

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the _____ day of _____, 2025:

Present

Vote

Sheila S. Noll, Chairman
Douglas R. Holroyd, Vice Chairman
M. Wayne Drewry
G. Stephen Roane, Jr.
Thomas G. Shepperd, Jr.

On motion of _____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE YORK COUNTY ZONING ORDINANCE, CHAPTER 24.1, YORK COUNTY CODE, TO INCORPORATE PROVISIONS CONCERNING DATA CENTERS

WHEREAS, the Planning Commission has determined that in accordance with good zoning practice, it is necessary to amend portions of the Zoning Ordinance to establish a definition, an entry in the table of land uses, and performance standards for data centers; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with the applicable procedure; and

WHEREAS, the Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE BE IT ORDAINED by the York County Board of Supervisors this the ____ day of _____, 2025, that it does hereby approve Application

No. ZT-200-24, to amend Sections 24.1-104 and 24.1-306, and establish Section 24.1-489.1 of the York County Zoning Ordinance, to read and provide as follows:

Sec. 24.1-104. Definitions

Data Center. An establishment engaging in the storage, management, processing, and/or transmission of digital data, and housing computer equipment, network equipment, systems, servers, appliances, and other associated components related to digital data operations.

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Sec. 24.1-306. Table of land uses.

P=PERMITTED USE S=PERMITTED BY SPECIAL USE PERMIT USES	RESIDENTIAL DISTRICTS							COMMERCIAL AND INDUSTRIAL DISTRICTS							
	RC	RR	R33	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG	
USES	CATEGORY 15—LIMITED INDUSTRIAL ACTIVITIES														
<u>15. Data Center</u>													S	S	S

* * *

Section 24.1-489.1 – Standards for data centers.

- (a) Any special use permit application submitted under the provisions of this section shall be accompanied by the following items which, in addition to the standards set forth above, shall be considered by the Planning Commission and Board of Supervisors:
 - 1. A letter from the electric utility purveyor indicating sufficient proximity and availability to a substation and transmission lines to serve the proposed data center shall be submitted to the Department of Planning and Development Services.
 - 2. A letter from the public water purveyor indicating sufficient capacity to serve the proposed data center shall be submitted to the Department of Planning and Development Services.
- (b) All data centers shall be connected to a public water system. The use of wells as a water supply is prohibited.
- (c) The data center shall employ water conservation methods (e.g. rainwater harvesting and water recycling systems). All proposed methods of conservation

will be approved by the County, and any necessary conservation improvements shall be shown on the site plan prior to approval.

(d) Data centers shall adhere to the following noise standards:

(1) A sound study evaluating existing ambient noise prior to project development and modelling predicted noise generation after development, shall be submitted. The noise study shall include but shall not be limited to generators and ancillary equipment. The study shall be submitted with the Special Use Permit application. The study submitted must include measurement of ambient noise taken between the hours of 11:00 pm and 5:00 am from a minimum of four corners of the property or in locations as determined by the Zoning Administrator.

a. After the commencement of operation of a data center, the Zoning Administrator may require additional sound studies to be conducted on the premises of the data center, in the manner directed by the Zoning Administrator and at the expense of the owner or lessee, to verify continuing compliance with the noise ordinance and this subsection.

(2) Data centers and associated ancillary equipment shall not produce any sound that exceeds the existing ambient noise captured in the sound study or fifty-five decibels (55 dB), whichever is greater, when measured from the boundary of the property on which it operates. The sound shall be measured with a sound level meter using the A-weighted network as defined in Section 16.19.1, *Definitions*, of the York County Code.

(3) An acoustic barrier (e.g., an exterior solid or louvered wall containing soundproofing materials) shall surround all exterior mechanical equipment. Such acoustic barrier must be shown on the approved site plan and shall be maintained on the premises of the Data Center for the operational life of the facility.

(4) Data Centers shall only be permitted to engage in on-site generator testing on Monday through Friday from the hours of 5:00 PM to 8:00 PM and shall not engage in on-site generator testing for more than one hour per week.

(e) Data center structures and their ancillary equipment must be set back 200 feet from all property lines and 500 feet from any residential dwelling.

(f) All data center developments shall be surrounded by a perimeter buffer of at least fifty feet (50') in width, which shall be landscaped with evenly distributed evergreen vegetation, in accordance with the provisions of Article II, Division 4 of this chapter, to meet the Type 50 Transitional Buffer standards. The developer shall provide a tree survey of the buffer area on the landscape plan.

and supplemental planting of evergreen trees or shrubs of a full-to-ground branching species may be required to achieve adequate screening.

