

Ordinance No.: 20-35
Zoning Text Amendment No.: 26-01
Concerning: Commercial Uses –
Data Center
Revised: 7/22/2026 Draft No.: 2
Introduced: January 20, 2026
Public Hearing: February 24, 2026
Adopted: July 28, 2026
Effective: August 17, 2026

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

Lead Sponsors: Council President Fani-González, Council Vice-President Balcombe, and
Councilmember Sayles

AN AMENDMENT to the Montgomery County Zoning Ordinance to:

- (1) define Data Center as a new use subject to zoning requirements;
- (2) ~~[[specify the zones where Data Centers may locate in the County as conditional uses]]~~
prohibit Data Centers from all zones of the County; and
- (3) ~~[[establish minimum standards for the location of Data Centers in the County; and~~
- (4) ~~]] generally amend the law regarding permissible locations and conditions for Data Centers in the County.~~

By amending the following sections of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

Division 1.4.	“Defined Terms”
Section 1.4.2.	“Specific Terms and Phrases Defined”
Division 3.1.	“Use Table”
Section 3.1.6	“Use Table”
Division 3.5.	“Commercial Uses”
Section 3.5.2.	“Communication Facility”

EXPLANATION: **Boldface** indicates a Heading or a defined term.

Underlining indicates text that is added to existing law by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by original text amendment.

Double underlining indicates text that is added to the text amendment by amendment.

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

* * * indicates existing law unaffected by the text amendment.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. DIVISION 59-1.4 is amended as follows:

Division 1.4. Defined Terms.

* * *

Section 1.4.2. Specific Terms and Phrases Defined

In this Chapter, terms that are not specifically defined have their ordinary meaning.

The following words and phrases have the meanings indicated.

* * *

Cultural Institution: See Section 3.4.3.A

D.

Data Center: See Section 3.5.2.B.1

Day Care Center (13 - 30 Persons): See Section 3.4.4.D.1

* * *

Media Broadcast Tower: See Section [3.5.2.B.1] 3.5.2.C.1

* * *

Telecommunications Tower: See Section [3.5.2.C.1] 3.5.2.D.1

* * *

Sec. 2. DIVISION 59-3.1 is amended as follows:

Division 3.1. Use Table

* * *

Section 3.1.6. Use Table

The following Use Table identifies uses allowed in each zone. Uses may be modified in Overlay zones under Division 4.9.

Key: P = Permitted Use L = Limited Use C = Conditional Use Blank Cell = Use Not Allowed

USE OR USE GROUP	Definition s and Standards	Ag	Rural Residential				Residential											Commercial / Residential			Employment				Industrial		
							Residential Detached							Residential Townhouse			Residential Multi-Unit										
			A R	R	RC	RNC	RE- 2	RE- 2C	RE-1	R- 200	R-90	R-60	R- 40	TLD	TMD	THD	R-30	R-20	R-10	CRN	CRT	CR	GR	NR	LSC	EOF	IL
* * *																											
COMMERCIAL																											
* * *																											
Communication Facility																											
Cable Communications System	3.5.2.A	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	C
<u>Data Center</u>	<u>3.5.2.B</u>																									[[C]]	[[C]]
Media Broadcast Tower	[3.5.2.B] <u>3.5.2.C</u>	C	C	C		C	C	C	C	C	C	C				C	C	C				C		L	C	C	P
Telecommunications Tower	[3.5.2.C] <u>3.5.2.D</u>	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C	L	L	L	L/C	L/C	L	L/C	L	L	L
* * *																											

* * *

[[Sec. 2]] Sec. 3. DIVISION 59-3.5 is amended as follows:

Division 3.5 Commercial Uses

* * *

Section 3.5.2. Communication Facility

A. Cable Communications System

1. Defined

Cable Communications System means an arrangement of antennas, cables, amplifiers, towers, microwave links, lines, wires, waveguides, laser beams, satellites, or any other conductors, converters, equipment, or structures designed, constructed, and operated with the purpose of producing, transmitting, receiving, amplifying, storing, processing, or distributing audio, video, digital, or other forms of electronic or electrical signals, programs, and services in which the signals are distributed by wire or cable to subscribing members of the public. Cable Communications System does not include any similar system with cables that do not touch public rights-of-way and that serve only the occupants of a single property of land under common ownership or management. Cable Communications System does not include a Data Center.

