

Plain Text = Existing ordinance language to remain.

Text with a strike thru = Existing language proposed to be removed.

Underlined text = Proposed new language.

Chapter 18. Zoning

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Article I, GENERAL PROVISIONS

Sec. 3.1 Definitions

Data center. "Data center" means a facility used to house computer systems and associated components, such as telecommunications and storage systems and which may include redundant or backup power supplies, redundant data communications connections, environmental controls such as air conditioning or fire suppression, and security devices.

Data processing facility. "Data processing facility" means facilities where electronic data is processed by employees including, but not limited to, 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.

Daytime. "Daytime" means, for the purposes of noise regulation including noise regulations contained in Section 5.1.65, that period of a day beginning at 7:00 a.m. and ending at 10:00 p.m., each day of the week.

Footprint. "Footprint" means total ground area of all buildings and structures on a lot, including anything with a roof such as porches or accessory structures. The footprint area is measured at ground level from the outside surface of exterior walls, or from the edge of the roof if there are no exterior walls.

Nighttime. "Nighttime" means, for the purposes of noise regulation including noise regulations contained in Section 5.1.65, that period of a day beginning at 10:00 p.m. and ending at 7:00 a.m., each day of the week.

Article II, BASIC REGULATIONS

Sec. 5.1.65 Data Center

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Sec. 5.1.65 Data center.

A. Accessory data center.

1. Data center serving a permitted primary use is permitted as an accessory use if:
 - a. The data center is on the same site as the primary use;
 - b. The site's primary user operates the data center for its own data; and

- c. The aggregate area devoted to the data center and its support systems and structures does not exceed 25% of the gross floor area of the primary use.

2. Accessory data center is not subject to subsection (c).

B. Minimum development requirements for data center.

1. Data center must be served by public water and public sewer.
2. Any water cooling must use a closed loop or recycled water system.
3. Cooling water flushing and refills are limited to times approved by Albemarle County Service Authority or Rivanna Water and Sewer Authority.

C. Setbacks – Data center buildings and all associated equipment and accessory structures (such as generators, HVAC, and battery backup) must be set back ~~at least (i) 200 feet from all lot lines and (ii) 500 feet from the Rural Areas zoning district.~~ as follows:

1. For property located outside of the Data Center Overlay district, 200 feet from all lot lines and 500 feet from the Rural Areas zoning district,
2. For property located within the Data Center Overlay district, 200 feet from the boundaries of the district.

D. Generators

1. Routine generator exercise maintenance is limited to Monday – Friday between the hours of 10 a.m. and 4 p.m.
2. Generators must be enclosed in a level 3 enclosure or other enclosure limiting sound to 70 dBA measured 23 feet from the generator. All equipment onsite must comply with Section 4.18, including maximum sound levels at all lot lines.
3. Onsite generators must meet or exceed EPA Tier 4 emission standards.
4. Battery Energy Storage Systems are permitted.

E. ~~Special exceptions.~~ ~~Subsection (a)(1) and (b)(1) may not be modified or waived by special exception.~~

E. Landscaping/Screening

- a. Fencing may not be placed in front of landscaping adjacent to roads. There must be landscaping in front of any fence adjacent to public roads. Barbed wire fencing is not permitted.
- b. Tree plantings adjacent to public roads, residential and rural areas zoning, must consist of a minimum of three staggered rows of evergreen trees from a list approved by the Director of Community Development, planted 15 feet on center.

The Director of Community Development or their designated agent may require the plantings to be placed where they will best reduce noise from the facility and block the view from public streets and nearby properties.

F. Building Design

1. Any building facade visible from public streets or property abutting the data center overlay district, which is zoned residential or rural areas, must incorporate a differentiation that breaks the mass of the facade every 100 horizontal linear feet by including at least one of the following changes in form and one of the following design elements:
 - a. change in building height of a minimum of 5' for buildings less than 30' tall and 10' for buildings 30' tall and taller, or
 - b. building step-backs or recesses with a minimum depth of 2.5'
 - c. design elements that are either:
 - i. change in building materials, or
 - ii. change in pattern, texture and/or color
 - d. The building design must include a main entrance that is differentiated from the rest of the façade.
2. The following materials are not permitted on building façades: aluminum siding, unfinished or untreated wood siding, plywood siding (T1-11), vinyl siding, scored stucco (imitation brick or stone), and foam-based products.

