

AMENDMENT 1 on Bill No. 25-05

Introduced By: Council Vice President Kavonté Duckett (District 4)
Council Member Mason Carter (District 5)

Introduction Date: May 6, 2025

Adopted/Rejected/Withdrawn: **Adopted**

AN ACT Update Design Requirements for Critical Digital Infrastructure Facilities and
update Specific Use Regulations for Critical Digital Infrastructure Facilities and
Critical Digital Infrastructure Electric Substations.

On Exhibit 1, it is hereby amended as follows:

§ 1-19-6.100. DESIGN REQUIREMENTS FOR SPECIFIC DISTRICTS.

<i>Use Classification</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Area per Unit</i>	<i>Lot Width</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Height</i>
Limited Industrial District LI							
<i>Use Classification</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Area per Unit</i>	<i>Lot Width</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Height</i>
Limited Industrial District LI							
Critical digital infrastructure facility	80,000		300	100 ⁴ *****	100 ⁴ *****	100 ⁴ *****	75'
Critical digital infrastructure electric substation	20,000		300	100	100	100	30

<i>Use Classification</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Area per Unit</i>	<i>Lot Width</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Height</i>
General Industrial District GI							
<i>Use Classification</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Area per Unit</i>	<i>Lot Width</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Height</i>
General Industrial District GI							
Critical digital infrastructure facility	80,000		300	100 ⁴ *****	100 ⁴ *****	100 ⁴ *****	75'

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~] indicate matter deleted from the bill.

Critical digital infrastructure electric substation	20,000		300	100	100	100	30
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1 * Equal to the height of structure.

2 ** Minimum 10' green area no parking within area

3 *** For development within the Village Center Zoning District see also §§ 1-19-7.500(B)(2) and (3)

4 **** Or as determined under §§ 1-19-7.500(B)(3), whichever is greater

5 ***** Except as provided in § 1-19-8.450(B)(2) and § 1-19-8.450(D)(1).

6 ***** **EXCEPT AS PROVIDED IN 1-19-8.402(E)**

7 1 Any proposed addition would have to meet setbacks required for new structures. Parking requirements
8 of §§ 1-19-6.200 through 1-19-6.240.

9 2 As shown or equal to height of structure, whichever is greater.

10 3 Development within the VC zoning district may not exceed the density as specified within §§ 1-19-
11 7.500(B)(1).

12 4 Or twice the height of the structure, whichever is greater.

13

14 § 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES

15

16 (d) The tract of land where the Critical Digital Infrastructure use is proposed may not
17 abut land that is zoned residential or is designated residential on the Comprehensive
18 Plan Land Use map.

19 **(E) NOTWITHSTANDING SUBSECTION (D), CRITICAL DIGITAL**
20 **INFRASTRUCTURE MAY BE ESTABLISHED ON A TRACT OF LAND**
21 **THAT ABUTS LAND THAT IS ZONED RESIDENTIAL OR IS DESIGNATED**
22 **RESIDENTIAL ON THE COMPREHESIVE PLAN LAND USE MAP SO**
23 **LONG AS THE FRONT, SIDE, AND REAR YARD SETBACKS SET FORTH**
24 **IN SECTION 1-19-6-100 FOR A CRITICAL DIGITAL INFRASTRUCTURE**
25 **FACILITY ARE INCREASED TO 200 FEET FROM ANY PROPERTY LINE**
26 **ABUTTING SUCH RESIDENTIALLY ZONED OR DESIGNATED LAND.**

27

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~ indicate matter deleted from the bill.

1 **AMENDMENT 2 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Mason Carter (District 5)
4 Council Vice President Kavonté Duckett (District 4)
5 **Introduction Date:** May 6, 2025
6 **Adopted/Rejected/Withdrawn:** **Adopted**
7
8

9 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
10 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
11 Critical Digital Infrastructure Electric Substations.
12

13 On the bill signature page , it is hereby amended as follows:

14 **AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF FREDERICK**
15 **COUNTY** that the following transitional provisions shall apply:

