



Committee: PHP
Committee Review: At a future date
Staff: Christine Wellons, Senior Legislative Attorney
Purpose: To introduce agenda item – no vote expected

AGENDA ITEM #3A
January 20, 2026
Introduction

SUBJECT

Zoning Text Amendment (ZTA) 26-01, Commercial Uses – Data Center

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

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

To introduce agenda item – no vote expected

DESCRIPTION/ISSUE

ZTA 26-01 would amend the 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;
- (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.

SUMMARY OF KEY DISCUSSION POINTS

- A public hearing is scheduled for February 24, 2026 at 1:30 p.m. A PHP Committee worksession will be scheduled at a later date.

This report contains:

ZTA 26-01

© 1

Dear Colleague Letter from the Lead Sponsors

© 14

Alternative format requests for people with disabilities. If you need assistance accessing this report you may [submit alternative format requests](#) to the ADA Compliance Manager. The ADA Compliance Manager can also be reached at 240-777-6197 (TTY 240-777-6196) or at adacompliance@montgomerycountymd.gov

Ordinance No.: _____
Zoning Text Amendment No.: 26-01
Concerning: Commercial Uses –
Data Center
Revised: 1/14/2026 Draft No.: 1
Introduced: _____
Public Hearing: _____
Adopted: _____
Effective: _____

**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;
- (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:

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

2 **Division 1.4. Defined Terms.**

3 * * *

4 **Section 1.4.2. Specific Terms and Phrases Defined**

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

6 The following words and phrases have the meanings indicated.

7 * * *

8 **Cultural Institution:** See Section 3.4.3.A

9 **D.**

10 **Data Center:** See Section 3.5.2.B.1

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

12 * * *

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

14 * * *

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

16 * * *

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

18 **Division 3.1. Use Table**

19 * * *

20 **Section 3.1.6. Use Table**

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

23 **Key:** P = Permitted Use L = Limited Use C = Conditional Use Blank Cell =
24 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	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	IM	IH	
* * *																													
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>																									<u>C</u>	<u>C</u>	<u>C</u>	
Media Broadcast Tower	[3.5.2.B] 3.5.2.C	C	C	C		C	C	C	C	C	C	C				C	C	C			C		L	C	C	C	P		
Telecommunications Tower	[3.5.2.C] 3.5.2.D	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/C	L	L	L	L/C	L/C	L	L/C	L	L	L	
* * *																													

26

* * *

27 **Sec. 2. DIVISION 59-3.5 is amended as follows:**28 **Division 3.5 Commercial Uses**

29

* * *

30 **Section 3.5.2. Communication Facility**31 **A. Cable Communications System**32 **1. Defined**

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

46

* * *

47 **B. Data Center**48 **1. Defined**

49 Data Center means a building or group of buildings used to house
50 computer or network systems, computer storage equipment, servers,
51 and associated infrastructure to store, manage, process, and transmit

52 digital data. Data Center does not include a Cable Communications
53 System.

54 **2. Use Standards**

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

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

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

64 i. the visual impact of the use on the surrounding
65 properties, public roadways, and historic sites will be
66 minimized to the maximum extent practicable;

67 ii. non-industrial uses of abutting properties have been
68 identified and negative impacts to those uses will be
69 avoided or minimized to the maximum extent
70 practicable;

71 iii. negative impacts to wetlands, streams, rivers, flood
72 plains, or environmentally sensitive areas will be avoided
73 or minimized to the maximum extent practicable;

74 iv. negative impacts to parks and recreational facilities will
75 be avoided or minimized to the maximum extent
76 practicable; and

77 v. the sitting of the proposed use will not have a negative
78 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

133 transmission within a designated service area.
134 Telecommunications Tower includes one or more antennas
135 attached to a support structure, and related equipment, but does
136 not include amateur radio antenna (see Section 3.5.14A and
137 Section 3.5.14.B, Amateur Radio Facility), radio or TV tower
138 (see Section [3.5.2.B] 3.5.2.C, Media Broadcast Tower), or an
139 antenna on an existing structure (See Section 3.5.14.C, Antenna
140 on Existing Structure).

141 **2. Use Standards**

142 a. Where a Telecommunications Tower is allowed as a limited use
143 in the Agricultural zone, Rural zone, Rural Cluster zone,
144 Employment zones, and Industrial zones, and the tower is not a
145 replacement tower that complies with [59.3.5.2C.2.b]
146 3.5.2.D.2.b, it must satisfy the following standards:
147 i. Antennas are limited to the following:

148 (a) an antenna that satisfies one of the Antenna
149 Dimensions standards in Section [59.3.5.2.C.1.b]
150 3.5.2.D.1.b;

151 * * *

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

156 * * *

157 iv. Antennas must comply with the Antenna Classification
158 Standard A under Section [59.3.5.2.C.1.b] 3.5.2.D.1.b, be
159 concealed within an enclosure the same color as the pole,

162 * * *

163 x. Any equipment cabinet:

