Town Code, including the definition of "Data Center," the definition of "Technology Business," and the associated zoning text amendments prohibiting Data Centers, as presented per the request and direction of Town Council.

Draft Proposed Motion 2, Denial

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may amend, supplement, or change the regulations, district boundaries, or classifications of property by ordinance.

Therefore, I move that the Planning Commission forward a recommendation to the Town Council to deny the proposed amendments to Chapter 175 of the Town Code, including the proposed definitions and the associated zoning text amendments prohibiting Data Centers.

Draft Proposed Motion 3, Hybrid

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may amend, supplement, or change the regulations, district boundaries, or classifications of property by ordinance.

Therefore, I move that the Planning Commission recommend that the Town Council approve the proposed amendments to Chapter 175-3 establishing the definitions of "Data Center" and "Technology Business," but recommend denial of the proposed zoning text amendments prohibiting Data Centers within the I-1 Industrial District, I-2 Industrial Employment District, and Mixed-Use Campus Development District.

This recommendation is based on the Commission's finding that adoption of the proposed definitions is necessary to clearly identify and regulate the use within the Zoning Ordinance, while the proposed prohibition is inconsistent with the Town's current Comprehensive Plan, which contemplates the evaluation and mitigation of Data Center development rather than its outright prohibition.

These are only suggested motions, Planning Commission may put forth alternate motions

Planning Commission Action:

Moved _____Seconded _____

Marshner _____ Marrazzo _____ Neel _____ Brooks _____ Fedoryka _____

☐ Approved ☐ Approved w/ Conditions ☐ Denied ☐ Other

TOWN OF FRONT ROYAL
DEPARTMENT OF PLANNING & ZONING

PLANNING COMMISSION SPECIAL MEETING

JULY 29, 2026

STAFF REPORT

2500345 -Zoning Text Amendment – Data Center Prohibition

Summary

The purpose of this report is to provide the Planning Commission with the legislative history of the Town's consideration of Data Center regulations, summarize the proposed zoning text amendment, evaluate the proposal using accepted land use planning principles, and present Staff's professional recommendations.

The Town's consideration of Data Center regulations has been ongoing for more than one year. During that time, the Planning Commission and Staff conducted extensive research, drafted comprehensive regulations, met with stakeholders, held multiple Planning Commission work sessions, conducted public hearings, responded to Town Council direction, participated in an independent legal review, and prepared subsequent revisions to the proposed ordinance. As a result of the extensive legislative history associated with this amendment, Staff believes it is important to document the process and provide the Planning Commission with a complete understanding of the actions and decisions that have resulted in the ordinance now before the Commission.

Legislative History

Spring–Summer 2025 – Initial Research and Ordinance Development

Town Council directed Staff to research the land use impacts associated with these facilities and develop zoning regulations appropriate for the Town of Front Royal to regulate Data Centers specifically in the I-2 district.

Staff conducted extensive research of ordinances adopted by numerous Virginia localities, including communities that have experienced significant Data Center development i.e. Prince William, Loudoun, and Fairfax. Staff and the Planning Commission also evaluated industry standards, utility requirements, environmental considerations, and emerging planning practices.

Recognizing both the economic development opportunities and the potential impacts associated with Data Centers, Staff and the Planning Commission prepared a comprehensive zoning ordinance intended to regulate and restrict Data Centers via the Special Use Permit process rather than permit them by right.

The proposed ordinance limited Data Centers to the I-2 Industrial Employment District and required applicants to submit detailed *1) Utility Impact Analyses, 2) Physical Impact Analyses, and 3) Environmental Impact Analyses all of which addresses electrical demand, water consumption, traffic, noise, heat generation, environmental impacts, visual impacts, sustainability, infrastructure capacity, and long-term monitoring prior to any approval*. It is staff's professional opinion that the proposed ordinance was one of the most restrictive within the State and would effectively mitigate any potential impacts to the community.

September 17, 2025

The Planning Commission conducted a public hearing on the proposed ordinance.

Following public testimony and discussion, the Planning Commission recommended approval of the ordinance defining Data Centers and permitting by Special Use Permit within the I-2 Industrial Employment District subject to comprehensive performance standards and impact analyses.

October 2025

Rather than taking immediate legislative action, the Town Council requested that the proposed ordinance be reviewed by outside legal counsel to evaluate its legal sufficiency and regulatory approach.

Spring–Summer 2026

Following the legal review, Town Council revisited the proposed ordinance and expressed concerns regarding the potential impacts associated with Data Centers, including:

- Electrical infrastructure demands;
- Water consumption;
- Environmental impacts;
- Noise;
- Community character;

- Long-term utility capacity; and
- Fiscal impacts.

After a properly advertised public hearing, Town Council concluded that the previously proposed Special Use Permit regulations, in their opinion, did not provide the level of protection it desired and directed Staff to prepare an alternative zoning text amendment prohibiting Data Centers within the Town.

Council also adopted a temporary moratorium on accepting Data Center applications while the proposed ordinance was under consideration. This resolution was administrative and charged staff with compliance and implementation.

Proposed Amendment Defining and Prohibiting Data Centers

The proposed amendment would:

- Establish a comprehensive definition of "Data Center";
- Distinguish Data Centers from Technology Businesses and other computing-related uses; and
- Prohibit Data Centers within the I-1 Industrial District, I-2 Industrial Employment District, and Mixed-Use Campus Development District.

As proposed, no zoning district within the Town would permit the establishment of a new Data Center. Unlike the ordinance previously recommended by the Planning Commission, which proposed regulating Data Centers through the Special Use Permit process in the I-2 Industrial Employment District, the proposed amendment removes the use from all zoning districts and does not provide a mechanism for case-by-case review or approval. Under this framework, there is no instance where a data center use could be appropriate within Town limits.

Consistency with Comprehensive Plan

The Town's Comprehensive Plan serves as the Town's long-range policy document and establishes the policy framework for future amendments to the Zoning Ordinance. The Plan provides that the Zoning Ordinance should implement the goals, objectives, and policies of the Comprehensive Plan and that consistency between these documents is necessary to carry out the Town's long-range vision. *(Comprehensive Plan, p. 11)*.

Staff has evaluated the proposed zoning text amendment for consistency with the adopted Comprehensive Plan. While the Comprehensive Plan recognizes that Data Centers present unique land use considerations, it does not recommend prohibiting the use throughout the Town. Instead, the Development Policies chapter specifically states:

"Data center development should be evaluated carefully to mitigate all impacts on adjacent properties including, but not limited to: noise, views, and stormwater runoff." (Comprehensive Plan, p. 135).

This policy reflects a planning approach focused on evaluating potential impacts and mitigating those impacts through appropriate land use regulations rather than categorically prohibiting the use.

The Comprehensive Plan further identifies Data Centers as an appropriate use within the Mixed-Use Industrial Future Land Use category, alongside other employment-generating industrial and commercial uses. *(Comprehensive Plan, p. 142)*.

The proposed zoning text amendment would prohibit the establishment of new Data Centers in every zoning district and eliminate the Town's ability to evaluate future proposals on a case-by-case basis. In Staff's opinion, this represents a significant change in policy direction from the Comprehensive Plan, which anticipates that Data Centers may be appropriate in certain locations provided their impacts are carefully evaluated and mitigated through the development review process.

Additionally, the Comprehensive Plan's Implementation Matrix reiterates the policy that Data Center development should be carefully evaluated and impacts mitigated, further demonstrating the Town's adopted policy of regulation rather than prohibition. *(Comprehensive Plan, pp. 213–215)*.

Staff finds that the proposed zoning text amendment is inconsistent with the Town's current Comprehensive Plan. Should the Town Council determine that a town-wide prohibition of Data Centers is the preferred legislative policy, Staff recommends that the Comprehensive Plan also be amended to reflect that policy direction. Doing so would maintain consistency between the Town's adopted long-range planning policies and the implementing provisions of the Zoning Ordinance, while providing clear guidance to future Planning Commissions, Town Councils, property owners, and prospective applicants. *(Comprehensive Plan, p. 11)*

Professional Planning Analysis, Opinion & Recommendation

As Planning Director and Zoning Administrator, it is my responsibility to provide independent professional planning advice based on sound planning principles, the Town's Comprehensive Plan, and the Town's Zoning Ordinance.

I recognize and appreciate the Town Council's desire to protect the citizens of Front Royal and ensure that future development is compatible with the community. Concerns regarding infrastructure capacity, water demand, environmental impacts, noise, traffic, and compatibility are legitimate planning considerations that should be carefully evaluated whenever new land uses are proposed.

After reviewing the proposed amendment and the Town's existing regulatory framework, I do not believe that an outright prohibition of Data Centers is the most appropriate planning approach. The Special Use Permit ordinance previously recommended by the Planning Commission was specifically drafted to provide the Town with broad authority to require detailed technical studies, impose enforceable conditions, and deny applications that could not adequately protect the public's health, safety, and welfare. In my opinion, that approach provides the Town with the greatest control over future development rather than a blanket prohibition.

I also find that the proposed prohibition is inconsistent with the Town's broader zoning philosophy. The Zoning Ordinance allows several intensive industrial and utility-related land uses to be considered through the Special Use Permit process rather than prohibiting them outright. Those uses are evaluated on their individual merits and may be approved, approved with conditions, or denied based on their impacts and compliance with the Ordinance. I believe Data Centers should be evaluated using the same planning framework unless there is a clear land use basis for treating them differently.

