



## ZOR WORK GROUP SUMMARY OF PUBLIC INPUT THEMES & ZONING-SPECIFIC ISSUES

ZONING Requirement	RURAL HIGH-INTENSITY USE STANDARDS ISSUES	DATA CENTER USE-STANDARDS ISSUES
<b>PUBLIC INPUT THEMES</b>	<p>1. <b>Establish equitable Use-specific standards</b> for any/all High-intensity uses throughout the county (all districts). Apply “levels” or “tiers” based on size of operation and scalability, as requested by ZOC, REDC, groups and individuals,</p> <p style="margin-left: 20px;">a. <b>Board Direction per 2019 Comp Plan Policy 3, Strategy 3.1.</b>  <i>Ensure compatibility of rural economy uses through the evaluation of the scale, use, intensity, and design (site and building) of development proposals in comparison with the dominant rural character and adjacent uses.</i>  <i>Action A: Evaluate and revise zoning regulations and development standards for rural economy uses. Such regulations and standards will address traffic capacity, safe and adequate road access, number of employees, site design standards (e.g., land disturbance, buffering, use intensity, siting, and architectural features), and public health, safety and welfare.</i></p> <p>2. <b>Revise and retain a new definition of “Farm”</b> to appropriately locate businesses without use-specific standards to mitigate impacts to residential uses (e.g., traffic, noise, lighting, hours of operation road access) and environmentally sensitive areas</p> <p style="margin-left: 20px;">a. <b>Board Direction: TLUC, 2019-November. TLUC recommendation to BOS:</b> “Add new definitions for ‘Agricultural Operation,’ ‘Agricultural Products,’ and ‘FARM.’”  <i>“The Zoning Ordinance currently does not define the terms; however, these terms are consistently referenced throughout the Zoning Ordinance. Code of Virginia statutes that apply to certain agricultural activities and local regulation of such agricultural activities (e.g., Limited Distillery, Limited Brewery, Farm Winery, and Agricultural Processing) also reference these terms.</i>  <i>The proposed amendment intends to establish new definitions for these terms in order to: 1) clarify the distinction between the types of agricultural properties and functions, 2) maintain consistency with the Code of Virginia, and 3) ensure that these terms are used consistently in the Zoning Ordinance.”</i></p> <p style="margin-left: 20px;">b. “Farm” is used in the current zoning ordinance and new draft text without definition. Public input requested a definition <u>since 2015</u>.</p> <p style="margin-left: 20px;">c. The Code of Virginia § 4.1-206.1 permits VaABC licenses to winery, brewery and distillery operations that are “<u>located on a farm in the Commonwealth on land zoned agricultural</u>.”</p> <p style="margin-left: 20px;">d. <u>Disparity between business regulations</u> has created inherently inequitable business operation requirements.</p> <p style="margin-left: 20px;">e. Defining “Farm” would provide more <u>equitable regulations for businesses</u> and provide Staff with <u>better application approval requirements</u> for the protection of environmentally sensitive and nearby residential areas.</p>	<ul style="list-style-type: none"> <li>• Enhance the facade requirements contained in the current Zoning Ordinance, to better mitigate the industrial impacts of a Data Center on residential uses and public roads.</li> <li>• Mitigate the impacts of a Data Center use when the use is proposed to be in proximity to a residential use.</li> <li>• Reduce the environmental impacts of a Data Center use on a site.</li> </ul> <p style="margin-left: 20px;"><i>Clarify whether the use of native plants will be required with the additional specific landscape standards. LPAT connections to the RSCR may fall on data center property; how will this be addressed?</i>  <i>SPECIFIC TEXT SUGGESTIONS: A. Environmental Standards applicable in all zoning districts: Provide emergency back-up power system data on projected emissions and efficiency ratings. B.3.a.2. Screening and Location of Mechanical Equipment --Separation from Residential Uses. Mechanical equipment must be screened from adjacent residential by the data center building or enclosed in a structure so that any current or future residential development is screened (aside from any rooftop machinery) by the required setback plus the building structure or equipment enclosure. 5. Exterior Lighting Any exterior lighting must be fully shielded, directing light downward and into the interior of the property, and away from adjacent existing or planned roads and adjacent properties. 7. Standards for Data Centers Adjacent to Residential.b. Minimum Setback for Structures. Structures must be set back at least 500 feet (to be ideal, but no less than 250 ft.) NOTE: c &amp; d Change in building height and step-back should be maintained but distances increased to 250 ft. ADD new e. Noise attenuation: A noise and vibration impact analysis must be submitted to: i. measure the existing background noise anticipated during operating hours ii. compute potential noise impacts iii. develop noise mitigation techniques including but not limited to acoustic louvers, acoustic mufflers, low-speed fans, enclosures, containers, barriers, silencers for emergency generators and HVAC equipment. f. Generator testing. To occur only during those times of day with the loudest background noise based on the noise analysis.</i></p>

## USE-SPECIFIC STANDARDS COMPARISON EXAMPLES

- As discussed at the 3/16/23 PC Uses Subcommittee meeting -- Data Center use standards are planned for suburban districts to mitigate some impacts to residents, with additional zoning amendment work proposed.
- However, consistent use-standards have not been proposed or implemented for uses impacting residents and businesses in rural districts.

