BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the 19th day of May, 2026:

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

On motion of Mr. Shepperd, which carried 4:1, the following resolution was adopted:

AN ORDINANCE AMENDING THE YORK COUNTY ZONING ORDINANCE, SECTION 24.1-489.1, TO REVISE PERFORMANCE STANDARDS CONCERNING DATA CENTERS

WHEREAS, Virginia Code Section §15.2-2286(A)(7) and York County Code §24. 1- 113(a) authorizes the Board of Supervisors or Planning Commission, to initiate amendments to the York County zoning ordinance map, including district boundaries, classifications, zoning text amendments and regulations, when the public necessity, convenience, general welfare, or good zoning practice requires; and

WHEREAS, it has come to the attention of the Board of Supervisors and the Planning Commission that revisions to certain sections of Chapter 24.1 of the York County Code should be considered; and

WHEREAS, said amendments have been initiated and considered by the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of these amendments; and

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

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

WHEREAS, the Board finds that the general welfare of the citizens of York County and good zoning practice require the changes proposed in these amendments.

NOW, THEREFORE BE IT ORDAINED by the York County Board of Supervisors this the 19th day of May, 2026, that it does hereby approve Application No. ZT-216-25, to amend Section 24.1-489.1 of the York County Zoning Ordinance, to read and provide as follows:

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 below, 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 with sufficient capacity to serve the proposed data center shall be submitted to the Department of Planning and Development Services. The letter shall specify:

a. The energy source

b. The amount of energy and voltage level the data center will use at the implementation of each phase of the project

c. The amount of energy and voltage level the data center will use at full operating capacity

(2) In the event the data center elects to use water as a coolant, a letter from the public water purveyor indicating sufficient capacity to serve the proposed data center operating at full capacity shall be submitted to the Department of Planning and Development Services. The letter shall specify the amount of water the data center will use at full operating capacity.

(3) If fuel is stored on-site, a sketch plan showing the location and method of storage, in addition to a summary of the quantity and type of fuel to be stored, shall be submitted to the Department of Planning & Development Services. Above ground storage of liquified petroleum gas is prohibited.

(b) The data center shall submit a letter from the electric utility and public water purveyor every five (5) years, confirming the data center is using the same amount of electricity and water as was approved.

(1) The Board, after conducting a duly advertised public hearing, may authorize a data center to expand its usage of electricity and water. In the event the Board approves an expansion, it may require additional conditions of

approval. The cost of advertising and conducting public hearings to consider expansions shall be borne by the applicant.

(c) All data centers shall be connected to a public water system. The use of wells as a water supply is prohibited.

(d) The data center shall employ water conservation methods (e.g. rainwater harvesting and water recycling systems). All proposed methods of conservation must be approved by the County, and any necessary conservation improvements shall be shown on the site plan prior to approval.

(e) A hazardous materials management and stormwater runoff control plan shall be submitted detailing the methods to be proposed to ensure that no hazardous or petroleum-based products are permitted to infiltrate into groundwater or surface water resources. The plan shall be submitted to and approved by the York County Departments of Public Works and Fire & Life Safety, and the Virginia Department of Health, prior to receiving site plan approval.

(f) 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 A-weighted decibels (55 dBA) and sixty-five C-weighted decibels (65 dBC), whichever is greater, when measured from the boundary of the property on which it operates.

(3) All mechanical equipment shall be in good condition and operated and maintained in accordance with the manufacturer's recommendations and with a fully operational muffler or other noise attenuating device if said device is standard on such machinery or equipment or was required in the sound study to meet the decibel requirements above.

(4) Data centers shall only be permitted to engage in on-site generator

testing one generator at a time on Monday through Friday from the hours of 5:00 PM to 8:00 PM.

(5) Except for generator testing or commissioning activities, generator use is limited to backup/emergency use only.

(g) Data center structures and their ancillary equipment must be set back 100 feet from any non-residential zoned property lines and 500 feet from residential property lines.

(h) All data center developments shall be surrounded by a 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.

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

(1) Where the principal façade is oriented toward an adjacent existing or planned public road, mechanical equipment shall be screened from public view. In the event the installation is located on a rooftop, screening shall be provided on all four sides.

(2) The maximum height of a data center building shall be seventy-five feet (75') unless the Board approves a greater height.

(3) 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, Dryyit 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.

(4) 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.

(5) 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.

(6) Landscaping shall be provided adjacent to all fencing to minimize its visibility from external rights-of-way and adjacent properties.

(7) 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').

(8) 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.

(j) 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.

(k) 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:

Evidence that the data center has been and remains in operation; or

(1) 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.

(l) 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.

(m) 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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A Copy Teste:

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Heather L. Schott, MMC
Deputy Clerk