As discussed in the preceding section of this report, the proposed prohibition is also inconsistent with the Town's adopted Comprehensive Plan. The Comprehensive Plan contemplates the careful evaluation and mitigation of Data Center impacts and identifies Data Centers as an appropriate use within the Mixed-Use Industrial Future Land Use designation. The proposed amendment represents a significant departure in the Town's adopted policy direction.

While Virginia law authorizes localities to prohibit land uses through zoning, legal authority alone does not establish good planning practice. As Planning Director and Zoning Administrator, my responsibility is to provide my independent professional opinion. Based on my review of the Comprehensive Plan, the Town's existing zoning framework, and accepted planning principles, I cannot recommend the proposed prohibition.

Accordingly, I recommend approval of the proposed definitions of **"Data Center"** and **"Technology Business,"** but recommend denial of the proposed zoning text amendments prohibiting Data Centers. In my professional judgment, a strengthened Special Use Permit process provides the Town with a highly defensible approach to protecting the public health, safety, and welfare while remaining consistent with the Town's adopted Comprehensive Plan.

Staff Recommendation

Staff recommends that the Planning Commission **recommend approval of the definitions** since the jurisdiction cannot regulate or prohibit what it does not define. However, staff recommends **the denial of the proposed zoning text amendment** prohibiting Data Centers within in the I-1, I-2, and MCD districts. Furthermore, if Town Council moves forward with the

prohibition, Staff will bring a Comprehensive Plan amendment to the Planning Commission within the next month to align the Plan to the Code.

This recommendation is based solely on my professional planning judgment and is intended to assist the Planning Commission in fulfilling its advisory role. The final legislative decision regarding this amendment rests with the Town Council.

AN ORDINANCE AMENDMENT TO TOWN CODE §175-3 – DEFINITIONS TO DEFINE DATA CENTERS AND REDEFINE TECHNOLOGY BUSINESSES AND TOWN CODE §175-53.10, §175-55, AND §175-65 TO PROHIBIT DATA CENTERS AS A USE WITHIN THE MIXED-USE CAMPUS DEVELOPMENT (MCD) DISTRICT, THE I-1, LIMITED INDUSTRIAL DISTRICT AND THE I-2, INDUSTRIAL EMPLOYMENT DISTRICT.

175-3 DEFINITIONS

For the purpose of this chapter, certain words and terms are herein defined as follows:

ACCESS - A public or private right-of-way providing the ability to enter, approach or pass to and from an area to another area.

ACCESSORY BUILDING/ACCESSORY STRUCTURE - A building or structure that is subordinate to, and located on the same lot as the principal permitted use of the property, of which, the accessory building or accessory structure is used for purposes that are clearly incidental to that of the principal permitted use of the property, and which is not attached by any part of a common wall or roof to the main building, or buildings, if any. An accessory building shall not exceed the height of the main building(s) located on the property; shall not be located within a required yard area that abuts a public road; and shall not be permitted where no main building exists on the property, except in the following: (i) temporary buildings or structures permitted under this chapter, (ii) accessory buildings without utilities that are used for storage purposes and do not exceed two hundred fifty-six (256) square feet, and (iii) buildings, such as barns and silos, used for agricultural purposes.

ACCESSORY USE - A use of a building, lot or portion thereof which is customarily incidental and subordinate to the principal permitted use of the main building or lot. Accessory uses shall include the use of accessory buildings as a separate accessory dwelling unit, provided that the lot is at least twelve thousand (12,000) square feet in size, the accessory building complies with the minimum setback and yard area requirements that are required for main buildings within the applicable zoning district, no more than one (1) accessory dwelling is located on the property, and the accessory dwelling unit does not utilize more than five hundred (500) square feet. Urban agriculture is considered an accessory use when the requirements of Section 175-110.5 are complied with.

ADMINISTRATOR, THE - The official charged with the administration and enforcement of the Zoning Ordinance.

DRAFT

AFFILATED ENTITIES - Entities that are commonly owned or controlled, directly or indirectly, by the same person or group of persons holding a controlling ownership interest. The term also includes entities that operate the facility pursuant to a common operating or management agreement. It does not include unrelated tenants that share a building or parcel absent such ownership, control, or agreement.

AGRICULTURE/AGRICULTURAL PURSUITS - The tilling of soil, the raising of crops, horticulture, aquaculture, hydroponics, forestry, gardening, apiculture, livestock and fowl keeping and breeding, farm wineries, roadside stands, tenant houses necessary for the operation of a farm, and the production of natural products with resources primarily derived from the land upon which it is produced. Yard maintenance, landscaping, noncommercial gardening and other customary incidental accessory uses shall not be deemed as "agriculture." Where agricultural uses are permitted under Chapter 175 of the Town Code, the provisions of Section 66-5 pertaining to slaughtering of stock shall not apply, provided that this exemption only applies to small scale slaughtering activities on a farm, and does not apply to slaughterhouses.

AGRICULTURE, URBAN (Urban Agriculture) - An umbrella term that describes a range of food growing practices conducted as an accessory use that may include the raising of crops, horticulture, aquaculture, hydroponics, forestry, gardening, apiculture, and both livestock and fowl keeping, subject to compliance with the regulations of Section 175-110.5.

ALLEY - A public right-of-way which affords only a secondary means of vehicular access to the side or rear of property.

ALL-WEATHER SURFACE - Crushed rock, gravel or similar surface shall constitute an all-weather surface.

AMENDMENT - A change in the Zoning Ordinance and/or Zoning Map granted by the Town Council after review and comment by the Town Planning Commission.

APARTMENT DEVELOPMENT - A property that includes more than one (1) apartment house.

APARTMENT HOUSE - A multifamily structure originally intended, arranged or designed to be occupied by three (3) or more families, each in an individual dwelling unit and living independently of each other. The number of families in permanent residence shall not exceed the number of dwelling units provided. Entranceways through the structure to the units may be either common or separate, and each lot on which the building is located shall be held in single ownership, even though individual units may be sold in accordance with this chapter. Such term shall not include "row house" or "townhouse." Each apartment unit shall occupy space on not more than one (1) story in a structure.

DRAFT

ARCHITECT, REGISTERED - A licensed professional architect registered in the Commonwealth of Virginia by the Department of Professional and Occupational Registration as an architect.

ATTIC - The space between the ceiling beams of the top habitable story and the roof rafters. An "attic" shall be considered a half-story and shall be included in the calculation of building height.

AUTOMOBILE GRAVEYARD - See "Junkyard."

AUTOMOBILE PARKING LOT, COMMERCIAL - A lot or portion thereof, other than an automobile sales lot, held out or used for the storage or parking of six (6) or more motor vehicles for a consideration, where service or repair facilities are not permitted. Such parking lot shall not be considered an accessory use; nor shall it be used for the storage of dismantled or wrecked vehicles, parts thereof or junk.

AUTOMOBILE SALES LOT - A lot arranged, designed or used for the storage and display for sale of any new or used motor vehicles capable of independent operation or any type of travel trailer and recreational vehicle, provided that the travel trailer and recreation vehicle is unoccupied, and where repair work is done wholly enclosed within a building.

AUTOMOBILE SERVICE STATION - A place of business with pumps and underground storage tanks, having as its purpose the servicing, at retail, of motor vehicles with fuels and lubricants, and including minor repairs and inspections incidental thereto, but not including a general repair shop, paint or body shop, machine shop, vulcanizing shop or any operation requiring the removal or installation of a radiator, engine, cylinder head, crankcase, transmission, differential, fenders, doors, bumpers, grills, glass or other body parts or anybody repairing or painting. All repairs shall be conducted within a fully enclosed building.

AUTOMOBILE WRECKING YARD - An area where destroyed, abandoned and obsolete automobiles are disassembled and where parts of said disassembled automobiles are generally sold and where the remaining automobile bodies and their components are temporarily stored until they can be removed or reduced to scrap metal.

BABYSITTING - An activity occurring in any private family home in which nine (9) children or fewer, including children residing on the premises and/or related by blood or marriage to the person who maintains the home, are received for care, protection and guidance during any part of the twenty-four-hour day. A Town business license is required for the care of any children not related by blood or marriage when such service is provided in a private family home during any eleven (11) days or more, either consecutive or nonconsecutive days, in any given month.

BASEMENT - A story partly underground and having fifty percent (50%) or more of the total exterior wall area exposed. It shall not be occupied for residential purposes until

DRAFT

the remainder of the building has been completed. A "basement" shall be counted as a story for the purpose of height requirements.

BAY WINDOW - A convex window frame and pane(s) that projects outward from a house or other structure, which may project not more than three feet (3') into any required yard area.

BED AND BREAKFAST HOME - A single-family, owner-occupied dwelling with ten (10) or fewer guest rooms in which overnight accommodations and breakfast are provided for transient guests, none of whom remain any more than fourteen (14) consecutive nights. A "bed-and-breakfast home" shall also be known as a "Tourist Home".

BLOCK - The property bound on all sides by one (1) side of a street or a combination of a street line, railroad right-of-way, unsubdivided land, river, live stream, stream bed or any other barrier to the continuity of development.

BOARD, THE - The Board of Zoning Appeals of the Town of Front Royal, Virginia.

BOARDINGHOUSE - See "Lodging House."

