

ORDINANCE — To Amend and Reordain Section 24-3406 Titled “O-3 Office District,” Section 24-4205 Titled “Principal Use Table,” Section 24-4319 Titled “Commercial Uses: Offices,” Section 24-4328 Titled “Industrial Uses: Services Uses,” Section 24-4402 Titled “Accessory Use or Structure Table,” Section 24-5110 Titled “Minimum Number of Off-Street Parking Spaces,” Section 24-8405 Titled “Commercial Use Classification,” Section 24-8406 Titled “Industrial Use Classification,” and Section 24-8501 Titled “Accessory Uses, Temporary Uses, and Other Terms,” and to Add a New Section 24-4438 Titled “Accessory Data Center (as Accessory to an Office or Industrial Use)” of the Code of the County of Henrico to Require a Provisional Use Permit for Data Centers as a Principal Use and Establish Development Standards for Data Centers

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF HENRICO COUNTY, VIRGINIA:

1. That Section 24-3406 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-3406. O-3 Office District

A. Purpose

The purpose of the O-3 Office District is to provide lands primarily for offices, office buildings and limited retail uses that are generally compatible with higher-density residential development and served by arterial thoroughfares. Allowed uses include:

- Offices including medical, artist studios, and professional services;
- Limited retail such as financial institutions, restaurants, drug stores, theaters, convenience stores;
- Childcare and adult care, hospitals, and funeral homes;
- ~~Data centers;~~
- Trade schools; and
- Hotels

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2. That Section 24-4205 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4205. Principal Use Table

Principal uses are allowed in each of the zoning districts in accordance with 4205: Principal Use Table. The cross-references in the “Use Specific Standards” column are provided for ease of reference and are not exhaustive.

R=Permitted by right | C=Allowed subject to conditional use permit | P=Allowed subject to provisional use permit
- =Prohibited | A=Allowed subject to an approved PD Master Plan and PD Terms and Conditions Document

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3. That Section 24-4319 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4319. Commercial Uses: Offices

In addition to the requirements of Sec. 24-4315, All Commercial Uses, the following requirements apply to offices as a principal use.

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B. Data Centers Reserved

~~For data centers in all districts except the M-1, M-2, and M-3 districts, all equipment necessary for cooling, ventilating, or otherwise operating the facility must be contained within an enclosed building where the use is located. This includes emergency power generators and other emergency power supply equipment.~~

4. That Section 24-4328 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4328. Industrial Uses: Services Uses

In addition to the requirements of Sec. 24-4326, Industrial Uses Generally, the following requirements apply to industrial service uses.

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B. Data Centers

1. All equipment necessary for operating the data center must be contained within an enclosed building or screened by opaque walls to minimize transmission of sound. This includes equipment for cooling and ventilating, as well as emergency power generators and other emergency power supply equipment.

2. Generators for a data center must not be operated other than during emergency power outages and for testing and maintenance. Testing and maintenance of generators for a data center must be conducted only Monday-Friday between 10:00 am and 4:00 pm.

3. A data center must be served by public water and sewer. Any water cooling must use a closed-loop or recycled water system unless another cooling system is approved for the data center as part of a provisional use permit.

BC. Heavy Equipment Sales, Rental, and Service

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CD. Laundry, Dry Cleaning, and Carpet Cleaning Plants

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DE. Research and Development Facility

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5. That Section 24-4402 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-4402. Accessory Use or Structure Table

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E. Accessory Use or Structure Table

Accessory uses and structures are allowed in each of the zoning districts in accordance with Table 4402: Accessory Use or Structure Table.

[illegible]

6. That Section 24-4438 be added to the Code of the County of Henrico as follows:

Sec. 24-4438. Accessory Data Center (as Accessory to an Office or Industrial Use)

A data center is allowed as an accessory use to an office or industrial use, subject to the following standards in addition to the standards of Sec. 24-4328.B:

A. The accessory data center and the office or industrial use to which it is accessory must be located on the same or adjacent premises.

B. All equipment necessary for operating the data center must be contained within an enclosed building or screened by opaque walls to minimize transmission of sound. This includes equipment for cooling and ventilating, as well as emergency power generators and other emergency power supply equipment.

7. That Section 24-5110 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-5110. Minimum Number of Off-Street Parking Spaces

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Table 5110: Minimum Number of Off-Street Parking Spaces		
Principal Use Category	Principal Use Type	Minimum Off-Street Parking Spaces ^[1, 2]
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Commercial Uses		
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Offices
	Business training and conference facility	4.0 per 1,000 sf training or display space, plus 2 per 1,000 sf office or other administrative space
	Data center	2.0 per 1,000 sf offices
	Professional services	2.5 per 1,000 sf
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Industrial Uses		
Industrial Services	Contractor services, in addition to spaces required for service vehicles	2.0 per 1,000 sf
	<u>Data center</u>	<u>2.0 per 1,000 sf of office space</u>
	Fuel oil or bottled gas distributor	2.0 per 1,000 sf

Table 5110: Minimum Number of Off-Street Parking Spaces		
Principal Use Category	Principal Use Type	Minimum Off-Street Parking Spaces ^[1, 2]
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8. That Section 24-8405 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-8405. Commercial Use Classification

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D. Office

The Office uses category includes office buildings housing activities conducted in a professional setting, generally focusing on the provision of business services, professional services (e.g., lawyers, accountants, engineers, architects), financial services (e.g., lenders, brokerage houses, tax preparers), or medical and dental services. Use types include: business and sales; and professional services. This use category does not include offices that are a component of or accessory to a principal use in another use category, such as administrative government services (categorized in the Government Facilities use category), or banks or other financial institutions (categorized in the Retail Sales and Services use category). Accessory uses may include cafeterias, recreational or fitness facilities, incidental commercial uses, **an accessory data center serving a principal use on the same or adjacent premises,** or other amenities primarily for the use of employees of the office use.

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Data-center

~~A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, cooling units, fire suppression systems, and enhanced security features. A data-center typically has few on-site employees.~~

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9. That Section 24-8406 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-8406. Industrial Use Classification

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B. Industrial Services

The Industrial Services use category includes use types involving the **support,** repair, or servicing of industrial or business machinery equipment, products, or by-products, and firms

that service consumer goods for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. The category also includes use types involving the storage or movement of goods. Use types include: contractor service; **data center**; fuel oil or bottled gas distributor; general industrial service and repair; heavy equipment sales, rental, and service; laundry, dry cleaning, and carpet cleaning plants; manufactured home and prefabricated building construction and sales; research and development; and similar use types.

Contractor services

Offices for landscaping, building, heating, plumbing, or electrical contractors, and related storage facilities.

Data center

A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, cooling units, fire suppression systems, and enhanced security features. A data center typically has few on-site employees.

Fuel oil or bottled gas distributor

An establishment principally engaged in the sale, distribution, and delivery of fuel oil or bottled gases such as propane or liquified petroleum.

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10. That Section 24-8501 of the Code of the County of Henrico be amended and reordained as follows:

Sec. 24-8501. Accessory Uses, Temporary Uses, and Other Terms

The following terms will have the meanings assigned below.

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Damaged or destroyed building

A damaged or destroyed building or structure is one for which the cost of restoring the building or structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred.

Data center as an accessory use

A facility containing computer systems used for data storage and processing that is accessory to an office or industrial use on the same or adjacent premises.

Debris waste

Solid waste resulting from land clearing operations. Debris wastes include stumps, wood, brush, leaves, soil, and road spoils.

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11. That this ordinance will be in full force and effect on and after its passage as provided by law.