- 16 1. Critical Digital Infrastructure Facilities that [~~have received site plan approval or~~
17 ~~conditional site plan approval from~~] **HAVE SUBMITTED A SITE PLAN TO** the
18 **DIVISION OF PLANNING AND PERMITTING** [~~Planning Commission~~] as of
19 the effective date of this bill are exempt from the changes in this bill.
- 20 2. Critical Digital Infrastructure Electrical Substations that [~~have received site plan~~
21 ~~approval or conditional site plan approval from~~] **HAVE SUBMITTED A SITE**
22 **PLAN TO** the **DIVISION OF PLANNING AND PERMITTING** [~~Planning~~
23 ~~Commission~~] as of the effective date of this bill are exempt from the changes in this
24 bill.
- 25 3.
26

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.
[Brackets and ~~strike through~~] indicate matter deleted from the bill.

1 **AMENDMENT 3 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Renee Knapp (At Large)
4 Council President Brad Young (At Large)
5 **Introduction Date:** May 6, 2025
6 **Adopted/Rejected/Withdrawn:** **Adopted**
7
8

9 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
10 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
11 Critical Digital Infrastructure Electric Substations.
12

13 On Exhibit 1, it is hereby amended as follows:

14 **§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES**

15 ***

16 (F)(1)

17 (d) Within 6 months of the date of occupancy of any completed CDI building, and
18 **BIENNIALY** [~~bi-annually~~] thereafter, actual sound levels for scenarios a and b listed under
19 (F)(1)(c)(3). above must be measured by a qualified engineer with experience in environmental
20 acoustics and a final sound level report must be submitted to the County for review and approval.
21 If actual sound levels exceed the maximum sound pressure levels listed in (F)(1)(b) above,
22 corrective actions must be executed as soon as reasonably possible, but no later than 180 days
23 from the date of the submission of the report.

24 ***

25 (F)(2)

26 (c) Within 6 months of the date of occupancy of any completed CDI building, and
27 **BIENNIALY** [~~bi-annually~~] thereafter actual vibration levels must be measured by a qualified
28 individual and a vibration report must be submitted to the County for review and approval. If
29 vibration levels exceed the maximum listed in (F)(2)(a) above, corrective action must be taken as
30 soon as reasonably possible but no later than 180 days from the date of the submission of the
31 report.

32 ***

33 **§ 1-19-8.403. CRITICAL DIGITAL INFRASTRUCTURE ELECTRIC SUBSTATION**

34 ***

35 (E)(3)

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.
[Brackets and ~~strike through~~] indicate matter deleted from the bill.

1 (d) Within 6 months of the beginning date of operation, actual sound levels must be measured,
2 and **BIENNIALY** [~~bi-annually~~] thereafter by a qualified engineer with experience in
3 environmental acoustics and a sound level report must be submitted to the County for review and
4 approval. If actual sound levels exceed the maximum sound pressure levels listed in (b) above,
5 corrective actions must be executed as soon as reasonably possible, but no later than 180 from
6 the submission of the report.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~] indicate matter deleted from the bill.

AMENDMENT 4 on Bill No. 25-05

Introduced By: Council Member Steve McKay (District 2)

Introduction Date: May 6, 2025

Adopted/Rejected/Withdrawn: **Rejected**

AN ACT Update Design Requirements for Critical Digital Infrastructure Facilities and update Specific Use Regulations for Critical Digital Infrastructure Facilities and Critical Digital Infrastructure Electric Substations.

On Exhibit 1, it is hereby amended as follows:

<i>Limited Industrial District LI</i>							
<i>Use Classification</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Area per Unit</i>	<i>Lot Width</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Height</i>

Critical digital infrastructure facility	80,000		[200] <u>300</u>	[50 ²] <u>100⁴</u>	[50 ²] <u>100⁴</u>	[50 ²] <u>100⁴</u>	60 [75]

<i>General Industrial District GI</i>							
<i>Use Classification</i>	<i>Minimum Lot Area</i>	<i>Minimum Lot Area per Unit</i>	<i>Lot Width</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>	<i>Height</i>

Critical digital infrastructure facility	80,000		[200] <u>300</u>	[50 ²] <u>100⁴</u>	[50 ²] <u>100⁴</u>	[50 ²] <u>100⁴</u>	60 [75]

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strikethrough~~] indicate matter deleted from the bill.