* * *

B. Data Center

1. Defined

Data Center means a building or group of buildings, which has or is projected to have an aggregate monthly electricity demand of at least 25 megawatts (MW), used to house computer or network systems, computer storage equipment, or computer servers[, and associated

infrastructure]] to store, manage, process, and transmit digital data. Data center includes associated infrastructure such as backup and on-site operational power generation, fuel storage, electrochemical energy storage, electrical substations and distribution, center cooling, and heat dissipation facilities. [[Data Center does not include a Cable Communications System.]] Data center does not include a facility used primarily for manufacturing, quantum computing research, biomedical research, or medical care. Data Center does not include an institution of higher education approved to operate in Maryland by the Maryland Higher Education Commission.

[[2. Use Standards

Where a Data Center is allowed as a conditional use, it may be permitted by the Hearing Examiner under Section 7.3.1, Conditional Use, and the following standards:

[[a. For a Data Center located on property that abuts a Residential zone, Rural Residential zone, or Commercial/Residential zone, each minimum setback required for the Data Center's principal building and accessory structures under Section 4.8.3 must be increased by 500 feet.

[[b. An application for a Data Center must demonstrate that:

- i. the visual impact of the use on the surrounding properties, public roadways, and historic sites will be minimized to the maximum extent practicable;
- ii. non-industrial uses of abutting properties have been identified and negative impacts to those uses will be avoided or minimized to the maximum extent practicable;

- iii. negative impacts to wetlands, streams, rivers, flood plains, or environmentally sensitive areas will be avoided or minimized to the maximum extent practicable;
- iv. negative impacts to parks and recreational facilities will be avoided or minimized to the maximum extent practicable; and
- v. the siting of the proposed use will not have a negative impact that disproportionately affects overburdened communities or underserved communities as those terms are defined under Section 1-701 of the Environmental Article of the Maryland Code, as amended.

[[c. Landscaping, Lighting, and Buffer Standards.

In addition to meeting the requirements of Divisions 6.4 and 6.5, a Data Center must satisfy the following standards:

- i. Side and rear yards must include a landscaped buffer, including a four-season visual screen resulting in multi-layered, staggered rows of overstory and understory trees and shrubs that are a mix of evergreen and deciduous vegetation, with an emphasis on species that are native to Montgomery County.
- ii. If security fencing is proposed, vegetative screening must be placed between the fence and the public view. Chain-link or similar woven metal or plastic fencing must not be used.
- iii. Lighting must include elements that reduce negative impacts to wildlife migration, nocturnal habits, and circadian rhythms, such as the utilization of lights with

amber or yellow tints instead of blue or white light and the use of timers, motion detectors, and light-sensitive switches to actively regulate the emission of light from light fixtures.

[[d. Noise Standards.

- i. An application for a Data Center must provide noise analysis sufficient to make a finding of noise compatibility.
- ii. The analysis must be prepared by a qualified engineer with experience in environmental acoustics.
- iii. The analysis must assess the impact of all noise sources and determine the appropriate layout, design, and control measures to:
 - (a) minimize noise levels to the extent practicable; and
 - (b) ensure that noise created by the use, measured with a sound level meter from an adjacent property line, does not exceed the maximum dBA permitted under Chapter 31B {Noise Control} of the County Code, as amended.

[[e. Generators must meet or exceed Tier 4 or equivalent emission standards as defined by the United States Environmental Protection Agency.]]

[B.] C. Media Broadcast Tower

1. Defined

Media Broadcast Tower means any structure used to transmit radio or television communications that are intended to be received by the public. Media Broadcast Tower does not include amateur radio antenna (see Section

3.5.14.A and Section 3.5.14.B, Amateur Radio Facility) or Telecommunications Tower (see Section [3.5.2.C] 3.5.2.D, Telecommunications Tower).