(g) Data centers shall adhere to the following architectural standards:

- (1) The maximum height of a data center building shall be thirty-five feet (35') unless the Board approves a greater height.
- (2) No portion of a building façade facing (i.e., parallel to) or visible from a public right-of-way or adjacent properties shall be constructed of barren or unfinished concrete masonry unit (cinder block), corrugated material, sheet metal, or vertical metal siding. Acceptable building materials for front or visible elevations include, but are not limited to brick, split-faced block, Dryvit or other simulated stucco, steel-surfaced/pre-finished insulated dimensional wall panels, pre-formed simulated brick or architectural block panels, and wood or synthetic clapboard siding.
- (3) Any front-facing façade greater than fifty feet (50') in length shall incorporate wall plane projections or recesses or bay divisions extending at least 20% of the length of the façade. Architectural details such as foundation highlights (belt courses, water tables), lintels, sills, awnings, contrasting cornices or bands of material at the first floor or roof level, projections at entries, wall and roof articulations, bay divisions, and other architectural treatments should be used to create visual interest and to avoid plain, unvaried façades.
- (4) Large trash receptacles, dumpsters, utility meters, aboveground tanks, satellite dishes, antennas, etc., shall be screened from view or located so that such items are not visible from adjacent properties. Such screening shall be shown on the site plan for the data center and shall be maintained on the premises of the data center for the operational life of the facility.
- (5) Landscaping shall be provided adjacent to all fencing to minimize its visibility from external rights-of-way and adjacent properties.
- (6) Freestanding signs shall be of a ground-mounted monument type and shall not exceed thirty-two (32) square feet nor erected to a height greater than ten feet (10').
- (7) Renderings or photo simulations of the landscape treatment in perspective view and all proposed structures to be visible from external rights-of way, including a list of building materials to be utilized, shall be submitted to the Department of Planning and Development Services with the application for a Special Use Permit.

(h) Data centers shall adhere to the following Fire and Life Safety standards:

- (1) Documentation describing how the data center will address York County's Department of Fire and Life Safety Data Center Response Considerations guidelines shall be submitted during the Special Use Permit process.
 - (2) Parking spaces shall not be located within 30 feet of the building to allow fire apparatus unobstructed access.
 - (3) Drive aisles shall be designed with a minimum turning radius of thirty-three feet (33') to accommodate all York County Department of Fire & Life Safety apparatus.
 - (4) A comprehensive employee evacuation plan to ensure the safety and preparedness of employees in the event of an emergency shall be submitted to, and approved by the York County Department of Fire and Life Safety.
 - (5) A hazardous materials management plan shall be submitted to, and approved by the Department of Fire and Life Safety.
- (i) In the event that the data center ceases to operate for a continuous period of thirty (30) days, the following shall be provided by the owner/operator to the Zoning Administrator within seven (7) days thereafter:
- (1) Evidence that the data center has been and remains in operation; or
 - (2) Documentation of the reasons for which the data center has ceased operations and documentation of the plan and any corrective measures being taken or proposed to be taken to restore and resume operations, to include the expected date of restoration of operations.

In the event the data center is not operational and will not be restored to operation, the Zoning Administrator may issue an order to the owner or lessee requiring that the data center equipment be dismantled and removed from the site within 180 days, and the owner or lessee shall comply.

- (j) In the event the owner or lessee provides a plan for restoration of operations, the Zoning Administrator may issue an order to the owner or lessee requiring the corrective measures to be completed within a specific period of time and, if not, for the data center equipment to be dismantled and removed from the site.
- (k) Should the Zoning Administrator require the removal of data center equipment as set forth in the preceding subsection, such removal shall take place according to and be governed by an agreement, approved as to form by the County Attorney and signed by the Zoning Administrator, under the terms of which the

owner or lessee shall covenant to perform the required removal of any data center equipment within 180 days of notice by the County and grant authority to the County to perform such work at the owner's or lessee's cost if the owner or lessee should default on their obligations. The owner or lessee shall cause such agreement to be recorded by the Clerk of the Circuit Court and provide evidence of such recordation to the Zoning Administrator prior to the issuance of any building permits for the proposed development.

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