BREAKPOINT TECHNOLOGY - Means the particular design of a monopole wireless telecommunication tower, certified by an engineer licensed in the Commonwealth of Virginia, that devises a specified point of the structure, referred to as the breakpoint, to have stress concentrated so that the breakpoint is at least five percent (5%) more susceptible to failure than any other point along the structure, so that in the event of a structural failure, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the structure.

BUILDING - A structure having a roof, supported by columns or by walls and intended for the shelter, housing or enclosure of any person, animal or chattel.

BUILDING COVERAGE, LOT COVERAGE - All areas on a lot which are under a roof or under projections from buildings.

BUILDING INSPECTOR - An appointed official of the Town of Front Royal, Virginia who is responsible for certifying building inspections.

BUILDING, MAIN - A building in which the principal use of the lot is conducted.

CARETAKER QUARTERS - A dwelling unit located within a building that is used by a business enterprise, and is occupied by the owner or an employee of the business. Only one (1) caretaker quarters shall be permitted per building, and shall not utilize more than twenty percent (20%) of the ground floor area of the building.

DRAFT

CATERING SERVICES - An establishment that prepares meals or food on premise with pickup/delivery for consumption off-site.

CELLAR - A portion of a building having less than fifty percent (50%) of the total exterior wall area exposed. Such a portion of a building shall not be used for habitation. All portions of the total exterior wall area exposed shall be counted for the purpose of height requirements but shall not be considered a story.

CEMETERY - Any land or structure used or intended to be used for the interment of human remains. The sprinkling or interment of ashes on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery. Cemeteries are subject to performance standards in Section 175-107.4 and local regulation pursuant to Code of Virginia §§ 15.2-978, 15.2-1111, and 57-26 and may be for public or private use.

CHURCH - Buildings or structures primarily intended for organized religious services and associated accessory uses.

CHURCHYARD - an area of land not exceeding two (2) acres, surrounding and located on the same lot or parcel as a church, which may be used as a cemetery.

CLINIC - An establishment where human patients who are not lodged overnight are admitted for examination or treatment by physicians or dentists.

COMMISSION, THE - See "Planning Commission."

COMMON OPEN SPACE - An open tract or parcel of land owned in undivided interest, not devoted to structures but directly related and adjunct to a development, as herein provided.

COMMUNITY CENTER (public) - A structure designed and constructed for public use which includes a community meeting room, athletic or exercise facilities or similar uses.

COMPUTER INFERENCE (or COMPUTATIONAL INFERENCE) - A computing process in which a trained model or algorithm applies learned patterns or rules to input data to generate predictions, classifications, recommendations, or other outputs, typically without modifying the underlying model parameters. This includes real-time or batch processing operations commonly associated with artificial intelligence, machine learning deployment, and automated decision-making systems.

CONGREGATE LIVING - Residential arrangement where multiple unrelated individuals of nine (9) or more persons live together in a shared housing environment, typically with some level of support or shared services. It is regulated separately from single-family homes or traditional apartment units due to its unique characteristics.

DRAFT

CONVALESCENT HOME - See "Nursing Home."

COVERAGE - See "Building Coverage."

CRITICAL IT LOAD - The maximum electrical demand attributable to information technology and computing equipment (including servers, storage, and networking hardware), as measured at the point of utility service entrance, UPS, or power distribution unit dedicated to such equipment, exclusive of building HVAC, lighting, and other non-computing loads.

DATA CENTER - An industrial use facility, premises, or dedicated portion there of utilized primarily for the storage, management, processing, hosting, and transmission of digital data and information. Such facilities typically contain a high density of networked computer servers, data storage devices, telecommunications equipment, specialized cooling systems, electrical substations, and emergency backup infrastructure. This definition encompasses any facility dedicated primarily to commercial data hosting, cloud computing services, artificial intelligence (AI) training or inference, high-performance computing (HPC), cryptocurrency mining, blockchain validation, or digital asset verification infrastructure. The term "Data Center" shall not include standard, incidental server rooms or information technology infrastructure wholly ancillary, subordinate, and incidental to an otherwise permitted primary business, commercial, healthcare, or institutional use.

In no event shall server, computing, or data-processing infrastructure with a critical IT load of 500 kilowatts or greater, or infrastructure served by the specialized mechanical or liquid cooling systems described in threshold (3) below, be deemed ancillary, subordinate, or incidental to any primary use, unless the facility qualifies for the any exclusion set forth below.

Any facility that meets one or more of the thresholds set forth below shall be classified as a Data Center regardless of how its operator characterizes its business, and notwithstanding that the facility or its operator also engages in one or more of the activities enumerated under the definition of Technology Business. Classification as a Data Center shall be determined by the physical use and operational characteristics of the facility, and not by the corporate description, business model, or self-designation of the applicant or operator.

A facility or portion thereof shall be classified as a Data Center if it meets one or more of the following operational or structural thresholds in support of a primary data processing or hosting use:

1. An electrical power demand or allocated capacity (critical IT load) for information technology and computing equipment of 500 kilowatts or greater, as measured by the utility service entrance capacity allocated or contracted for IT and computing loads, the capacity of installed uninterruptible power supply (UPS) or power distribution units

DRAFT

serving computing equipment, or as documented in building permit applications, electrical engineering drawings, or utility interconnection agreements. A facility shall be classified as a Data Center if it is designed or permitted to accommodate load, capacity, or floor area at or above any threshold set forth above, notwithstanding that the actual load, capacity, or area is below the threshold at the time of application.

2. Industrial-grade uninterruptible power supply (UPS) systems, backup generators, or other redundant or standby power infrastructure serving, or provisioned to serve, computing or data-processing equipment, where the aggregate rated capacity of such power infrastructure attributable to computing or data processing equipment whether installed, permitted, designed, or contracted for is 500 kilowatts or greater. This threshold is satisfied independently of any other threshold and regardless of how the primary use of the facility is characterized. Power infrastructure serving only life-safety systems, general building systems, or a primary non-computing commercial, healthcare, or institutional use shall not be counted toward this threshold. Where a single generator or UPS plant serves both computing equipment and non-computing building systems, the capacity attributable to computing equipment shall be the plant's rated capacity allocated to computing loads as documented in electrical engineering drawings or a load allocation study.

3. Specialized mechanical or liquid cooling systems, including but not limited to dedicated air handlers, cooling towers, chillers, or direct-to-chip or immersion liquid cooling infrastructures, engineered specifically to maintain operating temperatures for high-density computing arrays. For purposes of this threshold, any direct-to-chip, immersion, or other liquid cooling system serving computing or data-processing equipment with a design heat-rejection capacity of 50 kilowatts or greater qualifies; and any mechanical or air-cooling system qualifies where its design heat-rejection capacity dedicated to computing or data-processing equipment is 500 kilowatts or greater; or

4. A contiguous or aggregate floor area of 5,000 square feet or greater dedicated primarily to housing computing, processing, or data storage equipment, provided that this threshold shall not serve as a standalone trigger and shall only apply where the facility also satisfies at least one of thresholds (1), (2), or (3) above. For purposes of this threshold, floor area shall be aggregated across all buildings, tenant spaces, lease areas, and development phases on the subject parcel and on any contiguous or commonly owned or commonly controlled parcel, without regard to how such area is divided among tenants, owners, meters, or affiliated entities. Floor area, load, or capacity attributable to tenants that are not affiliated entities of one another and do not operate under common ownership or control shall not be aggregated under this threshold solely by virtue of occupying the same building or parcel.

For purposes of all thresholds set forth above, critical IT load, power capacity, and floor area shall be measured in the aggregate across the entire facility, the subject parcel, and all

DRAFT

development phases. Such aggregate measurement shall not be reduced or avoided by dividing the use among multiple buildings, tenant spaces, electric meters, service entrances, or affiliated entities.

Commercial or industrial facilities utilizing advanced automation, robust power infrastructure, or localized cooling systems for the manufacturing, processing, sale, or distribution of tangible goods shall not be construed to be a Data Center. The presence of computerized machinery or internal IT infrastructure necessary to support primary industrial operations does not constitute a Data Center, including within fabrication facilities, automated fulfillment and distribution centers, and similar manufacturing or logistics uses. The term "Data Center" shall not be construed to include accessory data processing, server closets, or computer operations integrated within and supporting primary commercial or healthcare uses such as corporate offices or hospitals, including such infrastructure operated by any business, financial institution, insurer, retailer, or other commercial or institutional occupant, provided that the computing capacity is used solely to support that occupant's own internal business operations and no portion of it is made available to unaffiliated third parties for a fee. This definition shall not include a computing facility operated by an accredited educational or research institution, or by a hospital or health system, primarily for its own non-commercial research, instructional, or clinical purposes, provided that no portion of the facility's computing capacity is made available to commercial third parties for a fee. The foregoing exclusions shall not apply to any portion of a facility in which computing infrastructure or capacity is made available to commercial third parties for fee-based hosting, co-location, or data processing services, which portion shall remain subject to this definition. Manufacturing and industrial exclusions shall not be construed to apply to cryptocurrency mining, blockchain transaction validation, or digital asset verification operations, regardless of whether the operator characterizes such activity as a manufacturing, industrial, or production use.

DAYCARE - The provision of care, protection and guidance to a group of children separated from their parents or guardian during a part of the day only.

DENSITY - The number of dwelling units permitted on one (1) acre of land as specified herein.

