

**ORDINANCE AMENDING
SECTIONS 17-201,17-606, AND 17-607
OF THE CODE OF ORDINANCES
OF
ROCKINGHAM COUNTY, VIRGINIA**

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF ROCKINGHAM COUNTY, VIRGINIA:

That Section 17-201. Definitions, generally be and hereby is amended as follows:

The definitions for *Electronic data storage center*, *Decommissioning Plan*, and *Joint and several responsibility* be repealed and replaced by the following definitions (add in alphabetical order):

Data Center. A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer and network equipment, systems, servers, appliances, and other components related to digital data operations. Such facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated infrastructure to support its sustained operations.

Decommissioning Plan. The plan which specifies the procedure to properly remove and dispose of facility infrastructure components and hazardous materials following the discontinuance or termination of use.

Gross Decommissioning Costs. Gross Decommissioning Costs include but are not limited to the costs of dismantling, removal, site restoration, waste disposal, labor, equipment, transportation, and any other direct or indirect costs associated with restoring the site.

Joint and several responsibility. Wherever responsibility is assigned to two or more private parties, such as but not limited to, the operator and the landowner, the responsibility shall be construed to be jointly and severally borne by the parties assigned, and shall be so construed regardless of whether the wording is conjunctive or disjunctive.

All other definitions in Section 17-201 are re-affirmed.

That table 17-606 Land Use and Zoning table be amended as follows:

Remove:

Electronic Data Storage or Processing Center from the table

Add (in alphabetical order):

Data Center

In the I-1 and PID zoning districts, add SU* (special use with supplemental standards).

Amend:

Central Energy Plant

In the I-1 zoning district remove A (Permitted Accessory) and replace with SU (Special Use)

All other parts of Table 17-606 are re-affirmed.

That Section 17-607. Supplemental standards for certain land uses be amended as follows:

Add (In alphabetical order):

Data Center

(a) Location

- (1) Facilities must be located within an Urban Growth Area boundary.
- (2) Facilities must not be located within an Urban Development Area

(b) Community Meeting

- (1) No more than six (6) months prior to submittal of a special use permit or rezoning application, the applicant must hold a meeting to inform the community about the proposed facility. The meeting must be open to the public.
- (2) Notice of the date, time, and location of the meeting; a contact name and phone number of the project representative; and a summary of the proposed facility must be delivered by first-class mail to all property owners located within one (1) mile of the parcel boundary of the proposed facility, as noted in the Rockingham County tax records.

Such notice must be mailed not less than fourteen (14) working days prior to the community meeting.

- (3) The meeting must be held within the one (1) mile radius or at the nearest location open to the public with adequate parking and seating facilities which may accommodate persons with disabilities.
- (4) The meeting must give members of the public the opportunity to review preliminary application materials, ask questions of the applicant, and provide feedback.
- (5) Upon conclusion, a certified mailing list of property owners notified, sign-in sheet, and a written summary of the meeting must be included with the application.

(c) Application Requirements

- (1) A baseline noise study conducted by a third-party licensed professional engineer specializing in acoustics or an engineer who is board certified by the Institute of Noise Control Engineering (INCE). The study must document noise and ambient sound levels in the surrounding area of the proposed data center and provide a model prediction of noise conditions at the site with all equipment operating simultaneously at full operational load. The application must incorporate sound mitigation measures recommended in the baseline noise study into the facility design to prevent noise levels from exceeding noise and ambient sound levels observed in the baseline study.
- (2) Architectural depictions of the proposed building, associated equipment, and infrastructure as viewed from all parcel lines and streets.
- (3) Community meeting materials, including a certified mailing list of property owners notified, a sign-in sheet from the meeting, and a written summary of the meeting.
- (4) Anticipated facility water usage at full operational capacity in a form acceptable to the Department of Public Works.

(d) Setbacks: Shall be as required by Special Use Permit.

