

AN ORDINANCE TO PROVIDE FOR A MORATORIUM CONCERNING DATA CENTERS IN WASHINGTON COUNTY UNTIL _____, 2026, PENDING CONSIDERATION AND ADOPTION OF SUCH LEGISLATION AS THE BOARD OF COMMISSIONERS OF WASHINGTON COUNTY, MARYLAND MAY CONSIDER NECESSARY TO PROMOTE PUBLIC HEALTH, SAFETY, AND WELFARE, ENTITLED "MORATORIUM ORDINANCE FOR WASHINGTON COUNTY, MARYLAND"

RECITALS

The Board of County Commissioners of Washington County, Maryland ("the Board"), has enacted and codified certain and various local laws for the promotion of the health, safety, and welfare of Washington County and its citizens, including the "Code of Public Local Laws of Washington County, Maryland" and the "Zoning Ordinance for Washington County, Maryland". The Board is authorized under the Local Government Article and the Land Use Article of the Annotated Code of Maryland to enact and amend such ordinances.

The County's Zoning Ordinance does not currently address "data centers"; and the Board desires to study data centers in light of changing consumer demand, and changes to existing infrastructure in the County to evaluate their suitability and economic, social and environmental risks.

These types of facilities present unique challenges and potential impacts including but not limited to:

- High energy consumption and strain on existing utility infrastructure;
- Significant noise generation from cooling systems and backup generators, affecting adjacent residential areas and general quality of life;
- Substantial water usage for cooling purposes;
- Potential environmental impacts, including hazardous material storage and electronic waste disposal; and
- Land use compatibility concerns, particularly in rural or agriculturally zoned districts.

To advance public health and safety, the Board desires to obtain additional information regarding the possible adverse effects data centers may have on residential uses, environmental resources, adequate public facilities, and roads and infrastructures.

Further, the Planning Commission and Staff desires time to study the topic and develop a recommendation(s), and the Board then needs time to have the required public hearing and possibly adopt a zoning text amendment to address this matter and the Board desires to give the Planning Commission and County staff adequate time to study the matter and consider possible enactment of legislation on this subject.

The Board believes it to be in the best interests of the citizens of the County for the Board to adopt the following ordinance.

A public hearing was held on the 30th day of June, 2026, following due notice and advertisement of the text of the Ordinance.

Public comment was received, reviewed, and considered concerning the aforesaid Ordinance.

NOW, THEREFORE, BE IT ENACTED by the Board that for the reasons stated herein the following shall be adopted.

For the purposes of this Ordinance:

“Data Center” means a facility consisting of one or more buildings used primarily for the storage, management, processing, and transmission of large amounts of digital data and which houses computing infrastructure, such as computers, network equipment, systems, servers, appliances, and other associated components related to digital data operations.

“Data Centers – Temporary Deferral” There shall be a temporary deferral on the acceptance, processing, reviewing, and approval of all applications, plans, or requests for Data Centers in Washington County as defined in herein for a period of six (6) months starting with the effective date of this Ordinance.

BE IT ALSO ORDAINED by the Board that:

1. The definition of “Data Center” and the deferral does not apply to any use currently permitted under the Zoning Ordinance and for which a current Certificate of Use & Occupancy was disseminated as of the effective date of this Ordinance.

2. Severability.

Should any provision, section, paragraph, or subparagraph of this ordinance, including any code, or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction; the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

Adopted and effective this 30th day of June, 2026.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF WASHINGTON COUNTY, MARYLAND

Dawn L. Marcus, Clerk

John F. Barr, President

Approved as to form and legal
sufficiency for execution by the County:

Zachary J. Kieffer
County Attorney

Mail to:

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