

FLOOR AMENDMENT NO. 1 TO SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101

Substitute No. 2 to Ordinance No. 25-101 is amended at line numbers, 71, 87, and 111 through 263, by adding the material that is underlined and highlighted in yellow and by deleting the material with strikethroughs and highlighted in red, as follows.

Table 40.03.110. - Use table.

Table 40.03.110A. General Use Table										Table 40.03.110B. General Use Table										Table 40.03.110C. General Use Table	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory										Zoning District (Suburban and Special Character)										Additional Standards (all districts)	
Land Use	TN *	ST	MM	ON	OR	CR	BP	I		C N	S ...	SE	NC ..	HI	EX	SR	P			Parking	Limited & Special Use Standards
Agricultural										Agricultural										Agricultural ...	
Industrial Uses										Industrial Uses										Industrial Uses	
Compost operations	N	N	N	N	N	N	N	L		N	N	N	N	L	L	S	N			Table 40.03.522	Section 40.03.336
Data Centers	N	N	N	NL	NL	NL	NL	SL		NL	N	N	N	SL	SL	N	N			Table 40.03.522	Table 40.03.210 Section 40.03.343
Extraction	N	N	N	N	N	N	N	N		N	N	N	N	N	L	N	N			Table 40.03.522	Section 40.03.324 and Table 40.03.210 ...

Table 40.03.210A. Limited and Special Use Standards

Table 40.03.210A. Limited and Special Use Standards										Table 40.03.210B. Limited and Special Use Standards										Table 40.03.210C. Limited and Special Use Standards	
Buffer Standards										Locational or Dimensional Standards										Additional Standards	
Bufferyards										Separation										Minimum	
Land Use										Distance from Use to protected parcel										Maximum	
Location										Increase Opacity or Width										Other	
Agricultural ...										Agricultural										Agricultural ...	
Industrial Uses										Industrial Uses										Industrial Uses	
Compost operations																				Section 40.03.336	
Data Centers	Within 4,000 500 feet of a residentially zoned parcel or parcel with an established daycare center or school	0.4	Minimum 8 ft. berm	Residential and established daycare center and schools	500 ft. *															See Section 40.03.343 * See Section 40.03.343.B	
Extraction	All	0.8 (150 ft.)	8 ft. berm	Residential	100 ft. *															Section 40.03.324 "100' for Recreation, High Intensity Uses ...	

13 **Sec. 40.03.343. – Data Centers.**

14
15 In addition to the requirements of Section 40.31.430~~26.430~~, the following
16 requirements shall apply to any proposed data center development or ~~the cumulative~~
17 ~~expansion of an existing data center in excess of two hundred 20,000 thousand square~~
18 ~~feet~~ additions larger than two hundred thousand (200,000) square feet of GFA:

19
20 ~~A. The site shall be designed to minimize noise impact on neighboring residential~~
21 ~~properties and shall not generate noise levels that exceed 55 db(A) or db(C) at the~~
22 ~~sending property line if the predevelopment noise level is below those levels. If the~~
23 ~~predevelopment noise exceeds those levels, no net increase in the existing noise level~~
24 ~~shall be permitted. A noise study shall be submitted to evaluate this impact and to verify~~
25 ~~consistency with Chapter 22 of the New Castle County Code and the study shall include~~
26 ~~all generators and any other equipment that will be utilized on the site as part of the~~
27 ~~calculation.~~

28
29 ~~B~~A. No portion of the proposed data center building or accessory uses shall be located
30 within 1,000 500 feet of a residential zoning district. However, the Department may
31 approve data center structures or accessory uses located less than 500 feet from a
32 residential zoning district, but no closer than required setbacks in the applicable zoning
33 district, upon review and determination that noise levels generated will not exceed the
34 allowable noise levels permitted in Chapter 22 of the New Castle County Code. In
35 granting any such approval distance of less than 500 feet, the Department may require
36 submission of a site-specific noise study demonstrating that the combined effectiveness
37 of the selected measures (noise attenuation and screening techniques, including, but not
38 limited to, a berm) will ensure compliance with the noise performance standards
39 contained in Chapter 22. ~~However, as a limited exception, the Department may approve~~
40 ~~data center structures or accessory uses located less than 1,000 feet, but no closer than~~
41 ~~500 feet, from a residential zoning district, upon review and determination that noise~~
42 ~~levels generated will not exceed the allowable noise levels permitted in this section. The~~
43 ~~Department may require submission of a site-specific noise study demonstrating that the~~
44 ~~combined effectiveness of the selected measures will ensure compliance with the noise~~
45 ~~performance standards set forth herein. Acceptable noise attenuation and screening~~
46 ~~techniques, including, but not limited to, the following measures, may be considered by~~
47 ~~the Department in evaluating compliance:~~