1 **AMENDMENT 5 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Rejected**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES [IN THE LI AND**
15 **GI DISTRICTS]**

16 ***

17 (B) Size and location.

18 (1) Critical Digital Infrastructure use may be established only where:

19 ***

20 (c) The tract of land where the Critical Digital Infrastructure use is proposed is located
21 within 2 miles of AN existing [69 kV]115 kV or greater high-voltage electrical
22 [transmission lines]SUBSTATION.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~] indicate matter deleted from the bill.

1 **AMENDMENT 6 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Withdrawn**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.403. CRITICAL DIGITAL INFRASTRUCTURE ELECTRIC SUBSTATION [IN**
15 **THE LI AND GI DISTRICTS]**

16 ***

17 (A) Size and location.

18 (1) Critical Digital Infrastructure use may be established only where:

19 ***

20 (c) The tract of land where the Critical Digital Infrastructure Electric Substation use is
21 proposed is located within 2 miles of AN existing [69 kV]115 kV or greater high-voltage
22 electrical [transmission lines]SUBSTATION.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~] indicate matter deleted from the bill.

1 **AMENDMENT 7 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Rejected**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES [IN THE LI AND**
15 **GI DISTRICTS]**

16 ***

17 (B) Size and location.

18 ***

19 (4) Additional size and location criteria – Applicants must demonstrate the following:

20 ***

21 (e) The applicant must demonstrate that the siting of the proposed use(s) will not
22 [disproportionately] negatively impact overburdened communities or underserved
23 communities as those terms are defined in Md. Code Ann., Environmental Article, § 1-
24 701.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~] indicate matter deleted from the bill.

1 **AMENDMENT 8 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Withdrawn**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.403. CRITICAL DIGITAL INFRASTRUCTURE ELECTRIC SUBSTATION [IN**
15 **THE LI AND GI DISTRICTS]**

16 ***

17 (A) Size and location.

18 ***

19 (4) Additional size and location criteria – Applicants must demonstrate the following:

20 ***

21 (e) The applicant must demonstrate that the siting of the proposed use(s) will not
22 [disproportionately] negatively impact overburdened communities or underserved
23 communities as those terms are defined in Md. Code Ann., Environmental Article, § 1-
24 701.

25

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~] indicate matter deleted from the bill.

1 **AMENDMENT 9 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Rejected**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES [IN THE LI AND**
15 **GI DISTRICTS]**

16 ***

17 ~~([B]D)~~ *Design Requirements.*

18 ***

19 (2) Visual impacts of the critical digital infrastructure on designated preservation areas, such
20 as rural legacy areas, agricultural preservation areas, critical farms, Monocacy scenic river, A
21 **TREASURED LANDSCAPE MANAGEMENT AREA**, designated heritage areas, historic
22 sites, and sites eligible for historic designation, must be avoided or minimized~~[to the~~
23 ~~maximum extent practicable]~~. A viewshed analysis must be submitted as part of the site
24 development plan application for approval by staff and the Planning Commission to assure
25 that visual impacts are avoided or minimized ~~[to the maximum extent practicable]~~through
26 such means as building placement, building materials, landscaping, and screening.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~] indicate matter deleted from the bill.

1 **AMENDMENT 10 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Rejected**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.403. CRITICAL DIGITAL INFRASTRUCTURE ELECTRIC SUBSTATION [IN**
15 **THE LI AND GI DISTRICTS]**

16 ***

17 ([C]D) An application for a critical digital infrastructure electric substation must include the
18 following:

19 ***

20 (5) Information as to how the applicant proposes to address the visual impact of the critical
21 digital infrastructure electric substation on designated preservation areas, such as rural legacy
22 areas, agricultural preservation areas, critical farms, Monocacy scenic river, A
23 **TREASURED LANDSCAPE MANAGEMENT AREA**, designated heritage areas, historic
24 sites, and sites eligible for historic designation. **A VIEWSHED ANALYSIS MUST BE**
25 **SUBMITTED AS PART OF THE SITE DEVELOPMENT PLAN APPLICATION**
26 **FOR APPROVAL BY STAFF AND THE PLANNING COMMISSION TO ASSURE**
27 **THAT VISUAL IMPACTS ARE AVOIDED OR MINIMIZED THROUGH SUCH**
28 **MEANS AS SUBSTATION PLACEMENT, BUILDING MATERIALS,**
29 **LANDSCAPING, AND SCREENING.**

30

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~striketrough~~] indicate matter deleted from the bill.

