

At a meeting of the Spotsylvania County Board of Supervisors held on February 24, 2026, on a motion by Chair Lori Hayes and passed by a vote of 4-3, the Board adopts the following ordinance:

AN ORDINANCE No. 23-192

To amend Spotsylvania County Code Chapter 23, Zoning, Article 4, Development Review Procedures, Division 5, Special Uses, Section 2, Required Approvals to specify that a separate Special Use approval is not required when the Special Use is subject to proffered conditions with a zoning map amendment; and to Article 6, Zoning Districts, Divisions 21 and 22 to remove Data Center as a Principle use permitted, remove Data Center development standards, and add as a Special Use in the Industrial 1 (I-1) and Industrial 2 (I-2) districts.

PUBLIC HEARING: February 24, 2026

WHEREAS, staff has reviewed the code amendments and recommends approval as stated in the executive summary dated February 24, 2026; and

WHEREAS, the Spotsylvania Planning Commission held a public hearing, duly advertised in a local newspaper for a period of two weeks, on January 21, 2026, and January 28, 2026, and interested citizens were offered an opportunity to be heard; and

WHEREAS, at its February 4, 2026, meeting, the Spotsylvania County Planning Commission recommended the ordinance with additional considerations with a vote of 5-2; and

WHEREAS, the Spotsylvania Board of Supervisors held a public hearing, duly advertised in a local newspaper for a period of two weeks, on February 10, 2026, and February 17, 2026, and interested citizens were offered an opportunity to be heard; and

WHEREAS, the health, safety, and general welfare are served by approval of ordinance amendments related to Data Center development.

NOW, THEREFORE, THE BOARD OF SUPERVISORS FOR THE COUNTY OF SPOTSYLVANIA HEREBY ORDAINS:

§ 1. That Chapter 23, Zoning, Article 4, Development Review Procedures, Division 5, Special Uses, Section 2; and Article 6, Zoning Districts, Divisions 21 and 22 be and are hereby amended and **reordained** as follows:

Sec. 23-4.5.2. Required approvals.

- (a) No special use shall be established until the person proposing such use has first applied for and obtained:
 - (1) Special use approval in accordance with the requirements of this division;
 - (2) Site plan approval in accordance with division 11 of this article;
 - (3) A building permit in accordance with division 12 of this article and Chapter 5 of the County Code;
 - (4) An occupancy permit in accordance with division 13 of this article.
- (b) Depending on the nature and location of the use, the following special approvals may be required:
 - (1) A certificate of appropriateness for certain types of development proposed within a historic overlay district or an historic landmark, in accordance with division 3 of this article; or
 - (2) A land-disturbing permit for land-disturbing activities in accordance with chapter 8 of the County Code.
- (c) Special use approval in accordance with the requirements of subsection (a)(1) of this division is not required for a special use specified in the proffered conditions and vested pursuant to an adopted zoning map amendment. Nothing herein prohibits a person from applying for a rezoning and a concurrent special use permit.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-192, 2-24-26)

Sec. 23-6.21.2. Principle uses permitted.

The following principle uses may be established as permitted uses in the industrial 1 (I-1) district, subject to site plan approval:

- (1) Accessory uses as permitted by article 5, division 3 of this chapter;
- (2) Animal shelter;
- (3) Art and craft studio;
- (4) Auction establishment;
- (5) Building materials yard;
- (6) Business service and supply establishment;
- (7) Car wash;
- (8) Civic, social, or fraternal facilities;
- (9) Contractor's offices and shops;
- (10) Convenience store;