* * *

[C.] D. Telecommunications Tower

1. Defined

- a. Telecommunications Tower means any structure, other than a building, used to provide wireless voice, data, or image transmission within a designated service area. Telecommunications Tower includes one or more antennas attached to a support structure, and related equipment, but does not include amateur radio antenna (see Section 3.5.14A and Section 3.5.14.B, Amateur Radio Facility), radio or TV tower (see Section [3.5.2.B] 3.5.2.C, Media Broadcast Tower), or an antenna on an existing structure (See Section 3.5.14.C, Antenna on Existing Structure).

2. Use Standards

- a. Where a Telecommunications Tower is allowed as a limited use in the Agricultural zone, Rural zone, Rural Cluster zone, Employment zones, and Industrial zones, and the tower is not a replacement tower that complies with [59.3.5.2C.2.b] 3.5.2.D.2.b, it must satisfy the following standards:
 - i. Antennas are limited to the following:
 - (a) an antenna that satisfies one of the Antenna Dimensions standards in Section [59.3.5.2.C.1.b] 3.5.2.D.1.b;

* * *

- b. Where a Telecommunications Tower is allowed as a limited use and the tower would replace a pre-existing utility pole, streetlight pole, or site plan approved parking lot light pole, the tower is allowed if it satisfies the following standards:

* * *

- iv. Antennas must comply with the Antenna Classification Standard A under Section [59.3.5.2.C.1.b] 3.5.2.D.1.b, be concealed within an enclosure the same color as the pole, be installed at a minimum height of 15 feet, and be installed parallel with the tower.

* * *

- x. Any equipment cabinet:

* * *

- (c) must be the same color or pattern as the pre-existing tower, except as provided in Section [3.5.2.C.b.x(d)] 3.5.2.D.b.x(d); and

* * *

- c. Where a Telecommunications Tower is allowed as a conditional use, it may be permitted by the Hearing Examiner under either Section [3.5.2.C.2.d] 3.5.2.D.2.d or Section [3.5.2.C.2.a] 3.5.2.D.2.a, limited use standards. In addition, Section 7.3.1 and the following procedures and standards must be satisfied:

* * *

- f. Where a proposed Telecommunications Tower does not meet the limited use standards because it is taller than allowed under Section [3.5.2.C.2.b.vii] 3.5.2.D.2.b.vii or where there is no

pre-existing or replacement pole so a new pole must be constructed, but otherwise meets the limited use standards under Section [3.5.2.C.2.b] 3.5.2.D.2.b, the applicant may request a waiver from the Office of Zoning and Administrative Hearings. The application must meet the requirements of Sections [3.5.2.c.2.d.1] 3.5.2.D.2.d.1 and [3.5.2.c.2.d.3] 3.5.2.D.2.d.3.

* * *

iv. If an objection is received, the Hearing Examiner must send notice of an adjudicatory hearing to the applicant and any aggrieved person who filed an objection within 10 days after the objection is received and conduct any such hearing within 30 days of the date the objection is received. Waivers and objections may be consolidated under Section [3.5.2.c.2.e.5] 3.5.2.D.2.e.5.

v. The Hearing Examiner may only decide the issues raised by the waiver or objection. The Hearing Examiner will determine whether the proposed location minimizes visual impact as compared to any alternative location where the new tower could be located to provide service, and consistent with the Hearing Examiner's authority under Section [3.5.2.c.2.d] 3.5.2.D.2.d. The maximum height allowed is 50 feet.

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Sec. 4. Transition. The prohibition against Data Centers, added under Section 1 of this Zoning Text Amendment, applies to any application that has not

214 received a building permit from the Department of Permitting Services before the
215 effective date of the Zoning Text Amendment.

216 **[[Sec. 3]] Sec. 5. Effective date.** This ordinance becomes effective 20 days
217 after the date of Council adoption.

This is a correct copy of Council action.

A handwritten signature in black ink, appearing to read "Sara", written over a horizontal line.

Sara R. Tenenbaum
Clerk of the Council