

Sec. 86-330. - Technology overlay district (TOD)—Statement of purpose and intent.

The technology overlay district (TOD) is hereby created for the purpose of promoting the development of technology centers in areas of the county where existing or proposed infrastructure could adequately support the proposed uses. By their nature, these uses may require sizable acreage, often operating and designed in a campus like atmosphere, and are developed with a functional separation from dense residential and commercial retail development. The TOD furthers the county's efforts to attract and advance high-tech industrial development while limiting the impacts on the community. The TOD may be designated by the board of supervisors ("BOS") as an overlay of existing zoning districts, regardless of classification.

(Ord. of 4-3-23(2023-6), Att.)

Sec. 86-331. - Establishing a technology overlay district.

- (a) *Size and location.* Lands in the TOD shall encompass a minimum of 125 contiguous acres as part of a TOD campus. Properties in the TOD shall be located in close proximity to high voltage power transmission lines of 115kv or more. Additionally, parcels in the TOD shall be located on lands which can be served by adequate infrastructure, including public water and sewer (or other suitable ground water and septic systems), and a road network with acceptable capacity that can serve the TOD's intended uses expressed herein. The total developable acreage in the TOD shall not exceed one percent of the total county acreage or 3,266 acres.
- (b) *TOD adoption.* The TOD boundaries and any future amendments shall be created by the BOS and amended by ordinance upon adoption by the BOS based on boundaries established using a map.
- (c) *TOD overlay/zoning.* The TOD shall overlay the existing zoning district and impose additional restrictions on the use of the property. The regulations and requirements of the underlying zoning district and the TOD shall both apply, provided however, that when the regulations applicable to the TOD conflict with the regulations of an underlying zoning district, the TOD regulations shall supersede and apply. Uses permitted by-right in the underlying zoning district will not require compliance with TOD standards. If the TOD is silent on a development condition or matter, and the underlying zoning district is not silent on said condition or matter, then the TOD shall govern, if TOD use is invoked.

(Ord. of 4-3-23(2023-6), Att.)

Sec. 86-332. - TOD design standards.

- (a) *Principal building facades.*
 - (1) Principal building facades shall include all building facades substantially visible to adjacent public roads and streets. When a building has more than one principal facade, such principal building facades shall be consistent in terms of design, materials, details, and treatments.

Principal building facades associated with new construction within the TOD shall meet the following standards:

- a. Principal building facades shall avoid the use of undifferentiated surfaces by including at least two of the following design elements:
 1. Change in building height;
 2. Building step-backs or recesses;
 3. Fenestration;
 4. Change in building material, pattern, texture, color; or
 5. Use of accent materials.
- b. Buildings not visible from adjacent roads or properties due to buffering shall not be required to have differentiated design elements.
- c. *Building facade material requirements.*
 1. The following primary and second materials are permitted and to include: a tinted textured masonry block, pre-cast concrete, tilt-up concrete panels with brick finish or stone facing, glass, stucco and external insulation finish system that simulates a stucco appearance, fiber-cement siding, metal panel systems, structural metal siding, wood siding and smooth faced concrete blocks.
 2. Precast concrete must contain other materials embedded within and articulated with design detailing or have application of other building materials to create design interest.
 3. Notwithstanding anything to the contrary herein, the BOS may approve alternative building facades and features, and building facade materials.

(b) *Screening of accessory equipment.*

- (1) To minimize visibility from adjacent public roads and adjacent properties, ground level and rooftop accessory equipment shall be screened from public roads and streets abutting residentially zoned or planned properties. This screening may be provided by a principal building or existing vegetation that will remain on or is within a landscaping/buffer easement on an adjacent property. Accessory equipment not screened by a principal building or existing vegetation shall be screened by a visually solid fence, screen wall or panel, parapet wall, or other visually solid screen that shall be constructed of materials compatible with those used in the exterior construction of the principal building. Notwithstanding the requirements of this section, accessory equipment located in a manner found to have no adverse impact on adjacent roads and adjacent properties, as determined by the BOS, shall not be required to be screened.

(2)

Notwithstanding anything to the contrary herein, this section shall not apply to permitted accessory uses, including without limitation electric substations, transmission, and distribution facilities.