(e) Vegetative buffer: If needed to mitigate off-site visual and noise impact, as determined by the Board of Supervisors at the time of issuance of a special use permit, a vegetative buffer of year-round effectiveness must be installed and maintained within the setback area by the facility operator or landowner as follows:

- a. All plants must be climate-hardy.
- b. Monoculture is prohibited; at least five (5) different species of shrubs and six (6)-foot-high trees must be installed, with preference given to indigenous trees and shrubs.
- c. Selected species must have mixed leaf- and branch-types of varying mature heights.
- d. Existing vegetation in the setback area must be supplemented with new plantings, and all existing, invasive species must be removed prior to new plantings being installed.
- e. Land within the setback, not in trees and shrubs, must have a stabilizing ground cover.
- f. Any fencing must be located interior to the vegetative buffer.
- g. Trees and shrubs are not required where utility easements cross the setback.
- h. Ongoing maintenance:
 - a. All vegetation in the setback area must be maintained by the property owner or operator from time of installation through decommissioning.
 - b. The facility operator and landowner must manage non-invasive species and remove invasive species for the life of the project.

c. Trees and shrubs must be replaced if needed.

(f) Design Standards

A data center building and associated infrastructure must be designed to minimize adverse visual and noise impacts on surrounding development as demonstrated by the submission of elevations, architectural sketches, and sight line studies.

(1) All data center buildings must include a main entrance feature. The entrance feature must either project or recess from the adjoining building plane.

(2) All data center building façades must include:

- a. A change in the façade surface for every one hundred fifty (150) horizontal feet of at least one of the following: building material, pattern, texture, color, or accent material; and
- b. Windows, doors, or similar fenestration design features such as faux windows, must be distributed horizontally and vertically across the façade and comprise a minimum of thirty (30) percent of the individual façade.

(g) Noise

(1) Data center operations must not exceed sixty (60) C-weighted decibels (dBC), as measured at the closest nonparticipating property line.

(2) For data centers on property adjacent to property with existing residential development, an approved plat or plan showing residential development, or zoned districts permitting dwellings or agriculture as a primary use, the following standard applies to generator testing.

- a. Data center operators may conduct on-site generator testing only on weekdays between 5:00 p.m. and 8:00 p.m. and;
- b. Except for generator testing or commissioning activities, generator use is limited to temporary backup or emergency use only. Generator use is not permitted for sustained data center operations.

(3) Any noise-producing mechanical equipment located on the property must be screened on all four (4) sides by an acoustical barrier, except where determined by the Zoning Administrator not to be practically feasible based on manufacturer specifications. For purposes of this section, acoustical barrier is defined as an exterior solid or louvred wall containing sound-proofing materials designed to absorb noise and protect neighboring properties from noise pollution.

(4) Prior to the issuance of a certificate of occupancy for each phase of the project, the applicant must submit a post-construction noise study conducted by a third-party licensed professional engineer specializing in acoustics or an engineer who is board certified by the Institute of Noise Control Engineering (INCE) demonstrating that the operation of the data center as constructed does not exceed the noise levels observed during the baseline study with all noise-generating equipment operating simultaneously at full operational load.

(5) Operators must install and maintain noise monitoring devices along the property boundary at locations selected by the County to measure and document operational noise levels on a continuous basis. The operator shall provide noise level measurements at any point along the property boundary to the County upon request for the duration of the project.

