

NEWS RELEASE

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Loudoun County Statement Regarding Data Center “Moratorium”

Loudoun County has received inquiries from residents who are concerned about the number of data centers that have been approved for construction in the county and potential future projects currently in the planning process. The county is publishing this message to ensure interested residents are correctly informed about the county’s role in data center development.

There are a number of reasons a data center may be constructed in Loudoun County in the near future in accordance with state and local laws.

Some data centers are permitted by right. “By right” development refers to a use that is allowed within specific zoning districts under current county ordinances. There are parcels of land within specific zoning districts in Loudoun County in which data centers are permitted by right. Applications for by-right development are not reviewed by the Planning Commission and the Board. They are reviewed by staff for conformance with applicable ordinance requirements. The county is required to approve any application for development of a by-right data center, as long as the application satisfies all applicable ordinance requirements.

Some data centers are permitted as a result of a prior legislative approval by the Board of Supervisors. For example, a property owner may have received approval of an application:

- To rezone property to a zoning district that allows data center development by-right;
- To rezone property with specific proffers and a concept development plan allowing data center development; and/or
- For a special exception to develop a data center at a certain density.

The property owners are permitted to develop their property in accordance with the legislative approval. Depending on the nature and specificity of the prior legislative approval, these property owners may have “vested rights” under state law that would protect them from future zoning ordinance amendments. The Board of Supervisors does not have the legal authority to interfere with a property owner’s vested rights resulting from prior approvals.

Some residents have suggested that the Board of Supervisors consider a moratorium on all new data center construction. The Board of Supervisors does not have the legal authority to implement a moratorium on new data center applications. Virginia law requires the Board of Supervisors to consider each rezoning or special exception application on its merits. A blanket prohibition against approval of any application for data center development—that is, a “moratorium”—without considering each application on its individual merits, is not legally permissible.

The Board of Supervisors is focused on addressing the concerns about data centers that have been raised by Loudoun County residents. Following the [adoption of a new Zoning Ordinance](#) in December 2023, the county has initiated a project to consider future amendments to the Comprehensive Plan and Zoning Ordinance that specifically address the use of land for data center development.

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