1 **AMENDMENT 11 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Rejected**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES [IN THE LI AND**
15 **GI DISTRICTS]**

16 ***

17 *[(D)]E Performance Standards.*

18 ***

19 *(1) Noise.*

20 ***

21 ~~[(d) Within 6 months of the date of occupancy of any completed CDI building, and bi-~~
22 ~~annually thereafter, actual sound levels for scenarios a and b listed under (F)(1)(c)(3). above~~
23 ~~must be measured by a qualified engineer with experience in environmental acoustics and a final~~
24 ~~sound level report must be submitted to the County for review and approval. If actual sound~~
25 ~~levels exceed the maximum sound pressure levels listed in (F)(1)(b) above, corrective actions~~
26 ~~must be executed as soon as reasonably possible, but no later than 180 days from the date of the~~
27 ~~submission of the report.]~~

28 **(D) PRIOR TO OCCUPANCY OF ANY CDI BUILDING, ACTUAL SOUND**
29 **LEVELS OF EACH SCENARIO LISTED UNDER (F)(1)(C)(3) ABOVE MUST BE**
30 **MEASURED BY A QUALIFIED ENGINEER WITH EXPERIENCE IN**
31 **ENVIRONMENTAL ACOUSTICS AND A FINAL SOUND LEVEL REPORT MUST BE**
32 **SUBMITTED TO THE COUNTY FOR REVIEW AND APPROVAL. IF ACTUAL**
33 **SOUND LEVELS EXCEED THE MAXIMUM SOUND PRESSURE LEVELS LISTED IN**
34 **(F)(1)(B) ABOVE, CORRECTIVE ACTIONS MUST BE TAKEN PRIOR TO**
35 **OCCUPANCY.**

36 ***

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~ indicate matter deleted from the bill.]

1 **AMENDMENT 12 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Rejected**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES [IN THE LI AND**
15 **GI DISTRICTS]**

16 ***
17 ([D]E) *Performance Standards.*

18 ***
19 (1) *Noise.*

20 ***
21 **(E) IF, UPON RECEIPT OF CREDIBLE EVIDENCE THAT HAS BEEN**
22 **VERIFIED BY COUNTY STAFF, SOUND LEVELS ARE SUSPECTED TO EXCEED**
23 **THE MAXIMUM SOUND PRESSURE LEVELS LISTED IN (F)(1)(B) ABOVE AT ANY**
24 **TIME AFTER OCCUPANCY, THE PROPERTY OWNER MUST HIRE A THIRD-**
25 **PARTY QUALIFIED ENGINEER WITH EXPERIENCE IN ENVIRONMENTAL**
26 **ACOUSTICS WITHIN 30 DAYS OF NOTICE FROM THE COUNTY TO CONDUCT**
27 **SOUND TESTING ALONG ALL PROPERTY LINES. A REPORT OF THIS TESTING**
28 **SHALL BE PROVIDED TO THE COUNTY WITHIN 60 DAYS OF THE ORIGINAL**
29 **NOTICE FROM THE COUNTY. IF ACTUAL SOUND PRESSURE LEVELS EXCEED**
30 **THE MAXIMUM SOUND PRESSURE LEVELS LISTED IN (F)(1)(B) ABOVE,**
31 **CORRECTIVE ACTIONS MUST BE IDENTIFIED IN THE REPORT AND EXECUTED**
32 **WITHIN 90 DAYS. ONCE CORRECTIVE EFFORTS HAVE BEEN MADE, THE**
33 **PROPERTY OWNER MUST OBTAIN ANOTHER SOUND STUDY BY A THIRD-**
34 **PARTY QUALIFIED ENGINEER WITH EXPERIENCE IN ENVIRONMENTAL**
35 **ACOUSTICS TO CONFIRM IF THE CORRECTIVE MEASURES HAVE BROUGHT**
36 **THE SOUND PRESSURE LEVELS INTO COMPLIANCE WITH THIS SECTION.**

37 ([c][e]F) The provisions of this section do not apply to:

38 ***

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~] indicate matter deleted from the bill.