DESIGNATED SPECIAL CIRCUMSTANCE HOUSING (DSCH) - Residential accommodations that are specifically utilized to meet the needs of housing for individuals that fall in one (1) of the following categories; a) Individuals with Developmental Disabilities; b) Veteran's Housing; c) Emergency Family Housing; d) Shelter for Domestic Abuse Victims; e) Shelter for At-Risk Children.

DEVELOPMENT - The process of erecting or causing to be erected buildings or structures on a lot.

DRAFT

DISTRICT - A portion of the Town of Front Royal within which, on a uniform basis, only certain uses of land and buildings are permitted as set forth in this chapter and within which certain lot areas and other uniform requirements are established.

DOMESTIC PRODUCTS - Processed, cooked, dried or preserved foodstuffs and other agricultural products meant for human consumption, to include, but not limited to, jellies, pickles, herbs, smoked meats, baked goods, candies, canned foods, and other prepared edibles.

DRIVE-IN EATING ESTABLISHMENT - Any place or premises used for sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages in motor vehicles on the premises; a refreshment stand; a fast-food or primarily a carry-out establishment.

DRIVEWAY - A space or area providing access specifically designated and reserved on a lot for the movement of vehicles from one lot to another or from a lot to a public street. "Driveways" for commercial or industrial properties shall be hard surfaced.

DSCH TEMPORARY HOUSING - One (1) year or less.

DUPLEX - A two-family residential structure, with each unit having its own exterior entrance; the residential units may be arranged one above the other, or be semidetached.

DWELLING - A building or portion thereof which is used or intended to be used exclusively for residential purposes and contains one (1) or more dwelling units.

DWELLING, ATTACHED - A dwelling having any portion of each of two (2) walls in common with adjoining dwellings.

DWELLING, DETACHED - A dwelling which is entirely freestanding on a lot.

DWELLING, MULTIFAMILY - A structure originally arranged or designed to be composed of three (3) or more dwelling units (an apartment house), with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SEMI-DETACHED - One (1) of two (2) buildings, arranged or designed as dwellings located on abutting walls without openings, and with each building having a separate lot with minimum dimensions required by district regulations.

DWELLING, SINGLE-FAMILY - A single residential dwelling unit, other than a mobile home or manufactured home, designed for occupancy by one (1) family, and not located on the same lot as another dwelling unit.

DRAFT

DWELLING, TEMPORARY - A residence designed as a portable dwelling but not necessarily attached to a permanent foundation.

DWELLING, TWO-FAMILY - A residential building containing not more than two (2) dwelling units, arranged one above the other or side by side, designed for occupancy by not more than two (2) families.

DWELLING UNITS - One (1) room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy or rental or lease on a weekly, monthly or longer basis and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities and containing not less than six hundred (600) square feet of residential floor area. Such units shall meet the requirements of the Building Code of the Town of Front Royal.

EASEMENT - A grant by a property owner of the use of his land by another party for a specific purpose. The initial property owner in the agreement may be compensated for the use of his property.

EMERGENCY FAMILY HOUSING - Short-term housing, immediate shelter provided to individuals or families who are experiencing a crisis or urgent need for a place to stay.

ENGINEER, REGISTERED - A licensed professional engineer registered in the Commonwealth of Virginia by the Department of Professional and Occupational Registration as an engineer.

FALL ZONE - Means an area around the base of a wireless telecommunication tower required to be kept clear of buildings, other than those accessory to the wireless telecommunication tower, for the purpose of containing debris in the event of a tower structural failure. The fall zone is measured by a circular radius around the wireless telecommunication tower that equals the structure's height.

FAMILY - An individual or group of individuals related by blood, marriage, adoption or guardianship. For the purpose of this chapter, the definition of "family" shall include four (4) or fewer unrelated persons living together as a single housekeeping unit.

FARM PRODUCTS - Ice, wood, charcoal, meats, milk, butter, eggs, poultry, game, vegetables, fruits or other family supplies of a perishable nature or farm products grown or produced by them and not purchased by them for sale.

FARMERS' MARKET - A collection of two (2) or more vendors, selling farm or domestic products, garden produce, or nursery products, ornamental or otherwise, which have been grown or produced by the vendor offering the same for sale, in an open-air setting or with temporary or partially enclosed structures.

DRAFT

FAST-FOOD ESTABLISHMENT - See "Drive-in Eating Establishment."

FENCE - An artificially constructed barrier, made of any material, including but not limited to posts and wire, boards, or masonry intended to prevent escape or intrusion to make a boundary, or serve as screening.

FLEA MARKET - An assembly of vendors, selling new or used goods in the open air or within temporary structures, which display and sell their wares on the lands of another for a consideration.

FLOODPLAIN - Sections of land, adjacent to bodies of water, which are subject to periodic flooding and inundation as defined or approved by the Department of Housing and Urban Development and/or the Corps of Army Engineers.

FLOOR AREA OF A BUILDING OR BUILDINGS - The sum of the gross horizontal areas of the several floors of all buildings on the lot measured from the exterior faces of exterior walls. "Floor area" shall include the area of basements when used for residential, commercial or industrial purposes when such are permitted, but shall not include a basement or portion of a basement used for storage or housing of mechanical or central heating equipment.

FRONTAGE - See "Lot Width."

FUNERAL PARLOR, HOME OR MORTUARY - An establishment used for human funeral services, which shall include facilities on the premises for embalming and may or may not include facilities for the performance of autopsies, other surgical procedures or cremation.

GARAGE, COMMUNAL - A garage used for the storage of vehicles for occupants of lots in the same adjacent block or blocks.

GARAGE, PRIVATE - An accessory building used for the storage of vehicles by the occupants of a lot on which such building is located.

GARAGE, PUBLIC - An accessory building, portion of a principal building or principal buildings used only for the storage of four (4) or more vehicles by others than only those occupants of a lot on which such building is located.

GAS STATION AND GASOLINE SALES - See "Automobile Service Station."

GOVERNING BODY - The Town Council of Front Royal, Virginia.

GOVERNMENT OFFICES AND BUILDINGS - Offices and structures used primarily for conducting the affairs of government. This definition shall include school maintenance shops and work areas.

HARD SURFACE - Concrete, blacktop and macadam or a similar surface.

DRAFT

HEALTH OFFICIAL (OFFICER) - The Director of the Warren County Department of Health or his designated deputy or a representative of the Virginia Department of Health, Warren County.

HEIGHT OF BUILDING - The vertical distance from the established grade of the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof and to the mean height level between the eaves and ridge for hip, gable and gambrel roofs.

HIGH-PERFORMANCE COMPUTING (HPC) - A computing use involving networked or clustered systems performing large-scale, parallel processing of complex computations at levels substantially exceeding typical business or institutional computing, and characterized by high-density equipment, significant power demand, and specialized cooling. This definition excludes routine business IT, office computing, and accessory on-site data processing.

HOME OCCUPATION - An occupation conducted entirely within an enclosed dwelling and clearly incidental and secondary to the residential occupancy thereof, carried on by a member or members of the family residing on the premises. All "home occupations" shall meet the standards in Section 175-108.1.

HOSPITAL - Any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. This shall include general hospitals and institutions in which service is limited to special fields, such as cardiac, eye, ear, nose and throat, pediatric, orthopedic, skin and cancer, mental, tuberculosis, chronic disease and obstetrics. Such terms shall include group homes serving mentally retarded or other developmentally disabled persons.

HOTEL - A building designed or occupied as the more or less temporary abiding place for fourteen (14) or more individuals who are, for compensation, lodged with or without meals, and in which no provision is made for cooking in individual rooms or suites.

INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES - Specialized living arrangements designed to help individuals with developmental disabilities, individuals with mental illness, or intellectual disability transition from institutional settings or other environments into more independent, community-based living situations.

JUNKYARD - Any land or building used for the abandonment, storage, keeping, collecting or baling of paper, rags, scrap metals, other scrap or discarded materials or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof. The term "junkyard" shall include the term "automobile graveyard," which shall be any lot or place which is exposed to the weather upon which more than three (3) motor vehicles of any kind, incapable of being operated, are placed.

DRAFT

KENNEL - Any place, private or commercial, equipped and/or used to house, board, breed, handle, train, or otherwise care for five (5) or more dogs six (6) months of age or older.

LAUNDROMAT - A building or part thereof where clothes or other household articles are washed or dry cleaned in self-service machines with a capacity for washing not exceeding twenty-five (25) pounds dry weight and where such washed clothes and articles may also be dried or ironed, and no delivery service is provided in connection therewith.

LAUNDRY - A building, or part thereof, other than a Laundromat, where clothes and other articles are washed, dried, ironed or dry-cleaned.

LODGING HOUSE - A residential building, other than a hotel, motel or bed-and-breakfast home, where lodging is provided for compensation on a regular basis, pursuant to previous arrangements, but which is not open to the public or transient guests. Meals may be provided to the residents in a central location; however, no provisions shall be made for cooking in individual rooms or units. The maximum number of rooms or units shall be controlled by the area requirements of the district in which the use is located, but in no case shall the total number of lodging rooms or units exceed ten (10). A "Lodging House" shall also be known as a "Rooming House" or a "Boarding House."