- 48
49 1. ~~Generator Acoustic Enclosures: fully enclosed or “super-silent” housings~~
50 ~~constructed of brick, masonry, or other acceptable materials with~~
51 ~~comparable sound transmission ratings.~~
52 2. ~~Acoustic Louvers and Duct Liners: designed to minimize tonal and airflow~~
53 ~~noise associated with ventilation or cooling systems.~~
54 3. ~~Sound Absorptive Panels: installed within cooling yards, generator~~
55 ~~buildings, or perimeter walls to reduce reflected noise.~~
56 4. ~~Porous Absorptive Cladding: such as mineral wool cores with perforated~~
57 ~~metal facings to dampen exterior surface reflections.~~
58 5. ~~Vibration Isolation Systems: including spring and neoprene isolators to~~
59 ~~prevent structure-borne noise transmission from generators, chillers, or~~
60 ~~HVAC units.~~
61 6. ~~Acoustic Fencing and Walls: solid or composite barriers with a minimum~~

62 sound Transmission Class (STC) rating of 35, extending fully above the line
63 of sight between the noise source and the property line.

64 7. ~~Building Orientation and Shielding: siting of data center buildings or~~
65 ~~equipment yards so that structures themselves block direct noise paths~~
66 ~~towards residential or institutional uses.~~

67 8. ~~Enhanced Landscaping and Earth Berms: incorporation of vegetation,~~
68 ~~berms, and mounded terrain to provide additional passive sound~~
69 ~~attenuation and visual screening.~~

70
71 ~~C. Except for lot lines along an existing office or industrial park or adjacent to an existing~~
72 ~~industrial use, the bufferyards, street trees, berming and landscaping shall be upgraded,~~
73 ~~where appropriate to mask the development. The buildings shall meet the requirements~~
74 ~~for large industrial structures in Section 40.26.260.~~

75
76 ~~D. Lighting shall be designed so that there is zero (0) footcandles at the property line of~~
77 ~~the neighboring residential area.~~

78
79 ~~E~~**B**. In addition to meeting all the requirements of Article 11...

80
81 ~~F~~**C**. Open-loop or once-through cooling is prohibited unless...

82
83 ~~G. All generators shall be Tier IV or utilize natural gas with Selective Catalytic Reduction~~
84 ~~(SCR) systems. The Department may permit applicants to substitute other technologies~~
85 ~~that the applicant can demonstrate as being more efficient and have less impact on the~~
86 ~~environment.~~

87
88 ~~H. Any energy storage system utilized for this use shall be Battery Energy Storage~~
89 ~~System ("BESS"). The Department may permit applicants to substitute other~~
90 ~~technologies that the applicant can demonstrate as being more efficiency and have less~~
91 ~~impact on the environment. Energy storage systems must employ fire-safe technologies~~
92 ~~as determined and approved by the State Fire Marshal's Office.~~

93
94 ~~I. All new expanded facilities shall submit documentation outlining the operation of the~~
95 ~~buildings as a LEED Gold or equivalent certification and providing the Total Usage~~
96 ~~Efficiency ("TUE"), the comprehensive metric for evaluating the overall energy efficiency~~
97 ~~of a system considering both the energy used by the IT equipment and the supporting~~
98 ~~infrastructure, with a minimum TUE of 1.15 must be provided unless operational issues~~
99 ~~are documented and accepted to vary this minimum.~~



100
101 ~~J~~**D**. All data centers must be designed for future integration...

102
103 ~~K~~**E**. Applicant must submit a statement of coordination with local electric utility...

104
105 ~~L~~**F**. Applicants must submit a statement of coordination with DNREC Water Allocation
106 Program...

107
108 ~~M~~**G**. Data Centers must comply with all State and Federal requirements...

109
110 ~~N~~**H**. Abandonment. ...

111	
112	 . Financial Assurance. ...
113	
114	 . Annual Report. ...

SYNOPSIS: *Floor Amendment No. 2 revises Table 40.03.110 to require that Data Centers in the “I”, “HI” and “EX” zoning districts be subject to Limited review rather than Special Use review, and changes Data Centers in the “ON”, “OR”, “CR”, “BP” and “CN” zoning districts from a prohibited use to a use subject to Limited review as such districts permit Data Centers in the current UDC.*

The amendment also updates Section 40.03.343 to require that proposed Data Center developments or additions greater than two hundred thousand (200,000) square feet of gross floor area comply with Section 40.26.430 (Large Industrial Structures). Additionally, it eliminates various requirements that are already addressed elsewhere in the UDC or are more appropriately addressed by the Building Code.

The amendment also revises Table 40.03.210A by reducing the distance between residential uses and Data Center developments from 1,000 feet contained in the originally introduced ordinance to 500 feet, or, in the alternative, grants the Department the discretion to approve a setback less than 500 feet when it is satisfied current noise standards contained in Chapter 22 will be satisfied through other methods such as berming.