1 **AMENDMENT 13 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Adopted**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES [IN THE LI AND**
15 **GI DISTRICTS]**

16 ***

17 (B) Size and location.

18 (1) Critical Digital Infrastructure use may be established only where:

19 (a) The tract of land where the Critical Digital Infrastructure use is proposed has a zoning
20 designation of Limited Industrial (LI) or General Industrial (GI);

21 (b) The tract of land where the Critical Digital Infrastructure use is proposed is within a
22 Community Growth Area, as designated on the Comprehensive Plan Land Use map;

23 (c) The tract of land where the Critical Digital Infrastructure use is proposed is located
24 within 2 miles of existing 69 KV or greater high-voltage electrical transmission lines[-];

25 **AND**

26 (d) The tract of land where the Critical Digital Infrastructure use is proposed may not
27 abut land that is zoned residential or is designated residential on the Comprehensive Plan
28 Land Use map.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~ indicate matter deleted from the bill.]

1 **AMENDMENT 14 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Adopted**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.403. CRITICAL DIGITAL INFRASTRUCTURE ELECTRIC SUBSTATION [IN**
15 **THE LI AND GI DISTRICTS]**

16 ***

17 (A) Size and location.

18 (1) Critical Digital Infrastructure Electric Substation use may be established only where:

19 (a) The tract of land where the Critical Digital Infrastructure **ELECTRIC**
20 **SUBSTATION** use is proposed has a zoning designation of Limited Industrial (LI) or
21 General Industrial (GI);

22 (b) The tract of land where the Critical Digital Infrastructure Electric Substation use is
23 proposed is within a Community Growth Area, as designated on the Comprehensive Plan
24 Land Use map; **AND**

25 (c) The tract of land where the Critical Digital Infrastructure Electric Substation use is
26 proposed is located within 2 miles of existing 69 KV or greater high-voltage electrical
27 transmission lines.

28

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~] indicate matter deleted from the bill.

1 **AMENDMENT 15 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Rejected**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES [IN THE LI AND**
15 **GI DISTRICTS]**

16 ***

17 ~~[(D)]~~ *Performance Standards.*

18 ***

19 (1) *Noise.*

20 ***

21 (c) All applications for site plan approval must include a sound study that is prepared by a
22 qualified engineer with experience in environmental acoustics. The purpose of the detailed study
23 is to assess the impact of all noise sources and determine the appropriate layout, design, and
24 control measures. The study must include:

25 1. Details of assessment methodology.

26 **2. EXISTING BASELINE SOUND LEVELS ALONG ADJACENT**
27 **PROPERTY LINES.**

28 **3. INCORPORATION OF SOUND STUDIES FOR ADJOINING CRITICAL**
29 **DIGITAL INFRASTRUCTURE THAT IS NOT INCLUDED IN THE EXISTING**
30 **BASELINE SOUND LEVELS.**

31 ~~[2]~~4. List of all **ELECTRICAL EQUIPMENT**, handlers, generators, and other
32 mechanical devices that are included in the sound evaluation, including manufacturers
33 specifications.

34 ***

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~] indicate matter deleted from the bill.

1 **AMENDMENT 16 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Adopted**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES [IN THE LI AND**
15 **GI DISTRICTS]**

16 ***

17 ~~([D]F)~~ *Performance Standards.*

18 ***

19 (1) *Noise.*

20 (a) Noise must be measured with a sound level meter.

21 (b) The maximum sound pressure levels permitted from any source, including but not
22 limited to **ELECTRICAL EQUIPMENT**, air handlers, generators, and other
23 mechanical devices, measured within an adjacent property line, are set forth
24 below:

25 ***

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~] indicate matter deleted from the bill.