ZONING Requirement	EXAMPLES OF RURAL HIGH-INTENSITY USE STANDARDS ISSUES	EXAMPLES OF DATA CENTER USE-STANDARDS ISSUES
Yard standards, Setbacks, proximity to homes		
Landscaping/ Buffering	NONE (Agriculture exemption)	<b>Buffer Type "C"</b>

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**Setbacks (cont.)**

Rural Use	Setback requirements
Country Inn, Rural Retreat, Banquet/Events	Min. 200' from adjacent properties
Commercial Wineries	125' for use
Small based Business, Farm Based Tourism, Banquet parking	100'
Ad Support with and with/out Ag	60' for structures & storage
Limited Brewerty Farm Winery Eco Tourism	No zoning setbacks
<b>COMPARISON: Albemarle County</b>	
Structures	Front 75', Side 25', Rear 35'
Parking Areas	Front 75', Side 125', Rear 125'

**GOOD SETBACKS EXAMPLE**



**PROBLEM SETBACKS EXAMPLE**



**Data Center Considerations and Recommendations**

**Setbacks** -Evaluate setbacks between approved uses. Consider a 500ft minimum as both a visual and sound buffer or transition area for data center use that abuts residential.



**Building height** –Stark contrast between uses should be avoided. Allowing 70ft tall structures directly adjacent to homes half that size results in a “David and Goliath” unnatural difference. Suggest tapering down to the closest point of setback.

**USES SUBCOMMITTEE PROPOSED 3/16/23**

- 200' setback with step back requirements
- 100' for parking



ZONING Requirement	EXAMPLES OF RURAL HIGH-INTENSITY USE STANDARDS ISSUES	EXAMPLES OF DATA CENTER USE-STANDARDS ISSUES
Lighting		 <p data-bbox="1136 472 1990 646"> <b>Illumination dusk to dawn, 7 days/week.</b>  <b>Lighting Standards</b> -Evaluate lighting standards and adjust to have minimal impact on residential uses within close proximity. Consider implementing “lights out” periods as a reprieve for residents.  <b>Security Lighting</b> -Re-evaluate security lighting standards and increase scrutiny over the types, placement and overall necessity of security lighting.         </p>
Use-specific Noise	 <ul data-bbox="302 1370 785 1403" style="list-style-type: none"> <li>• Mobile Vendor generator usage?</li> </ul>	 <p data-bbox="1136 1024 1990 1252"> <b>Sound (A)</b> –Noise issue is well documented from other communities with active facilities nearby. Between heavy HVAC usage, cooling fans, power management/substations and backup power generation, these facilities emanate sound. Sound standards should be consistent with residential uses when in proximity. HVAC noise exemptions should not be allowed for systems that are perpetually in use.  <b>Sound (B)</b> –Reflective sound is often overlooked side effect of large concrete structures. Standards should be implemented to minimize external sound reflection for facilities bordering residential uses.         </p> <p data-bbox="1136 1289 1696 1321"> <b><u>USES SUBCOMMITTEE PROPOSED 3/16/23</u></b> </p> <ul data-bbox="1136 1328 1793 1360" style="list-style-type: none"> <li>• Generator testing – time/notice requirements</li> </ul>

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<p><b>Parking</b></p>	<p>Lack of parking requirements &amp; enforcement</p> 	<p><b>HOA Parking Situation Analysis:</b></p> <ul style="list-style-type: none"> <li>• Comprises a mix of housing units: single family homes, townhomes, and condos. Notably, there are a variety of townhome designs, <b>with some having two-car garages, others one-car garages, and some without a garage.</b> This creates a challenging parking situation due to the following:</li> <li>• Parking density is high, esp. in townhome sections, and demand exceeds capacity when residents return from work. (5pm – 7am)</li> <li>• Some TH sections do not have a garage, creating higher reliance on limited HOA street parking.</li> <li>• Due to COVID-19 there was an increasing amount of cars are parking on HOA streets.</li> <li>• Uncertain who is parking on HOA owned streets or how to contact them.</li> <li>• No Contact Information available currently, therefore, unable to resolve parking issues without contacting Towing or Law Enforcement.</li> <li>• Fair Enforcement due to the size of the property and different types of houses.</li> </ul>
<p><b>Road Access</b></p>	<p>Arterial and gravel road access</p> 	<p><b>Easements</b> -Review and amend easement access processes to provide additional oversight. Experience demonstrates the abuse that can occur if unchecked access to easements are permitted. For new construction, access should be granted only upon submission of a project plan outlining all facets of the construction. A plan that extends beyond easement boundaries should never be allowed without demonstrated agreement with the impacted property owner(s).</p>