LOT - A parcel of land occupied or to be occupied by a building and its accessory buildings or by a use and accessory uses, together with such open spaces as are required under the provisions of this chapter, having at least the minimum area required by this chapter for a lot in the zone in which such lot is situated and having its principal frontage on a public or private street approved by the Town.

LOT, CORNER - A lot abutting on two (2) or more streets at their intersection.

LOT COVERAGE - The maximum percent of the lot which may be occupied by buildings or structures, including accessory buildings or structures.

LOT DEPTH - The average of the horizontal distances between front and rear lines of a lot measured perpendicular to the street line.

LOT INTERIOR - Any lot other than a corner lot.

LOT OF RECORD - A lot which has been recorded in the office of the Clerk of the Circuit Court.

LOT, THROUGH (DOUBLE FRONTAGE) - A lot, other than a corner lot, which has a frontage on two (2) streets.

LOT, WIDTH OF - The horizontal distance between the side lines of a lot measured along the building setback line.

DRAFT

MAIN BUILDING - A building that is used in conjunction with the principal permitted use of the property.

MANUFACTURE and/or MANUFACTURING - The processing and/or converting of raw, unfinished materials or products, or either of them, into articles or substances of different character or for use for a different purpose.

MANUFACTURED BUILDING - A building that is manufactured, typically in a factory, and is built in accordance with the United States Department of Housing and Urban Development Code, Manufactured Home Construction and Safety Standards, or other similar federal standards; and does not meet all local or state building code standards. Modular and pre-fabricated buildings that are manufactured and constructed in accordance with all local and state building code standards shall not be considered manufactured buildings.

MANUFACTURED HOME - A residential dwelling built in a factory in accordance with the United States Department of Housing and Urban Development code and the federal Manufactured Home Construction and Safety Standards. Modular and pre-fabricated buildings that are manufactured and constructed in accordance with all local and state building code standards shall not be considered manufactured buildings.

MANUFACTURING, HEAVY - The use of land where significant external effects are created, and pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

MANUFACTURING, LIGHT - The use of land for processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. Uses may include, but are not limited to, a machine shop, the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, paper products (but not the manufacturing of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, and any other product of a similar nature as determined by the Director.

MANUFACTURING, MEDIUM - The use of land where goods or energy are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Medium industry produces moderate external effects such as smoke, noise, soot, dirt, vibration, odor, etc.

DRAFT

MINI-STORAGE FACILITY - (also known as **MINI-WAREHOUSE**) - A self-service storage building, or group of buildings, consisting of individual, small, self-contained units for the storage of good, materials or supplies.

MOBILE HOME - A residential dwelling built in a factory before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976. New or replacement mobile homes are not permitted within the Town.

MODULAR UNIT - A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees and other prefabricated supplements incorporated into a structure at the site. Modular units are a permitted construction type when designed to comply with Virginia Uniform Statewide Building Code, and shall not be considered manufactured homes.

MOTEL - An establishment consisting of a group of living or sleeping accommodations with bathroom and closet space designed for use by transient automobile tourists; less than fifty percent (50%) of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

NONCONFORMING ACTIVITY (USE) - The otherwise legal use of a building, structure or tract of land that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to the chapter.

NONCONFORMING LOT - An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located at the effective date of this chapter or as a result of subsequent amendments to this chapter.

NONCONFORMING STRUCTURE - An otherwise legal building or structure that does not conform to the lot area, yard, height, lot coverage or other area regulations of this chapter or is designed or intended for a use that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to the chapter.

NURSING HOME also known as **"EXTENDED-CARE HOME,""REST HOME"** or **"CONVALESCENT HOME"** - A nursing facility is any place containing beds for two (2) or more patients, established to render domiciliary and/or nursing care for chronic or convalescent patients and which is properly licensed by the state.

OFF-STREET PARKING AREA - Space provided for vehicular parking outside a right-of-way.

DRAFT

OPEN SPACE, USABLE LANDSCAPED - That space on the same lot and contiguous to the principal building or buildings (except as herein noted) which is either landscaped with shrubs, planted with grass or developed and maintained for recreation, environmental and/or aesthetic purposes, and excludes that portion of the lot which is utilized for off-street parking purposes.

OUTDOOR DISPLAY - The keeping of products, goods, merchandise, and/or materials, excluding signs, outside of an enclosed building for the purpose of making it known that similar items or related services are available for purchase.

OUTDOOR SALES - The retail selling of products, goods, merchandise, and/or materials, outside of an enclosed building.

OUTDOOR STORAGE - The keeping, without retail sale, of products, goods, merchandise, and/or materials outside of an enclosed building.

OVERHANG - The part of a roof or wall that extends beyond the façade of a lower wall. No such construction shall project into any required yard more than three (3) feet and shall be included in the calculation of lot coverage.

PARKING SPACE - An area of not less than nine (9) feet wide by eighteen (18) feet long for each automobile or motor vehicle, such space being exclusive of necessary drives, aisle, entrances or exits and being fully accessible for the storage and parking of vehicles.

PEDDLER - A short-term temporary use of property that is permitted on commercially zoned, subject to compliance with the provisions of Chapter 98, Section 61, of the Town Code, or as amended.

PHARMACEUTICAL CENTER - An establishment in which only pharmaceutical services are provided. Its purpose shall be limited to providing the public and various health professionals with information and articles intended for use in diagnosis, cure, mitigation, treatment or prevention of a disease state, including drugs and medical instruments or devices of the type used under the strict supervision of a physician in the treatment of a specific disease entity. No articles shall be displayed for sale. The square footage of the "pharmaceutical center" shall be limited to a maximum of two thousand (2,000) square feet.

PLANNING COMMISSION - The Planning Commission of the Town of Front Royal, Virginia.

PORCH - Any porch, veranda or gallery (as the terms are commonly and customarily defined) or similar projection from the main wall of a structure, constructed upon the ground, and covered by a roof, canopy or awning; provided that the term shall not include any carport or other such improvement designed for and capable of accommodating the parking of a motor vehicle protected from the elements. An unenclosed porch shall mean a porch with no side enclosure, other than the side of the structure to which the porch is attached, with no screens or windows.

DRAFT

An unenclosed porch may project into a front or rear yard not to exceed ten feet (10') nor extend any nearer than fifteen (15') from any front or rear property line. The area of a porch shall be included in the calculation of lot coverage. A porch shall not be considered an overhang, nor vice versa.

PORTABLE STORAGE CONTAINERS - A large portable container, other than trailers and semitrailers, and which are typically referred to as "PODS" or cargo containers that are transported to a desired location for use as storage of products, goods, merchandise, and/or materials. Portable storage containers are subject to the provisions of Section 175-109.2.

PRINCIPAL PERMITTED USE - A specific use, or uses, of a lot that are permitted on a particular lot, based on the regulations of the underlying zoning district, and the main use, or uses, of the property, as distinguished from an accessory use.

PROFESSIONAL OFFICES - A structure designed for use by a person, or persons, in offering a service which requires specialized knowledge gained by intensive academic preparation such as medicine, law, engineering, dentistry, and other like endeavors.

PUBLIC EVENT - Any temporary activity or entertainment festival that accommodates the assembly of groups or individuals on public property after all required authorizations are obtained from the local, state and/or federal government(s).

PUBLIC FACILITY - Any area, building or structure used or controlled for government purposes, that is owned, held, or operated by any department, branch or unit of the federal government, the Commonwealth of Virginia or one (1) or more of its local governments, political subdivisions or municipal corporations.

PUBLIC PROPERTY - Property that is owned or operated by a local, state or federal government.

PUBLIC UTILITY - Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing, under federal, state or municipal regulations, to the public electricity, gas, steam, communications, telegraph, transportation, water or such other services as may be provided. Where public utilities are permitted under this Chapter, poles, lines, water towers, reservoirs, water and sewer treatment facilities, booster and relay stations, distribution transformers, pipes, meters, and other facilities necessary for the provision and maintenance of public utilities shall be permitted.

RECREATION FACILITY (commercial) - A sports or activity facility which is open to the general public for a fee. These shall include, but are not limited to, the following: indoor skating rink, bowling alley, arcade, swimming pool, hard and soft courts, health spa, gymnasium, physical fitness center, dance studios or similar uses.

DRAFT

RECREATION FACILITY (public) - Facilities and uses sponsored by the Warren County Parks and Recreation Department and/or the Warren County School Administration and/or other public entities.

RECREATIONAL VEHICLE also known as a **"MOTOR HOME"** and **"TRAVEL TRAILER"** - Every vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use, that either has its own motive power or is mounted in, or is towed by another vehicle. The basic entities are: travel, fifth wheel trailer, camping trailer and motor home. The parking and storing of such vehicles is guided by Section 175-100. Such term refers also to travel trailers.

REPAIR - The replacement of existing work with the same kind of materials for the purpose of its maintenance, but not including additional work that would affect safety or affect exit way facilities or a vital element of an elevator, plumbing, gas piping, wiring, ventilating or heating installation or any work that would be in violation of a provision of the Front Royal Building Code or any other law governing building construction.

REST HOME - See "Nursing Home."

RESTAURANT - Any building in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tearooms, confectionery shops and refreshment stands.

RESTORATION, BEGINNING OF - After a nonconforming use or structure has been totally or partially destroyed, includes the clearing of debris within thirty (30) days of destruction and applying for a permit to rebuild within eighteen (18) months of said destruction.