1 **AMENDMENT 17 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Rejected**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES [IN THE LI AND**
15 **GI DISTRICTS]**

16 ***
17 ([D]E) *Performance Standards.*

18 ***
19 (1) *Noise.*

20 ***
21 ([c][e]F) The provisions of this section do not apply to:

- 22 1. Transportation vehicles not under the control of the use.
23 2. Occasionally used safety signals, warning devices, and emergency pressure
24 relief valves.
25 3. Temporary construction activity between 7:00 a.m. and 7:00 p.m.
26 4. ~~[Emergency and o]~~[O]ther exemptions identified in § 1-11-6(F).

27 ***

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~] indicate matter deleted from the bill.

1 **AMENDMENT 18 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Rejected**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES [IN THE LI AND**
15 **GI DISTRICTS]**

16 ***
17 ([D]~~E~~) *Performance Standards.*

18 ***
19 (2) *Vibration.*

20 ***
21 (c) [~~Within 6 months of the date of occupancy of any completed CDI building, and bi-~~
22 ~~annually thereafter actual vibration levels must be measured by a qualified individual and a~~
23 ~~vibration report must be submitted to the County for review and approval. If vibration levels~~
24 ~~exceed the maximum listed in (F)(2)(a) above, corrective action must be taken as soon as~~
25 ~~reasonably possible but no later than 180 days from the date of the submission of the report.]~~

26 **PRIOR TO OCCUPANCY OF ANY CDI BUILDING, ACTUAL VIBRATION**
27 **LEVELS MUST BE MEASURED BY A QUALIFIED INDIVIDUAL AND A FINAL**
28 **VIBRATION REPORT MUST BE SUBMITTED TO THE COUNTY FOR REVIEW**
29 **AND APPROVAL. CORRECTIVE ACTIONS MUST BE TAKEN PRIOR TO**
30 **OCCUPANCY IF THE REPORT CONCLUDES THAT THE REQUIREMENTS OF**
31 **THIS SECTION HAVE NOT BEEN MET.**

32 ***

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~ indicate matter deleted from the bill.]

1 **AMENDMENT 19 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Rejected**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES [IN THE LI AND**
15 **GI DISTRICTS]**

16 ***
17 ([D]E) *Performance Standards.*

18 ***
19 (2) *Vibration.*

20 ***
21 **(D) IF, UPON RECEIPT OF CREDIBLE EVIDENCE THAT HAS BEEN**
22 **VERIFIED BY COUNTY STAFF, VIBRATION LEVELS ARE SUSPECTED TO**
23 **EXCEED THE LEVELS LISTED IN (F)(2)(A) ABOVE AT ANY TIME AFTER**
24 **OCCUPANCY, THE PROPERTY OWNER MUST HIRE A THIRD-PARTY**
25 **QUALIFIED INDIVIDUAL WITH EXPERIENCE IN VIBRATION ANALYSIS WITHIN**
26 **30 DAYS OF NOTICE FROM THE COUNTY TO CONDUCT TESTING ALONG ALL**
27 **PROPERTY LINES. A REPORT OF THIS TESTING SHALL BE PROVIDED TO THE**
28 **COUNTY WITHIN 60 DAYS OF THE ORIGINAL NOTICE FROM THE COUNTY. IF**
29 **VIBRATION LEVELS EXCEED THE MAXIMUM LEVELS LISTED IN (F)(2)(A)**
30 **ABOVE, CORRECTIVE ACTIONS MUST BE IDENTIFIED AND EXECUTED WITHIN**
31 **90 DAYS. ONCE CORRECTIVE EFFORTS HAVE BEEN MADE, THE PROPERTY**
32 **OWNER MUST OBTAIN ANOTHER VIBRATION STUDY BY A THIRD-PARTY**
33 **QUALIFIED INDIVIDUAL WITH EXPERIENCE IN VIBRATION ANALYSIS TO**
34 **CONFIRM THAT THE CORRECTIVE MEASURES HAVE BROUGHT THE**
35 **VIBRATION LEVELS INTO COMPLIANCE WITH THIS SECTION.**

36 ***

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~] indicate matter deleted from the bill.

1 **AMENDMENT 20 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Adopted**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.403. CRITICAL DIGITAL INFRASTRUCTURE ELECTRIC SUBSTATION [IN**
15 **THE LI AND GI DISTRICTS]**

16 ***

17 (A) Size and location.