(c) *Landscaping.*

- (1) A minimum of 20 percent open space shall be maintained for each group of contiguous parcels within the TOD, inclusive of undeveloped land wetlands, steep slopes, stormwater areas, or water left in undisturbed, open condition or developed as a landscaped or buffer area for buildings, streets or parking lots, areas used primarily for resource protection or recreational purposes.
- (2) If created, individual parcels within the TOD are required to submit a landscaping plan with a site plan.
- (3) Required landscaping is to be maintained in perpetuity.

(d) *Perimeter buffers.*

- (1) All buffers shall be inclusive of required setbacks.
- (2) All roads and utility rights-of-ways and easements are permitted to cross all TOD buffered areas. Stormwater management features, parking, sidewalks, guard houses, and other accessory permitted uses are prohibited in the buffer areas, except by waiver approved by the BOS.
- (3) Buffer yard plantings shall be designed to minimize visual impacts from adjacent public roads and streets and properties. Notwithstanding the requirements of this section, use of natural topography and preservation of existing vegetation, supplemented by new vegetation, if needed, or on the outside of a six-foot-tall solid fence, may be substituted for the above requirements when found by the BOS to provide minimal visual screening from adjacent land uses.
- (4) Buffers shall be shown on the TOD campus buffer and landscape plan and on any individual site plans when the buffer area is part of an individual lot or multiple lots for which the site plan was submitted.
- (5) *Minimum buffering requirements.*
 - a. *Adjacent to residential uses.* Minimum buffer area shall be 200 feet.
 - b. *Adjacent to agricultural uses.* Minimum buffer area for permitted uses shall be 300 feet. (Minimum buffer areas for Utility service, major and minor shall be 250 feet).
 - c. *Adjacent to commercial and industrial district uses.* Minimum buffer area shall be 100 feet.
 - d. *Adjacent to primary public roads.* Minimum buffer area shall be 150 feet. Primary public roads include routes 522, 33, 652, 605 and 22.
 - e.

Adjacent to secondary public roads. Minimum buffer area shall be 100 feet. Secondary public roads are all roads not defined as primary roads.

- f. *TOD, internal parcel buffers.* Where multiple parcels within the TOD are included in a development master plan, buffer requirements shall not apply to internal parcel lines. Where internal parcels lines intersect with perimeter parcel lines, the TOD perimeter buffer regulations shall apply.
- (e) *Noise.* Specific sound levels in the TOD shall be governed by the provisions in chapter 51 of the Louisa County, Virginia Code of Ordinances. Notwithstanding anything to the contrary in chapter 51, TOD decibel levels shall not exceed the following:
Daytime Level: 65dB.
Nighttime Level: 60dB.
- (f) *Minimum lot sizes.* There is no minimum lot size applicable to the TOD.
- (g) *Fencing.* Fencing of the property improvements shall be located inside the buffer area.
- (h) *Setback requirements.*
 - (1) *Adjacent to primary public roads.* No buildings shall be permitted closer than 150 feet. Primary public roads include routes 522, 33, 652, 605 and 22. All roads shall be deemed to have a right-of-way of at least 50 feet and setbacks should be measured accordingly from the edge of the right-of-way.
 - (2) *Adjacent to secondary public roads.* Minimum setback shall be 100 feet. Secondary public roads are all roads not defined as primary roads. All roads shall be deemed to have a right-of-way of at least 50 feet and setbacks should be measured accordingly from the edge of the right-of-way.
 - (3) *Adjacent to residential uses.* No building, parking, outdoor storage areas for collection of refuse, or loading area shall be permitted closer than 200 feet from any residential or planned residential district, or development zone allowing residential development, or agricultural land.
 - (4) *Agricultural district uses.* No permitted uses, outdoor storage for collection of refuse, or loading area shall be permitted closer than 300 feet from any agricultural land. Supporting development uses like parking, stormwater management features, sidewalks, guard houses, and other accessory permitted uses are prohibited in the setback, except by waiver approved by the BOS. (Minimum setbacks for utility service, major and minor shall be 250 feet).
 - (5) *Adjacent to commercial and industrial districts.* No buildings, parking, outdoor storage or loading areas shall be permitted closer than 100 feet from commercial or industrial use districts.
 - (6)

Setbacks between buildings. Within the TOD where individual lots or building sites are provided, the minimum setback between buildings on adjacent lots or building sites shall be 25 feet, unless a waiver of this requirement is approved by the BOS. Driveways, parking, and covered entrances may be within the aforesaid setback area; however, no such facility may be closer than five feet to any adjoining lot line. Covered walkways connecting buildings, or connecting buildings with parking areas, shall be permitted in such setback areas.