(h) Decommissioning

- a. The applicant, owner, or operator must submit a decommissioning plan acceptable to the County prior to the approval of a site plan being issued. Any data center that has discontinued its operations for a continuous six (6) month period shall be deemed inactive and subject to the requirements of this subsection. The applicant or its successor, owner of the real estate, or the owner or operator of the facility must provide notice to Rockingham County once the facility becomes inactive. The decommissioning of the site must commence within six (6) months of receipt of such notice by Rockingham County. The Decommissioning Plan must include:
 - i. Anticipated life of the facility;
 - ii. The estimated future cost of the decommissioning, expressed in current dollars, by a Virginia State-licensed professional engineer;
 - iii. Method used to determine the estimate;
 - iv. The manner in which the project will be decommissioned; and
 - v. The name and physical address of the person or entity responsible for the decommissioning plan.
- b. Disposal: All equipment, assets, features, and materials that contain hazardous substances must be removed from the site. Hazardous waste must be disposed of in accordance with all applicable federal, state, and local statutes, ordinances, and regulations.
- c. Surety: The applicant or its successor must secure the Gross Decommissioning Costs by an adequate surety in a form agreed to by the County Attorney, including but not limited to cash or a letter of credit, bond or other guarantee issued by an entity whose debt is rated as investment grade by either Standard and Poor's or by Moody's, and must post the surety prior to the project receiving its certificate of completion to operate the facility from Rockingham County. The applicant or its successor and the property owner must update the cost estimates of the decommissioning at least every five (5) years and adjust the surety amount appropriately to account for updated cost estimates of the decommissioning. Surety agreements and guarantees must expressly provide that the applicant or its successor and the property owner are responsible for decommissioning in accordance with the plan approved by the County.
- d. Facility Operator and Property Owner Obligation: Within six (6) months after the facility becomes inactive, the applicant or its successor, at its sole cost and expense, must decommission the facility in accordance with the decommissioning plan approved by the County. If the applicant or its successor fails to commence decommissioning in a timely manner so that decommissioning may be completed within six (6) months of the facility becoming an inactive facility, the property owner must conduct the decommissioning in accordance with the plan and may use bonded resources to do so, as approved and released by the County. The County will release the bond upon completion of decommissioning of the entire facility.
- e. Applicant, owner default; decommissioning by the County:
If the applicant, its successor, and the property owner fail to decommission the data center within six (6) months of the facility becoming inactive, the County may carry out the decommissioning. The applicant, property owner, and successors in interest,

- are responsible for reimbursing the County for all costs and expenses of decommissioning in excess of the decommissioning surety. All such excess amounts attach to the real estate as a tax lien until paid in full.
- f. Improvements allowed to remain on site: Physical improvements may remain on the property, as approved by the County.

All other portions of Section 17-607 are reaffirmed.

This ordinance shall be effective from the 10th day of September 2025

Adopted the 10th day of September 2025.

FOR REFERENCE ONLY

That Section 17-201. Definitions, generally be and hereby is repealed as follows:

Section 17-201- Definitions Generally

~~*Electronic data storage or processing center.* Facilities where electronic data is processed, including, data entry, storage, conversion or analysis, subscription and credit card transaction processing, telephone sales and order collection, mail order and catalog sales, and mailing list preparation.~~

~~*Decommissioning Plan.* A decommissioning plan specifies the procedure by which the applicant or its successor would remove a Solar Energy Facility after the end of its useful life and to restore the property for prior or future usage consistent with the Comprehensive Plan or future zoning.~~

~~*Joint and several responsibility.* With respect to ground-mounted large solar energy facilities, wherever responsibility is assigned to two or more private parties, such as but not limited to, the operator and the landowner, the responsibility shall be construed to be jointly and severally borne by the parties assigned, and shall be so construed regardless of whether the wording is conjunctive or disjunctive.~~

That Section 17-201. Definitions, generally be and hereby is enacted as follows:

Section 17-201- Definitions Generally

Data Center. A facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer and network equipment, systems, servers, appliances, and other components related to digital data operations. Such facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated infrastructure to support its sustained operations.

Decommissioning Plan. The plan which specifies the procedure to properly remove and dispose of facility infrastructure components and hazardous materials following the discontinuance or termination of use.

Gross Decommissioning Costs. Gross Decommissioning Costs include but are not limited to the costs of dismantling, removal, site restoration, waste disposal, labor, equipment, transportation, and any other direct or indirect costs associated with restoring the site.

Joint and several responsibility. Wherever responsibility is assigned to two or more private parties, such as but not limited to, the operator and the landowner, the responsibility shall be construed to be jointly and severally borne by the parties assigned, and shall be so construed regardless of whether the wording is conjunctive or disjunctive.

All other definitions in Section 17-201 are re-affirmed.

That table 17-606 Land Use and Zoning table be and hereby is amended as follows:

P: Permitted; SU: Special Use; A: Permitted Accessory; Asterisk *: Supplemen tal Standards Apply	Table 17-606. Land Use and Zoning Table																						
	A-1	A-2	R-V	R-R-1	R-1	R-2	R-3	PS-F	P-M-F	P-G	R-4	R-5	M-H-1	M-H-P	M-X-U	B-1	B-2	B-X	PC-D	P-M-R	I-1	PI-D	S-1
~~Electronic-Data-Storage-or-Processing-Center~~ Data Center																				P	S-U*	P-S-U*	
Central Energy Plant																				A	A-S-U	A	

All other parts of Table 17-606 are re-affirmed.