- (11) Eating establishment;
- (12) Eating establishment, carry out, fast food;
- (13) Fuel dispensing service;
- (14) Greenhouse, commercial;
- (15) Heavy equipment and specialized vehicle sale, rental and/ or service establishments;
- (16) Indoor commercial recreation/athletic facilities;
- (17) Industrial/flex;
- (18) Industry, type I;
- (19) Lumberyard;
- (20) Medical care facilities;
- (21) Mini-warehousing establishments;
- (22) Offices;
- (23) Outdoor sports and recreation, commercial;
- (24) Outdoor storage yard;
- (25) Place of worship;
- (26) Public facility/uses;
- (27) Public utility, light;
- (28) Scientific research and development establishment;
- (29) Transportation facilities;
- (30) Vehicle light service establishment;
- (31) Vehicle major service establishment;
- (32) Vehicle sale, rental, and ancillary service establishment, large scale;
- (33) Veterinary hospitals/services;
- (34) Warehouse;
- (35) Wholesale trade establishments.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-73, 8-12-97; Ord. No. 23-129, 12-9-08; Ord. No. 23-152, 1-8-13; Ord. No. 23-160(2), 9-22-15; Ord. No. 23-174, § 1, 11-28-17; Ord. No. 23-190, 12-9-25; Ord. No. 23-192, 2-24-26)

Sec. 23-6.21.4. Special uses.

The following uses may be established as special uses in the industrial 1 (I-1) district, subject to approval by the board of supervisors in accordance with article 4, division 5 of this chapter:

- (1) Abattoir;

- (2) Adult oriented business;
- (3) Airports, public or private;
- (4) Any other assembly, manufacturing or processing use not otherwise permitted;
- (5) Bus station/depot/terminal;
- (6) Civic and sports arena;
- (7) Correctional facilities;
- (8) Crematory or crematorium;
- (9) Data Center;
- (10) Drive-in motion picture theater;
- (11) Heliport;
- (12) Helistop;
- (13) Industry, type 2;
- (14) Railroad station/depot/terminal;
- (15) Railway yard;
- (16) Recycling collection centers;
- (17) Sawmill;
- (18) Telecommunications tower;
- (19) Truck stop;
- (20) Vehicle sale, rental, and ancillary service establishment, small scale;
- (21) Wetland mitigation bank;
- (22) Wood by-products recycling center.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-78, 2-9-99; Ord. No. 23-81, 6-22-99; Ord. No. 23-82, 7-13-99; Ord. No. 23-97, 10-23-01; Ord. No. 23-100, 4-9-02; Ord. No. 23-103, 2-11-03; Ord. No. 23-120, 10-9-07; Ord. No. 23-152, 1-8-13; Ord. No. 23-160(2), 9-22-15; Ord. No. 23-174, § 1, 11-28-17; Ord. No. 23-190, 12-9-25; Ord. No. 23-192, 2-24-26)

Sec. 23-6.21.5. Development standards; Use limitations.

- (1) Retail sales may be permitted as an accessory use within any permitted or special use in accordance with the provisions of article 5, division 3 of this chapter.
- (2) Except as may be permitted as a principal use or by special use, wholesale sales, storage or trucking operations shall only be permitted as incidental and accessory to a permitted, special permit or special exception use.
- (3) All premises shall be furnished with all-weather, dustless surface walks and driveways.

- (4) The gross floor area devoted to secondary uses as identified in section 23-6.21.3. shall not exceed forty (40) percent of the gross floor area of all principle uses or approved special uses in the development.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-160(2), 9-22-15; Ord. No. 23-190, 12-9-25; Ord. No. 23-192, 2-24-26)

Note(s)—Formerly § 23-6.21.4.

Sec. 23-6.22.2. Principle uses permitted.

The following principle uses may be established as permitted uses in the industrial 2 (I-2) district, subject to site plan approval:

- (1) Accessory uses as permitted by article 5, division 3 of this chapter;
- (2) Animal shelter;
- (3) Art and craft studio;
- (4) Auction establishment;
- (5) Building materials yard;
- (6) Business service and supply establishment;
- (7) Car wash;
- (8) Civic, social, or fraternal facilities;
- (9) Contractor's office and shops;
- (10) Convenience store;
- (11) Eating establishment;
- (12) Eating establishment, carry out/fast food;
- (13) Feed mill;
- (14) Fuel dispensing service;
- (15) Greenhouse, commercial;
- (16) Heavy equipment and specialized vehicle sale, rental and/ or service establishments;
- (17) Indoor commercial recreation/athletic facilities;
- (18) Industrial/flex;
- (19) Industry, type I;
- (20) Industry, type II;
- (21) Lumberyards;
- (22) Medical care facility;
- (23) Mini-warehousing establishments;
- (24) Offices;