RETAIL STORES AND SHOP - Buildings for display and sale of merchandise at retail or for the rendering of personal services, but specifically exclusive of coal, wood, oil and lumberyards, and accessory uses.

ROADSIDE STAND - The commercial sale of agricultural products that are grown, raised, and/or crafted on the same premises in conjunction with the use of the property for agriculture, as defined herein.

ROOMING HOUSE - See "Lodging House."

SCHOOLS - A public school, or a private school certified by the State of Virginia in accordance with the provisions of Code of Virginia § 22.1-319 et seq., or such educational and training institutions as are exempt from state certification under the provisions of Code of Virginia § 22.1-320, as amended.

DRAFT

SCREENING - Any device, materials, coniferous or deciduous growth, or combination thereof, such as plantings, walls, fences, or earthen berms, of sufficient height and density, as determined by the Zoning Administrator, required to serve as an opaque barrier, to vision, light, or noise between adjoining properties.

SECTIONAL HOME - A dwelling made of two (2) or more modular units transported to the home site, put on a foundation and joined to make a single dwelling. Such units shall meet the requirements of the Building Code of the Town of Front Royal.

SETBACK - The minimum distance by which any building or structure must be separated from the front lot line.

SHELTER FOR AT-RISK CHILDREN - Shelter for children at risk generally refers to short-term housing or care provided to children who are in immediate danger or facing circumstances that put their safety, well-being, or development at risk.

SHELTER FOR DOMESTIC ABUSE VICTIMS - Shelter for domestic abuse victims refers to short-term, safe housing provided to individuals who are escaping situations of domestic violence or abuse.

SHOPPING CENTER - Any conglomeration of commercial activities sharing a parcel of land which is held in single ownership and sharing parking facilities.

SHORT-TERM RENTAL - Means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes for a period of fewer than thirty (30) consecutive days, in exchange for a charge for the occupancy. Any residential use that falls within the definition of short-term rental as defined in Code of Virginia § 15.2-983, as amended.

SHORT-TERM RENTAL FACILITY - A building or accessory structure, other than a hotel, motel, or bed-and-breakfast home, where lodging is provided for compensation on a short-term basis, and open to the public or transient guests. The maximum number of occupants shall not exceed ten (10) unless determined appropriate by Town Council.

SIGN - Any display of any letters, words, numerals, figures, devices, emblems, pictures or any parts or combinations thereof by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to or as a part of a structure, surface or any other thing.

SIGN, AREA OF - The entire area within a circle, triangle, parallelogram or trapezoid enclosing the extreme limits of writing, reproduction, emblem or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary

DRAFT

supports or uprights on which such sign is placed. On double-faced signs, only one (1) display face shall be measured in computing total sign area where sign faces are parallel and are at no point more than two (2) feet from one another.

SIGN, BUSINESS - A sign which directs attention to a business, commodity, service, activity or product sold, conducted or offered upon the premises where such sign is located.

SIGN, HOME OCCUPATION - A sign not exceeding two (2) square feet (on each side) in an area directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.

SIGN, IDENTIFICATION - A sign on the premises bearing the name of a subdivision, the name of a group housing project or of a school, college, park, church or other public or quasi-public facility or a professional or firm nameplate, but bearing information pertaining only to the premises on which such sign is located.

SIGN, OUTDOOR ADVERTISING - Any sign of any material and any character whatsoever, (including erection, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving or other fastening, affixing or making visible in any manner), which is placed for outdoor advertising purposes in any way whatsoever. Such sign is one which is not located on the premises of the activity, product, commodity or service to which it refers. The term "billboard" is covered by this definition.

SIGN, TEMPORARY - A sign applying to a seasonal or other brief activity, such as, but not limited to, summer camps, horse shows, auctions or sale of land.

SPECIAL CHILDCARE SERVICES - One (1) of the following types of daycare: a licensed summer camp under Code of Virginia § 35.1-1, a public school, a private school not operating as a child-care center outside the scope of regular classes as defined in Code of Virginia § 63.1-195, a facility operated by a hospital on the hospital premises providing care to the children of hospital's employees while such employees are engaged in the performance of work for the hospital, a Sunday School, conducted by a church or religious institution, or a day care facility operated by a church or religious institution where children are cared for during short periods of time while the persons responsible for such children are attending religious services, and babysitting.

SPECIAL USE PERMIT - A permit granted by the Town Council, upon recommendation from the Planning Commission and after public hearing, for a use permitted by the Council to occupy land and/or a building erected thereon for a specific purpose not permitted by right, but permitted in accordance with standards or conditions established in this chapter or by the Planning Commission and/or Town Council in accordance with procedures established by law.

DRAFT

STOOP - A porch without a roof, cover or overhang, which may project into a front or rear yard for a distance not exceeding ten (10) feet and into a side yard for a distance not exceeding five (5) feet.

STORY - That portion of a building other than a cellar or mezzanine, included between the surface of any floor to the beams of the floor next above it or, if there is not a floor above it, then the space between the floor and the top of the roof beams; a mezzanine shall be deemed a full story when it covers more than thirty-three percent (33%) of the area of the story beneath the mezzanine or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

STORY, HALF - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use.

STREET; ROAD - A public thoroughfare, except an alley or driveway, which affords vehicular traffic circulation and principal means of access to abutting property.

STRUCTURAL ALTERATION - Any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams or girders, or any change in the width or number of exits or any substantial change in the roof.

STRUCTURE - Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

STRUCTURE, OUTDOOR ADVERTISING - Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including also outdoor advertising statuary.

STRUCTURE, PRINCIPAL - A structure in which the principal or primary use of the property is carried out.

SUBDIVISION - The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development. The term includes resubdivision and, when appropriate to the context of the Front Royal Subdivision Ordinance, shall relate to the process of subdividing or to the land subdivided.

SURVEYOR, LAND - A licensed professional surveyor registered in the Commonwealth of Virginia by the Department of Professional and Occupational Registration as a surveyor.

TECHNOLOGY BUSINESS - A non-Data Center business consisting of one (1) or more than one (1) in combination of the following:

DRAFT

1. Electronic Information Operations and Providers: Businesses that assist other businesses to better manage their paper documents by putting them in an electronic database that can easily be viewed by a larger group of people.
2. Internet Service Providers: Businesses that provide Internet service to businesses or residents.
3. Software Design and Development: Businesses that design software or businesses that develop the design of specific software.
4. Computer and Peripheral Sales and Assembly: Businesses that assemble computers or sell the hardware associated with computers.
5. Content Developers: Businesses that design and build computer systems.
6. Internet Based Sales and Services: Businesses whose primary trade is based on the Internet, be it sales or service provider.
7. Hardware Design, Manufacture, Assembly, and Development: Businesses that manufacture, assemble, or develop hardware design for computers.
8. Telecommunications Based Video Service Providers: Businesses that use video-conferencing or cable connections for employees to telecommute.
9. Outbound or Inbound Call Centers: Businesses that either market their product through phone calls or businesses that answer consumer questions.
10. Telecommunications Equipment Manufacturing, Assembly, and Service: Businesses that build, put together or service telecommunications equipment.

TEMPORARY TRAILERS - A transportable manufactured building, similar to a manufactured home, but not used for residential purposes.

THEATER, INDOOR - A building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of plays, acts and dramas by actors and/or actresses.

TOBACCO, SMOKE, OR VAPE SHOP - A business involving the sale of tobacco products, nicotine vapor products, or alternative nicotine products, as those terms are defined in the Code of Virginia § 18.2-371.2, or hemp products intended for smoking, as such term defined in Code of Virginia § 3.2-4112, or any kratom products as regulated by Code of Virginia § 59.1-200, or paraphernalia, and where any combination of any such products represent twenty-five (25) percent or more of the store's total inventory or fifteen (15) percent or more of the store's total display area.

DRAFT

"Paraphernalia" refers to any objects, devices, or equipment that are primarily used to facilitate or enhance the act of smoking or vaping. This includes but not limited to; cigarette rolling papers, Cigarette filters, Pipes, Bongs, Hookahs, Vape Pens and E-Cigarettes, Grinders, Rolling Machines, Screens and Dab Rigs.

TOURIST HOME - See "Bed and Breakfast Home."

TOWNHOUSE - At least three (3) and not more than eight (8) attached dwelling units forming a continuous structure, each unit being separated by unpierced common or party walls of masonry construction going through the roof of said unit void of fenestration or means of ingress or egress from the basement through the roof with individual exterior entrances at grade and with not more than four (4) abutting "townhouses" or dwelling units having the same front yard setback; the setback differential shall be at least three (3) feet. Each "townhouse" unit shall occupy no fewer than two (2) stories in structure.

TRAILER - Every vehicle without motive power designed for carrying property and passengers wholly on its own structure and for being drawn by a motor vehicle.

TRAVEL TRAILER - Any recreational vehicle.

USE - The purpose or activity for which land or buildings thereon is designed, arranged or intended or for which it is occupied or maintained and shall include any manner of performance of such activity with respect to the performance standards of this chapter.

VARIANCE - A relaxation of the terms of the Zoning Ordinance where such "variance" will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance will work undue hardships on the property owner; a "variance" is authorized only for height, area and size of a structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by "variance," nor shall a "variance" be granted because of the presence of nonconformities in the zoning division or district or adjoining divisions or districts nor solely for the economic benefit of the person requesting such "variance."