G. Noise

1. Any noise that emanates from all activity associated with any data center is limited to a maximum sound level of 60 dBA during the daytime and 55 dBA at nighttime. Such levels are measured at the property line if the data center is not in the data center overlay district. Such levels are measured at the boundary of the data center overlay district if the data center is in the data center overlay district. The maximum sound level in this section does not apply to:
 - a. Demolition work on buildings, structures, or appurtenances and/or the testing of generators consistent with the requirement of the Department of Environmental Quality;
 - b. Any situation arising from sudden and reasonably unforeseen events (beyond the control of the facility operator) that require the response of emergency vehicles or temporary use of emergency generators.

- c. Generator testing conducted between 10:00 a.m. until 4:00 p.m. unless testing at a time outside of this range is required by the Department of Environmental Quality.
- 2. Noise studies. The following noise propagation studies must be conducted and submitted to the Zoning Administrator:
 - a. A sound modeling study that demonstrates compliance with the maximum sound levels must be submitted prior to approval of a final site plan. This study must be specific to the proposed site topography, layout and building type, scale, height and construction proposed. This study must show noise conditions at the site prior to project development at set locations determined by the Zoning Administrator and must provide model-predicted noise conditions resulting from the proposed project post-development.
 - b. The sound study must be prepared by a professional engineer licensed in the Commonwealth in accordance with ISO 9613 standards.
 - c. The sound modeling study must include recommendations for sound mitigation measures, if they are necessary for the use to comply with maximum sound levels. These mitigation measures, if applicable, must be reflected on the site plan and incorporated into conditions of site plan approval. If mitigation measures are building related, they must be included in the building plans prior to issuance of building permit(s). In the event the sound modeling study shows compliance with the maximum sound levels of Sec. 5.1.65 (G) (1) without the use of sound mitigation, no mitigation measures are required.
 - d. Within 60 days of issuance of a certificate of occupancy for each phase or development and at any time the Zoning Administrator requests it, a post-development sound study must be submitted. The study must be conducted at a time generally known for peak data center cooling operations. In the event the study shows that the use exceeds maximum allowable decibel levels, the operator must immediately undertake all necessary efforts to implement sound mitigation measures.
- H. Equipment – All equipment necessary for cooling, ventilating, or otherwise operating the facility must be contained within an enclosed building, walled courtyard or roof parapet with a wall of sufficient height to eliminate visibility of the equipment from public streets or adjacent properties. Access to any walled courtyard or enclosed building must provide for solid doors/gates. Emergency power generators must be enclosed in a Level 3 enclosure as provided for in Sec. 5.1.65 (D)(2).
- I. Uses by special use permit – Any data center that requires a special use permit must include in its application, information indicating how power will be supplied to the data center.

- J. Special exceptions. Subsections (A)(1) and (B)(1) may not be modified or waived by special exception.

Chapter 18. Zoning

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Article III District Regulations

Section 30.8 Data Center Overlay District

Section 30.8.1 Purpose and Intent

The Data Center Overlay District is to allow the development of data centers where existing infrastructure can adequately support the proposed use and where negative impacts to nearby properties and resources are limited.

Section 30.8.2 Boundaries of District

Section 30.8 applies to all privately and publicly owned lands within the county that are within the boundaries of the Data Center Overlay District and depicted as “Tier 1” or “Tier 2” on the maps entitled “Data Center Overlay District”, which are hereby adopted as the zoning map of the Data Center Overlay District.

Section 30.8.3 Permitted Uses

1. Tier 1

- a. By Right. The following uses are permitted by right in Tier 1 designated areas:

- i. The uses permitted by-right in the underlying zoning district.
- ii. Data center up to 125,000 square foot footprint.

- b. By Special Use Permit. The following uses may be permitted by special use permit in Tier 1 designated areas:

- i. The uses permitted by special use permit in the underlying zoning district.
- ii. Data center over 125,000 square foot footprint.

2. Tier 2

- a. By Right. The following uses are permitted by right in Tier 2 designated areas:
 - i. The uses permitted by-right in the underlying zoning district.
 - ii. Data center up to 500,000 square foot footprint.
- b. By Special Use Permit. The following uses may be permitted by special use permit in Tier 2 designated areas:
 - i. The uses permitted by special use permit in the underlying zoning district.
 - ii. Data center over 500,000 square foot footprint.