(i) *Building height.*

- (1) Eighty feet from the vertical dimension of a structure as measured from the average elevation of the finished grade at the front line of the building to the highest point of the roof of a flat roof, the deck line of a mansard roof, or a gable, hip, or gambrel roof. The height limitations shall not apply to parapets, screening, spires, belfries, cupolas, antennas, communications towers, air cooling ventilation equipment, ventilators, or other appurtenances usually required to be placed on the roof level and not intended for human occupancy nor does it apply to any utility infrastructure facility. Electric transmission, distribution and substation facilities, and towers (water or other) shall be excluded from the maximum height requirements. A special exception permit to exceed the maximum building height regulations provided herein may be granted by the BOS.

(j) *Lighting requirements.*

- (1) Fully shielded, dark sky equivalent lighting fixtures shall be used in all areas. Lighting shall not exceed .50 foot-candles as measured from the property line. Lighting that is exempt from these requirements includes temporary lighting and lighting provided for emergency or safety purposes as required by: the building code, electric code, or otherwise within the County Code. Signage related to the authorized uses shall not be illuminated.
- (2) Parking lot, access and security lighting shall not exceed a height of 30 feet.
- (3) Pedestrian and walkway lighting structures shall not exceed a height of 12 feet.
- (4) *Security entrance gates.* A minimum illumination of three foot-candles (30 lux) is required to support safe and secure operation of the gate area.

(Ord. of 4-3-23(2023-6), Att.)

Sec. 86-333. - Permitted uses with the issuance of a conditional use permit.

The following uses are permitted with the issuance of a conditional use permit in the TOD, subject to the requirements and limitation provided under this section:

Technology college, university, or technical school.

Conference or training center.

Data centers.

Technology research and development facility.

Technology capital intensive advanced manufacturing facility.

Utility service, major. Utility scale solar energy generating facilities or power generation battery storage facilities producing two MW or more of electricity which leaves the TOD site boundaries, or where the solar or battery storage facility is the principal, sole use of a parcel within the TOD, shall require a conditional use permit.

Utility service, minor.

(Ord. of 4-3-23(2023-6), Att.; Ord. of 8-5-24(2024-11), Att.)

Editor's note— Ord. of 8-5-24(2024-11), Att., adopted August 5, 2024, amended the title of § 86-333 to read as herein set out. The former § 86-333 title pertained to permitted uses—generally.

Sec. 86-334. - Accessory uses.

(a) *Accessory permitted uses.* The following ancillary uses, which support permitted uses with the issuance of a conditional use permit expressed above under section 86-333, are hereby authorized, only if they are included in the conditional use permit. Accessory permitted uses that are deemed utility facilities subject to the provisions of article I, division VIII of this chapter, and must be in substantial accord with the relevant provisions of the county comprehensive plan or applicable element thereof. Notwithstanding this provision, facilities that are by-right uses shall be deemed substantially in accord with the comprehensive plan.

- (1) Water treatment plant, public or privately owned.
- (2) Sewage treatment plant, public or privately owned.
- (3) Elevated water storage tank or tower.
- (4) Telecommunications tower.
- (5) Central heating or cooling facility.
- (6) Energy generating facility.
- (7) Food service facility.
- (8) Security building.
- (9) General storage and maintenance facility.
- (10) Structured parking.
- (11) General office.
- (12) Other ancillary uses approved by the BOS.

(Ord. of 4-3-23(2023-6), Att.; Ord. of 8-5-24(2024-11), Att.)

Sec. 86-335. - Reserved.