VETERANS' HOUSING - Living arrangements designed to provide veterans with a safe, stable environment while they transition from military service to civilian life or while they wait for more permanent housing solutions.

WIRELESS TELEPHONE TELECOMMUNICATION TOWERS - Facilities for the proviso of personal wireless services, as defined by 47 U.S.C. Section 332 (Section 704 of the Telecommunications Act of 1996), including those Federal Communications Commission licensed commercial wireless telecommunications services such as cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), and unlicensed

DRAFT

wireless services and common carrier wireless exchange access services; also referred to generally as "tower(s)" under Section 175-110.4.

YARD - An open space of a generally uniform width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings and the nearest lot line and is occupied and unobstructed from the ground upward except as otherwise provided herein.

YARD, FRONT - A yard extending across the full width of the lot and lying between the adjacent street right-of-way line and the building setback line.

YARD, REAR - A yard extending across the full width of the lot and lying between the rear property line of the lot and a line drawn generally parallel thereto, at such distance as specified in this chapter.

YARD, SIDE - A yard between the side lot line and a line drawn generally parallel thereto, at such distance as may be specified herein for any district, and extending from the front yard line to the rear yard line.

ZONING ADMINISTRATOR - See "Administrator."

ZONING MAP - The Official Zoning Map of the Town of Front Royal, Virginia, and all amendments thereto.

ZONING PERMIT - A permit issued by the Zoning Administrator to the applicant before the applicant may proceed with any work affected by any provision of this chapter or begin any uses of land and/or structures as permitted by this chapter.

(Ord. of 8-24-98; Ord. of 6-26-00; Ord. of 1-27-03; Ord. of 2-24-03; Ord of 4-14-03; Ord. of 7-25-05; Ord. of 9-26-05; Ord. of 7-24-06; Ord. of 7-28-08; Ord. of 2-28-11; Ord. of 1-9-12; Ord of 3-12-12; Ord. of 7-23-12; Ord of 1-28-13; Ord. of 3-24-14; Ord. of 6-22-15; Ord. of 11-23-15; Ord. of 10-10-17; Ord. of 2-28-22; Ord. of 5-1-23; Ord. of 2-24-25(2); Ord. of 9-22-25(1); Ord. of 11-24-25(2))

MIXED-USE CAMPUS DEVELOPMENT (MCD) DISTRICT

175-53.10 ~~PERMITTED USES~~ USE REGULATIONS

A. *By-Right*. Subject to the standards and requirements set forth in this Chapter, except as prohibited or restricted by separate restrictions of record that may pertain to property within the MCD District, the following uses of land and buildings are permitted by-right in the MCD District:

DRAFT

RESIDENTIAL:

Caretaker quarters.

Nursing Homes.

COMMERCIAL:

Appliance stores and repair services.

Assembly Halls.

Automobile and truck sales lots and leasing agencies.

Bakeries.

Barber and beauty shops.

Car washing.

Catering Services.

Department Stores.

Drugstores.

Florist shops/floral designers.

Funeral Homes.

Furniture stores.

Grocery stores.

Hardware stores.

Hospitals.

Laundries, Laundromats and dry cleaners.

Lumber and building supply, with storage under cover.

Machinery sales and services.

Newspaper and other printing establishments.

Personal Services.

Retail Stores.

Pharmaceutical Center.

DRAFT

Professional and Business Offices.

Recreational Facility, Commercial.

Recreational Facility, Public.

Restaurant, except drive-in.

Shopping Center.

Technology Businesses.

Theatres, Indoor.

Veterinary hospitals.

Wearing-apparel stores.

Wireless Telecommunication Facilities.

INDUSTRIAL:

Contractor's offices, display rooms and storage.

Light Manufacturing.

ORGANIZATIONAL:

College or university, without living quarters.

Community Center.

Government Offices and Buildings.

Schools, adult instructional facilities only.

Churches.

Parks and Playgrounds.

Public utilities.

Public events.

Public garage.

Public transportation terminals.

Public facilities.

Commuter Parking Facilities.

DRAFT

Fire and rescue squad stations.

Libraries.

Radio and television broadcasting stations, studios or offices.

Art galleries and museums.

MISCELLANEOUS:

Accessory uses, structures and buildings.

Communal Garage.

Home occupations.

Open Space and Conservation Areas.

Parking lot.

Private Garage.

Signs.

Special childcare services.

B. *Special Use Permit*. The following uses are permitted within the MCD District only by approval of a special use permit or where specifically designated on an approved Concept Plan, except as prohibited or restricted by separate restrictions of record that may pertain to property within the MCD District:

RESIDENTIAL:

Multi-family.

Single-family attached or detached.

COMMERCIAL:

Automobile Repair.

Day Care and Day Care Facilities.

Motels, hotels, lodging and tourist homes.

Gasoline Sales.

Restaurant, Drive-In.

INDUSTRIAL:

DRAFT

Distribution facilities.

Medium Industrial.

Mini-Storage Facility.

Wholesale and warehouse establishments.

ORGANIZATIONAL:

College or university, with living quarters.

Schools, other than adult instructional facilities.

MISCELLANEOUS:

(Ord. of 6-22-15)

C. *Prohibited*. The following uses are prohibited within the MCD, Mixed-Use Campus Development District.

INDUSTRIAL:

Data Centers.

175-55 ~~USES PERMITTED BY RIGHT (I-1)~~ USE REGULATIONS (I-1)

A. *By-Right*. Subject to the standards and requirements set forth in this Chapter, except as prohibited or restricted by separate restrictions of record that may pertain to property within the I-1 District, the following uses of land and buildings are permitted by-right in the I-1 District:

RESIDENTIAL:

Caretaker quarters.

COMMERCIAL:

Automobile and truck sales lots and leasing agencies, in accordance with Section 175-44.E.

Automobile garage (auto repair).

Automobile service stations (gas stations).

Coal and wood yards, lumberyards and feed/seed stores.

Commuter parking facilities.

DRAFT

Contractor's offices, display rooms and storage.

Furniture stores.

Lumber and building supply.

Veterinary hospitals.

INDUSTRIAL:

Distribution facilities.

Light Manufacturing.

Woodworking and upholstery shop.

Wholesale.

ORGANIZATIONAL:

Laboratory, pharmaceutical and/or medical.

MISCELLANEOUS:

Accessory uses, structures and buildings.

Home occupations.

Open Space.

Public facilities.

Public parks and playgrounds.

Public utilities.

Signs, as set forth in Section 175-106.

Special childcare services.

Such other uses as determined similar to one (1) or more enumerated uses by the Zoning Administrator.

(Ord. of 4-14-03; Ord. of 7-25-05; Ord. of 6-22-15)

~~175-56 USES PERMITTED BY SPECIAL PERMIT (I-1)~~

DRAFT

~~A.~~B. *Special Use Permit*. The following uses are permitted within the I-1 District only by approval of a special use permit, except as prohibited or restricted by separate restrictions of record that may pertain to property within the I-1 District:

RESIDENTIAL:

COMMERCIAL:

Assembly Halls.

Business Offices.

Clubs.

Barber and beauty shops.

Kennels.

Professional Offices.

Recreation facility, commercial.

Restaurant, including drive-in restaurants.

Retail Stores.

Technology Business.

INDUSTRIAL:

Medium Industrial.

ORGANIZATIONAL:

MISCELLANEOUS:

Any use permitted under Section 175-55, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-60, subject to the requirements of Section 175-136. Additional heights approved by a special use permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.

Communications Towers and cable television facilities, with wireless telephone (cell phone) communications tower subject to the supplemental provisions prescribed in Section 175-110.4.

Conservation Areas.

DRAFT

Mini-warehouses.

Parking Structures.

(Ord. of 1-27-03; Ord. of 4-14-03; Ord. of 9-26-05; Ord. of 7-28-08; Ord. of 7-23-12; Ord. of 6-22-15)

C. *Prohibited*. The following uses are prohibited with the I-1, Limited Industrial District.

INDUSTRIAL:

Data Centers.

175-56 – (Reserved)

175-65 USE REGULATIONS (I-2)

A. By-Right. Subject to the standards and requirements set forth in this Chapter, except as prohibited or restricted by separate restrictions of record that may pertain to property within the I-2 District, the following uses of land and buildings are permitted by-right in the I-2 District:

RESIDENTIAL:

Caretaker quarters.

COMMERCIAL:

Automobile and truck sales lots and leasing agencies, in accordance with Section 175-44.E.

Automobile garage (auto repair).

Automobile service stations (gas stations).

Business Offices.

Coal and wood yards, lumberyards and feed/seed stores.

Commuter parking facilities.

Contractor's offices, display rooms and storage.

Furniture stores.

Lumber and building supply.

Professional Offices.

DRAFT

Technology Business.

Veterinary hospitals.

INDUSTRIAL:

Distribution facilities.

Light Manufacturing.

Woodworking and upholstery shop.

Wholesale.

ORGANIZATIONAL:

Laboratory, pharmaceutical and/or medical.

Schools.

MISCELLANEOUS:

Accessory uses, structures and buildings.

Home occupations.

Open Space.

Public facilities.

Public parks and playgrounds.

Public utilities.

Signs, as set forth in Section 175-106.

Special childcare services.

Such other uses as determined similar to one (1) or more enumerated uses by the Zoning Administrator.