18 ***

19 (4) Additional size and location criteria – Applicants must demonstrate the following:

20 ***

21 (b) The applicant must demonstrate that schools, **COLLEGES AND UNIVERSITIES**,
22 daycare centers, health care facilities, houses of worship, residences, and other non-industrial
23 uses in the vicinity have been identified and negative impacts to these uses will be avoided or
24 minimized to the maximum extent practicable.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~] indicate matter deleted from the bill.

1 **AMENDMENT 21 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Rejected**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.403. CRITICAL DIGITAL INFRASTRUCTURE ELECTRIC SUBSTATION [IN**
15 **THE LI AND GI DISTRICTS]**

16 ***

17 ~~[(D)]~~ *Design requirements.*

18 ***

19 (3) *Noise.*

20 ***

21 (c) All applications for site plan approval must include a sound study that is prepared by a
22 qualified engineer with experience in environmental acoustics. The purpose of the detailed study
23 is to assess the impact of all noise sources and determine the appropriate layout, design, and
24 control measures. The study must include:

25 1. Details of assessment methodology.

26 **2. EXISTING BASELINE SOUND LEVELS ALONG ADJACENT**
27 **PROPERTY LINES.**

28 **3. INCORPORATION OF SOUND STUDIES FOR ADJOINING CRITICAL**
29 **DIGITAL INFRASTRUCTURE THAT IS NOT INCLUDED IN THE EXISTING**
30 **BASELINE SOUND LEVELS.**

31 ~~[2]~~4. List of all devices that are included in the sound evaluation, including
32 manufacturers specifications

33 ***

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~] indicate matter deleted from the bill.

1 **AMENDMENT 22 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Rejected**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.403. CRITICAL DIGITAL INFRASTRUCTURE ELECTRIC SUBSTATION [IN**
15 **THE LI AND GI DISTRICTS]**

16 ***

17 **[(D)]E) Design requirements.**

18 ***

19 **(1) Noise.**

20 ***

21 ~~[(d) Within 6 months of the date of operation, actual sound levels must be measured, and~~
22 ~~bi-annually thereafter by a qualified engineer with experience in environmental acoustics and a~~
23 ~~sound level report must be submitted to the County for review and approval. If actual sound~~
24 ~~levels exceed the maximum sound pressure levels listed in (b) above, corrective actions must be~~
25 ~~executed as soon as reasonably possible, but no later than 180 days from the submission of the~~
26 ~~report.]~~

27 **(D) PRIOR TO OPERATION, ACTUAL SOUND LEVELS MUST BE**
28 **MEASURED BY A QUALIFIED ENGINEER WITH EXPERIENCE IN**
29 **ENVIRONMENTAL ACOUSTICS AND A FINAL SOUND LEVEL REPORT MUST BE**
30 **SUBMITTED TO THE COUNTY FOR REVIEW AND APPROVAL. IF ACTUAL**
31 **SOUND LEVELS EXCEED THE MAXIMUM SOUND PRESSURE LEVELS LISTED IN**
32 **(B) ABOVE, CORRECTIVE ACTIONS MUST BE TAKEN PRIOR TO OCCUPANCY.**

33 ***

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~] indicate matter deleted from the bill.

1 **AMENDMENT 23 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Rejected**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.403. CRITICAL DIGITAL INFRASTRUCTURE ELECTRIC SUBSTATION [IN**
15 **THE LI AND GI DISTRICTS]**