- (25) Outdoor sports and recreation, commercial;
- (26) Outdoor storage yard;
- (27) Places of worship;
- (28) Public facility/uses;
- (29) Public utility, light;
- (30) Scientific research and development establishments;
- (31) Transportation facilities;
- (32) Vehicle light service establishment;
- (33) Vehicle major service establishment;
- (34) Vehicle sale, rental and ancillary service establishment, large scale;
- (35) Veterinary hospitals/services;
- (36) Warehouse;
- (37) Wholesale trade establishments.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-152, 1-8-13; Ord. No. 23-160(2), 9-22-15; Ord. No. 23-174, § 1, 11-28-17; Ord. No. 23-190, 12-9-25; Ord. No. 23-192, 2-24-26)

Sec. 23-6.22.4. Special uses.

The following uses may be established as special uses in the industrial 2 (I-2) district, subject to approval by the board of supervisors in accordance with the procedures established in article 4, division 5 of this chapter:

- (1) Abattoir;
- (2) Adult oriented business;
- (3) Airport, public or private;
- (4) Automobile graveyard;
- (5) Bus station/depot/terminal;
- (6) Civic and sports arena;
- (7) Correctional facilities;
- (8) Crematory or crematorium;
- (9) Data Center;
- (10) Drive-in motion picture theaters;
- (11) Heliport;
- (12) Helistop;
- (13) Industry, type III;
- (14) Junkyards, to include motor vehicle storage and impoundment yards;

- (15) Landfill;
- (16) Motor freight terminals;
- (17) Public utility, heavy;
- (18) Railroad station/depot/terminal;
- (19) Railway yard;
- (20) Recycling collection centers;
- (21) Recycling plant;
- (22) Sawmill;
- (23) Telecommunications tower;
- (24) Truck stop;
- (25) Any other assembly, manufacturing or processing use not otherwise permitted;
- (26) Vehicle sale, rental, and ancillary service establishment, small scale;
- (27) Wetland mitigation bank;
- (28) Wood by-products recycling center.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-97, 10-23-01; Ord. No. 23-120, 10-9-07; Ord. No. 23-122, 10-9-07; Ord. No. 23-152, 1-8-13; Ord. No. 23-160(2), 9-22-15; Ord. No. 23-174, § 1, 11-28-17; Ord. No. 23-190, 12-9-25; Ord. No. 23-192, 2-24-26)

Note(s)—Formerly § 23-6.22.3.

Sec. 23-6.22.5. Development standards; Use limitations.

- (1) Retail sales may be permitted as an accessory use within any permitted or special use as an accessory use in accordance with the provisions of article 5, division 2 of this chapter.
- (2) All premises shall be furnished with all weather, dustless surface walks and driveways.
- (3) The gross floor area devoted to secondary uses as identified in section 23-6.22.3. shall not exceed forty (40) percent of the gross floor area of all principle uses or approved special uses in the development.

(Ord. No. 23-66, 10-24-95; Ord. No. 23-160(2), 9-22-15; Ord. No. 23-190, 12-9-25; Ord. No. 23-192, 2-24-26)

Note(s)—Formerly § 23-6.22.4.

§ 2. This ordinance shall be in force and effect upon adoption. Any property with a zoning map amendment approved between January 1, 2022 and the date of adoption of this ordinance is subject to and governed by the zoning ordinance as it existed on the date of the zoning map amendment approval, so long as (i) such zoning map amendment changed the zoning classification to one that permitted a data center use under the zoning ordinance in effect as of the date of approval of such zoning map amendment, and (ii) the property develops in accordance with its approved proffers.