165 (c) must be the same color or pattern as the pre-
166 existing tower, except as provided in Section
167 [3.5.2.C.b.x(d)] 3.5.2.D.b.x(d); and

168 * * *

169 c. Where a Telecommunications Tower is allowed as a conditional
170 use, it may be permitted by the Hearing Examiner under either
171 Section [3.5.2.C.2.d] 3.5.2.D.2.d or Section
172 [3.5.2.C.2.a] 3.5.2.D.2.a, limited use standards. In addition,
173 Section 7.3.1 and the following procedures and standards must
174 be satisfied:

175 * * *

176 f. Where a proposed Telecommunications Tower does not meet
177 the limited use standards because it is taller than allowed under
178 Section [3.5.2.C.2.b.vii] 3.5.2.D.2.b.vii or where there is no
179 pre-existing or replacement pole so a new pole must be
180 constructed, but otherwise meets the limited use standards
181 under Section [3.5.2.C.2.b] 3.5.2.D.2.b, the applicant may
182 request a waiver from the Office of Zoning and Administrative
183 Hearings. The application must meet the requirements of
184 Sections [3.5.2.c.2.d.1] 3.5.2.D.2.d.1 and [3.5.2.c.2.d.3]
185 3.5.2.D.2.d.3.

186 * * *

- 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.

* * *

203 **Sec. 3. Effective date.** This ordinance becomes effective 20 days after the
204 date of Council adoption.

This is a correct copy of Council action.

Sara R. Tenenbaum
Clerk of the Council



MONTGOMERY COUNTY COUNCIL

ROCKVILLE, MARYLAND

MEMORANDUM

To: Councilmembers
From: Council President Fani-González and Council Vice President Balcombe and Councilmember Sayles
Date: January 14, 2026
Re: Data Center Zoning Text Amendment

Like many communities in the region and across the country, Montgomery County is grappling with infrastructure needed to advance the technologies powering our economy, from mobile broadband, big data analytics, and precision manufacturing/agriculture, to artificial intelligence and quantum computing. Montgomery County residents and businesses increasingly rely on these technologies for work, education, entertainment, public safety, health care, and just about everything else we do.

We understand that these technologies require extensive and capital-intensive networks of data centers and fiber connections to make them all work. The question at hand is how will Montgomery County engage in the economy of the future. We have seen other communities across the region either give the industry carte blanche to build a large number of data centers wherever they want or, conversely, there are communities that erect insurmountable barriers to data center development. We reject that false choice. **We can and, indeed, must have responsible rules for data center development in the County that reflect community input without stifling economic growth.**

That is why we are proposing the attached zoning text amendment (ZTA) as a first step in guiding the development of this critical infrastructure. The ZTA will guide the “where” and “what” of the future development of data centers in Montgomery County, while we anticipate further legislative efforts touching on some of the ongoing operational issues on these sites. The ZTA draws from the best practices in the region (notably Prince George’s and Frederick Counties) but does so in a way that is sensitive to our unique land use patterns and community needs. We have worked closely with our partners in the executive branch and planning department to incorporate their best ideas.

Specifically, the ZTA **creates and defines “Data Center” as a conditional use only allowed in industrial zones**. Heretofore, any proposed data center was considered a communications facility, which was allowed by conditional use in all zones. The conditional use process, as opposed to by right zoning, is a quasi-judicial process with public hearings, notice requirements, careful review of site impacts, and ultimately a binding decision with conditions by the County’s Office of Zoning and Administrative Hearings (OZAH). It is an appropriate approval process for data centers given all the unique and context-sensitive issues at play.

The ZTA also establishes the following standards for conditional use approval:

- On top of existing setbacks, 500 foot setback for data centers on sites that abut residentially zoned property
- Measures to mitigate visual impact and impacts on wildlife, including vegetative screening and lighting requirements
- Requirement to prove ongoing operations minimize noise in conformance with the County’s Noise Ordinance
- Requirement to use low-emission diesel backup generators, in compliance with Tier 4 EPA standards
- Protections for wetlands, streams, rivers, environmentally sensitive areas, parks, and recreational facilities.
- Considerations to minimize the negative impacts that disproportionately affect burdened and underserved populations

It is also important to note that some issues associated with data centers, including energy and water use, fall beyond the scope of the zoning ordinance and require the support and coordination of the state. The regulation of energy and water use require the involvement of the General Assembly and relevant state agencies, and we understand those issues will be extensively reviewed as part of the Data Center Impact Analysis and Report that the Maryland General Assembly recently enacted by overriding a veto ([HB270](#)).

We strongly believe that the ZTA’s common sense and context-specific standards will avoid some of the pitfalls plaguing other communities while embracing the economic and fiscal benefits, both direct and indirect, that these technologies bring. As we cautiously and deliberately move through the legislative process, we very much look forward to hearing from the public and incorporating their feedback into the final product

We request your support in taking this first step in regulating data center development in the County. Please let us know if you have any questions or if you would like to co-sponsor the ZTA.