16 ***

17 ([D]~~E~~) *Design requirements.*

18 ***

19 (1) *Noise.*

20 ***

21 **(E) IF, UPON RECEIPT OF CREDIBLE EVIDENCE THAT HAS BEEN**
22 **VERIFIED BY COUNTY STAFF, SOUND LEVELS ARE SUSPECTED TO EXCEED**
23 **THE MAXIMUM SOUND PRESSURE LEVELS LISTED IN (E)(3)(B) ABOVE AT ANY**
24 **TIME AFTER OCCUPANCY, THE PROPERTY OWNER MUST HIRE A THIRD-**
25 **PARTY QUALIFIED ENGINEER WITH EXPERIENCE IN ENVIRONMENTAL**
26 **ACOUSTICS WITHIN 30 DAYS OF NOTICE FROM THE COUNTY TO CONDUCT**
27 **SOUND TESTING ALONG ALL PROPERTY LINES. A REPORT OF THIS TESTING**
28 **SHALL BE PROVIDED TO THE COUNTY WITHIN 60 DAYS OF THE ORIGINAL**
29 **NOTICE FROM THE COUNTY. IF ACTUAL SOUND PRESSURE LEVELS EXCEED**
30 **THE MAXIMUM SOUND PRESSURE LEVELS LISTED IN (E)(3)(B) ABOVE,**
31 **CORRECTIVE ACTIONS MUST BE IDENTIFIED IN THE REPORT AND EXECUTED**
32 **WITHIN 90 DAYS. ONCE CORRECTIVE EFFORTS HAVE BEEN MADE, THE**
33 **PROPERTY OWNER MUST OBTAIN ANOTHER SOUND STUDY BY A THIRD-**
34 **PARTY QUALIFIED ENGINEER WITH EXPERIENCE IN ENVIRONMENTAL**
35 **ACOUSTICS TO CONFIRM IF THE CORRECTIVE MEASURES HAVE BROUGHT**
36 **THE SOUND PRESSURE LEVELS INTO COMPLIANCE WITH THIS SECTION.**

37 ([c]~~e~~)F) The following sources of noise are exempt:

38 ***

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~] indicate matter deleted from the bill.

1 **AMENDMENT 24 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Rejected**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES [IN THE LI AND**
15 **GI DISTRICTS]**

16 ***

17 ~~(B)(D)~~ *Design Requirements.*

18 ***

19 ([5]6) Staff shall refer site plans to the Architectural Review Committee, if the committee
20 exists in good standing, for review prior to the site plan being scheduled for Planning
21 Commission **REVIEW**. The recommendations of the Architectural Review Committee may be
22 considered by the Planning Commission.

23 **(7) STAFF SHALL REFER SITE PLANS TO THE DEPARTMENT OF ENERGY**
24 **AND ENVIRONMENT TO PROVIDE COMMENTS ON ANY SUSTAINABILITY**
25 **MEASURES REFERENCED IN THE SITE PLAN, TO INCLUDE BUT NOT BE**
26 **LIMITED TO ON-SITE ENERGY GENERATION AND MEASURES TO LIMIT USE**
27 **OF POTABLE WATER. THE COMMENTS OF THE DEPARTMENT OF ENERGY**
28 **AND ENVIRONMENT MAY BE CONSIDERED BY THE PLANNING COMMISSION,**
29 **CONSISTENT WITH THE PLANNING COMMISSION'S AUTHORITIES.**

30 ([6][7]8) In addition to meeting the requirements of § 1-19[.]6.400, the following
31 landscaping, screening, and buffering requirements must be met.

32 ***

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~striketrough~~] indicate matter deleted from the bill.

1 **AMENDMENT 25 on Bill No. 25-05**

2
3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** May 6, 2025

5 **Adopted/Rejected/Withdrawn:** **Adopted**

6
7
8 **AN ACT** Update Design Requirements for Critical Digital Infrastructure Facilities and
9 update Specific Use Regulations for Critical Digital Infrastructure Facilities and
10 Critical Digital Infrastructure Electric Substations.

11
12 On Exhibit 1, it is hereby amended as follows:

13
14 **§ 1-19-8.402. CRITICAL DIGITAL INFRASTRUCTURE FACILITIES [IN THE LI AND**
15 **GI DISTRICTS]**

16 ***

17 **([B]D)** *Design Requirements.*

18 ***

19 ([4]5) In order to minimize visibility from adjacent roads and adjacent properties, ground
20 level and roof top mechanical **AND ELECTRICAL** equipment, power generators, water
21 cooling and storage facilities, utility substations, and other associated utility infrastructure to
22 support sustained operations of the infrastructure must be screened. This screening may be
23 provided by a principal building. Mechanical **AND ELECTRICAL** equipment not screened by
24 a principal building must be screened by a visually opaque fence, screen wall or panel, parapet
25 wall, or other visually opaque screen that must be constructed of materials compatible with those
26 used in the exterior architectural finishes of the principal building.

27 ***

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strike through~~] indicate matter deleted from the bill.