That the following land use in Section 17-607. Supplemental standards for certain land uses be and hereby are enacted as follows:

Section 17-607. Supplemental standards for certain land uses.

Data Center

(a) Location

- (1) Facilities must be located within an Urban Growth Area boundary.
- (2) Facilities must not be located within an Urban Development Area

(b) Community Meeting

- (1) No more than six (6) months prior to submittal of a special use permit or rezoning application, the applicant must hold a meeting to inform the community about the proposed facility. The meeting must be open to the public.
- (2) Notice of the date, time, and location of the meeting; a contact name and phone number of the project representative; and a summary of the proposed facility must be delivered by first-class mail to all property owners located within one (1) mile of the parcel boundary of the proposed facility, as noted in the Rockingham County tax records. Such notice must be mailed not less than fourteen (14) working days prior to the community meeting.
- (3) The meeting must be held within the one (1) mile radius or at the nearest location open to the public with adequate parking and seating facilities which may accommodate persons with disabilities.

- (4) The meeting must give members of the public the opportunity to review preliminary application materials, ask questions of the applicant, and provide feedback.
- (5) Upon conclusion, a certified mailing list of property owners notified, sign-in sheet, and a written summary of the meeting must be included with the application.

(c) Application Requirements

- (1) A baseline noise study conducted by a third-party licensed professional engineer specializing in acoustics or an engineer who is board certified by the Institute of Noise Control Engineering (INCE). The study must document noise and ambient sound levels in the surrounding area of the proposed data center and provide a model prediction of noise conditions at the site with all equipment operating simultaneously at full operational load. The application must incorporate sound mitigation measures recommended in the baseline noise study into the facility design to prevent noise levels from exceeding noise and ambient sound levels observed in the baseline study.
- (2) Architectural depictions of the proposed building, associated equipment, and infrastructure as viewed from all parcel lines and streets.
- (3) Community meeting materials, including a certified mailing list of property owners notified, a sign-in sheet from the meeting, and a written summary of the meeting.
- (4) Anticipated facility water usage at full operational capacity in a form acceptable to the Department of Public Works.

(d) Setbacks: Shall be as required by Special Use Permit.

- (e) Vegetative buffer: If needed to mitigate off-site visual and noise impact, as determined by the Board of Supervisors at the time of issuance of a special use permit, a vegetative buffer of year-round effectiveness must be installed and maintained within the setback area by the facility operator or landowner as follows:
- a. All plants must be climate-hardy.
 - b. Monoculture is prohibited; at least five (5) different species of shrubs and six (6)-foot-high trees must be installed, with preference given to indigenous trees and shrubs.
 - c. Selected species must have mixed leaf- and branch-types of varying mature heights.

- d. Existing vegetation in the setback area must be supplemented with new plantings, and all existing, invasive species must be removed prior to new plantings being installed.
- e. Land within the setback, not in trees and shrubs, must have a stabilizing ground cover.
- f. Any fencing must be located interior to the vegetative buffer.
- g. Trees and shrubs are not required where utility easements cross the setback.
- h. Ongoing maintenance:
 - a. All vegetation in the setback area must be maintained by the property owner or operator from time of installation through decommissioning.
 - b. The facility operator and landowner must manage non-invasive species and remove invasive species for the life of the project.
 - c. Trees and shrubs must be replaced if needed.

(f) Design Standards

A data center building and associated infrastructure must be designed to minimize adverse visual and noise impacts on surrounding development as demonstrated by the submission of elevations, architectural sketches, and sight line studies.

(1) All data center buildings must include a main entrance feature. The entrance feature must either project or recess from the adjoining building plane.

(2) All data center building façades must include:

- a. A change in the façade surface for every one hundred fifty (150) horizontal feet of at least one of the following: building material, pattern, texture, color, or accent material; and
- b. Windows, doors, or similar fenestration design features such as faux windows, must be distributed horizontally and vertically across the façade and comprise a minimum of thirty (30) percent of the individual façade.

(g) Noise

(1) Data center operations must not exceed sixty (60) C-weighted decibels (dBC), as measured at the closest nonparticipating property line.