B. Special Use Permit. The following uses are permitted within the I-2 District only by approval of a special use permit, except as prohibited or restricted by separate restrictions of record that may pertain to property within the I-2 District:

RESIDENTIAL:

COMMERCIAL:

Airport (including heliports).

DRAFT

Assembly Halls.

Barber and beauty shops.

Catering Services.

Clubs.

Daycare and daycare facilities.

Kennels.

Recreation facility, commercial.

Restaurant, including drive-in restaurants.

Retail Stores.

INDUSTRIAL:

Automobile Graveyard.

Hazardous Material Storage.

Heavy Manufacturing.

Medium Manufacturing.

Scrap metal processing.

ORGANIZATIONAL:

MISCELLANEOUS:

Any use permitted under Section 175-65.A, or specifically listed above under this subsection, that proposes to occupy a building or structure that exceeds the height requirements of Section 175-67, subject to the requirements of Section 175-136. Additional heights approved by a special use permit shall be required to increase the required setback and yard area requirements by an equivalent distance from each property line.

Communications Towers and cable television facilities, with wireless telephone (cell phone) communications tower subject to the supplemental provisions prescribed in Section 175-110.4.

Conservation Areas.

Mini-warehouses.

Parking Structures.

DRAFT

(Ord. of 6-26-00; Ord. of 4-14-03; Ord. of 7-25-05; Ord. of 9-26-05; Ord. of 7-28-08; Ord. of 2-28-11; Ord of 6-22-15; Ord. of 3-28-16)

C. Prohibited. The following uses are prohibited within the I-2, Industrial Employment District.

INDUSTRIAL:

Data Centers.

DRAFT

Breakdown of how this proposed zoning definition works:

What counts as a "Data Center"

The core definition is deliberately broad and function-based: any facility "utilized primarily for the storage, management, processing, hosting, and transmission of digital data," including cloud hosting, AI training/inference, HPC, and crypto/blockchain infrastructure.

There are four objective, measurable thresholds, and a facility trips into "Data Center" status if it meets any one of the first three (the fourth, floor area, can't trigger alone):

1. Power demand ≥ 500 kW of critical IT load measured multiple ways (utility service entrance, UPS/PDU capacity, permit drawings) so an applicant can't dodge it by picking a favorable metric.
2. Backup/standby power ≥ 500 kW attributable to computing equipment. This closes a loophole where a facility might claim its generators are "just for the building" rather than the server load.
3. Specialized cooling liquid cooling ≥50 kW heat rejection, or air cooling ≥500 kW capturing dense compute even if power draw is structured to stay under other thresholds.
4. Floor area ≥ 5,000 sq ft but only as a corroborating factor alongside one of the above, not standalone (so a big warehouse with modest IT equipment isn't swept in).

Anti-avoidance / loophole-closing mechanisms

This is the most engineered part of the draft:

- Self-designation doesn't matter. A facility is classified by physical/operational characteristics "regardless of how its operator characterizes its business" so a company can't reclassify itself as a "Technology Business" or claim its servers are merely "ancillary" to dodge the definition.
- Design/permitted capacity counts, not just current use**.** A facility built to accommodate 500kW+ is a Data Center even if it's currently running below that closing the "we'll just start small" loophole.
- Anti-fragmentation/aggregation clause - Load, power, and floor area is aggregated across buildings, meters, tenants, and phases on the same or commonly-controlled parcels, so

an operator can't split a facility into multiple sub-500kW meters or shell entities to stay under threshold.

- Affiliated Entities is separately defined (common ownership/control or shared operating agreement) to give the aggregation clause teeth but it explicitly excludes unrelated tenants who just happen to share a building, preventing overreach.
- Explicit carve-out reversal for crypto/blockchain: manufacturing/industrial exclusions are expressly stated *not* to apply to crypto mining or blockchain validation, even if an operator tries to frame it as an "industrial" or "production" process.

What's explicitly excluded (to avoid sweeping up other industries)

- Ancillary/incidental IT infrastructure supporting a business's own operations (offices, hospitals, retailers, financial institutions) as long as capacity isn't sold to third parties for a fee.
- Educational/research institutions and hospitals running their own non-commercial computing, contingent on not monetizing capacity to outside commercial users.
- Manufacturing, fulfillment, and logistics facilities using automation, robotics, or internal IT/cooling systems in support of making or moving physical goods even sophisticated automated warehouses or fabrication plants aren't Data Centers just because they have computerized equipment.
- Partial exclusions are surgical, not blanket: if a hospital or business carves out a portion of its facility to sell hosting/colocation services commercially, *that portion* loses the exclusion and falls back under the Data Center definition, while the rest of the facility remains excluded.

The final net effect of the new definition

The structure is essentially: broad conceptual definition + hard numeric thresholds (power/cooling/area) + anti-fragmentation aggregation + explicit "self-designation is irrelevant" language, counterbalanced by narrow, fee-for-service-contingent exclusions for offices, hospitals, schools, and manufacturers. The drafting is clearly responding to two anticipated evasion strategies: (1) companies rebranding a data center as a "technology business" or claiming servers are merely incidental to another use, and (2) splitting a large facility across multiple meters/tenants/phases to stay under the numeric triggers. Both are directly addressed by name.

Proposed Data Center Prohibition Text Explanation

What the Ban Data Center Text Does

- Defines Data Centers as an Industrial Use Facility
- Bans them in In
  - I-1
  - I-2
  - MCD
- Modifies definition of Technology Businesses to exclude Data Centers
- Adds new definitions needed to support the new Data Center definition
  - HIGH-PERFORMANCE COMPUTING (HPC)
  - COMPUTER INFERENCE (or COMPUTATIONAL INFERENCE)
  - AFFILATED ENTITIES
  - CRITICAL IT LOAD

Ban Methodology

- Define what counts as a Data Center
  - The core definition is deliberately broad and function-based: any facility "utilized primarily for the storage, management, processing, hosting, and transmission of digital data," including cloud hosting, AI training/inference, HPC, and crypto/blockchain infrastructure.
  - There are four objective, measurable thresholds, and a facility trips into "Data Center" status if it meets any one of the first three (the fourth, floor area, can't trigger alone):
    - Power demand ≥ 500 kW of critical IT load measured multiple ways (utility service entrance, UPS/PDU capacity, permit drawings) so an applicant can't dodge it by picking a favorable metric.
    - Backup/standby power ≥ 500 kW attributable to computing equipment. This closes a loophole where a facility might claim its generators are "just for the building" rather than the server load.
    - Specialized cooling liquid cooling ≥50 kW heat rejection, or air cooling ≥500 kW capturing dense compute even if power draw is structured to stay under other thresholds.
    - Floor area ≥ 5,000 sq ft but only as a corroborating factor alongside one of the above, not standalone (so a big warehouse with modest IT equipment isn't swept in).

Ban Methodology

- Anti-avoidance / loophole-closing mechanisms
  - Self-designation doesn't matter.
    - A facility is classified by physical/operational characteristics "regardless of how its operator characterizes its business" so a company can't reclassify itself as a "Technology Business" or claim its servers are merely "ancillary" to dodge the definition.
  - Design/permitted capacity counts, not just current use.
    - A computing facility built to accommodate 500kW+ is a Data Center even if it's currently running below that closing the "we'll just start small" loophole.
  - Anti-fragmentation/aggregation clause
    - Load, power, and floor area is aggregated across buildings, meters, tenants, and phases on the same or commonly-controlled parcels, so an operator can't split a facility into multiple sub-500kW meters or shell entities to stay under threshold.
  - Affiliated Entities is separately defined (common ownership/control or shared operating agreement) to give the aggregation clause teeth but it explicitly excludes unrelated tenants who just happen to share a building, preventing overreach.
  - Explicit carve-out reversal for crypto/blockchain
    - Manufacturing/Industrial exclusions are expressly stated not to apply to crypto mining or blockchain validation, even if an operator tries to frame it as an "industrial" or "production" process.

Ban Methodology

- What's explicitly excluded (to avoid sweeping up other industries)
  - Ancillary/incidental IT infrastructure supporting a business's own operations (offices, hospitals, retailers, financial institutions) as long as capacity isn't sold to third parties for a fee.
  - Educational/research institutions and hospitals running their own non-commercial computing, contingent on not monetizing capacity to outside commercial users.
  - Manufacturing, fulfillment, and logistics facilities using automation, robotics, or internal IT/cooling systems in support of making or moving physical goods even sophisticated automated warehouses or fabrication plants aren't Data Centers just because they have computerized equipment.
  - Partial exclusions are surgical, not blanket: if a hospital or business carves out a portion of its facility to sell hosting/colocation services commercially, that portion loses the exclusion and falls back under the Data Center definition, while the rest of the facility remains excluded.

Conclusion

- The final net effect of the new definition
  - The structure is essentially
    - Broad conceptual definition + hard numeric thresholds (power/cooling/area) + anti-fragmentation aggregation + explicit "self-designation is irrelevant”
    - Language, counterbalanced by narrow, fee-for-service-contingent exclusions for offices, hospitals, schools, and manufacturers to protect other industries and prevent abuse by co-hosting
    - The drafting is clearly responding to two anticipated evasion strategies
      - Companies rebranding a data center as a "technology business" or claiming servers are merely incidental to another use
      - Splitting a large facility across multiple meters/tenants/phases to stay under the numeric triggers. Both are directly addressed by name.