(2) For data centers on property adjacent to property with existing residential development, an approved plat or plan showing residential development, or zoned districts permitting dwellings or agriculture as a primary use, the following standard applies to generator testing.

- a. Data center operators may conduct on-site generator testing only on weekdays between 5:00 p.m. and 8:00 p.m. and;

- b. Except for generator testing or commissioning activities, generator use is limited to temporary backup or emergency use only.

Generator use is not permitted for sustained data center operations.

- (3) Any noise-producing mechanical equipment located on the property must be screened on all four (4) sides by an acoustical barrier, except where determined by the Zoning Administrator not to be practically feasible based on manufacturer specifications. For purposes of this section, acoustical barrier is defined as an exterior solid or louvred wall containing sound-proofing materials designed to absorb noise and protect neighboring properties from noise pollution.
 - (4) Prior to the issuance of a certificate of occupancy for each phase of the project, the applicant must submit a post-construction noise study conducted by a third-party licensed professional engineer specializing in acoustics or an engineer who is board certified by the Institute of Noise Control Engineering (INCE) demonstrating that the operation of the data center as constructed does not exceed the noise levels observed during the baseline study with all noise-generating equipment operating simultaneously at full operational load.
 - (5) Operators must install and maintain noise monitoring devices along the property boundary at locations selected by the County to measure and document operational noise levels on a continuous basis. The operator shall provide noise level measurements at any point along the property boundary to the County upon request for the duration of the project.
- (h) Decommissioning
- a. The applicant, owner, or operator must submit a decommissioning plan acceptable to the County prior to the approval of a site plan being issued. Any data center that has discontinued its operations for a continuous six (6) month period shall be deemed inactive and subject to the requirements of this subsection. The applicant or its successor, owner of the real estate, or the owner or operator of the facility must provide notice to Rockingham County once the facility becomes inactive. The decommissioning of the site must commence within six (6) months of receipt of such notice by Rockingham County. The Decommissioning Plan must include:
 - i. Anticipated life of the facility;
 - ii. The estimated future cost of the decommissioning, expressed in current dollars, by a Virginia State-licensed professional engineer;
 - iii. Method used to determine the estimate;

- iv. The manner in which the project will be decommissioned; and
 - v. The name and physical address of the person or entity responsible for the decommissioning plan.
- b. Disposal: All equipment, assets, features, and materials that contain hazardous substances must be removed from the site. Hazardous waste must be disposed of in accordance with all applicable federal, state, and local statutes, ordinances, and regulations.
- c. Surety: The applicant or its successor must secure the Gross Decommissioning Costs by an adequate surety in a form agreed to by the County Attorney, including but not limited to cash or a letter of credit, bond or other guarantee issued by an entity whose debt is rated as investment grade by either Standard and Poor's or by Moody's, and must post the surety prior to the project receiving its certificate of completion to operate the facility from Rockingham County. The applicant or its successor and the property owner must update the cost estimates of the decommissioning at least every five (5) years and adjust the surety amount appropriately to account for updated cost estimates of the decommissioning. Surety agreements and guarantees must expressly provide that the applicant or its successor and the property owner are responsible for decommissioning in accordance with the plan approved by the County.
- d. Facility Operator and Property Owner Obligation: Within six (6) months after the facility becomes inactive, the applicant or its successor, at its sole cost and expense, must decommission the facility in accordance with the decommissioning plan approved by the County. If the applicant or its successor fails to commence decommissioning in a timely manner so that decommissioning may be completed within six (6) months of the facility becoming an inactive facility, the property owner must conduct the decommissioning in accordance with the plan and may use bonded resources to do so, as approved and released by the County. The County will release the bond upon completion of decommissioning of the entire facility.
- e. Applicant, owner default; decommissioning by the County:

If the applicant, its successor, and the property owner fail to decommission the data center within six (6) months of the facility becoming inactive, the County may carry out the decommissioning. The applicant, property owner, and successors in interest, are responsible for reimbursing the County for all costs and expenses of decommissioning in excess of the decommissioning surety. All such excess amounts attach to the real estate as a tax lien until paid in full.

- f. Improvements allowed to remain on site: Physical improvements may remain on the property, as approved by the County.

All other portions of Section 17-607 are reaffirmed.