



Proposed Technology Overlay District Summary of Changes

August 26, 2025

Map Changes

Updated TOD and TZ map to reflect addition of parcels.

Noise

- Changed the standard to measure sound measurement. It is now to be measured at any location within an adjacent parcel that is residentially-zoned property or mixed-use development with residential uses. It was previously measured at the property line.
- Changed the generator testing time. It is now limited to two hours per day, which can only occur between 10:00 a.m. and 5:00 p.m. Monday through Friday. It was previously limited to two hours per day, which could only be 6:00 a.m. and 8:00 p.m.
- Clarified that a noise impact assessment must be prepared by a third-party qualified professional that meets acceptable industry standards
- Changed the time period for when an additional sound study verifying compliance with the noise standards under operating conditions is required. It is now required to be provided within three months of beginning operations . It was previously required to be provided within six months of beginning operations.
- Increased the number of additional sound studies that can be requested by the Zoning Administrator to four (4) within any period of twelve (12) months. It was previously three (3) within any period of 12 months. These additional sound studies must be provided, upon the request of the zoning administrator, when there are alterations to the facility, modifications to the operation or equipment, or in order to investigate a complaint that the noise is in violation of these standards.

Height and Setbacks

Note: West Creek may still develop utilizing the by-right zoning that has been in place since 1987. The landowners have the option to develop under the TOD regulations or develop under their current by-right regulations.

The revised TOD:

Added required setbacks and buffers for Data Centers.



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- A data center cannot be located within 300 feet of residentially-zoned property or a mixed-use development with residential uses.
- A data center use must provide a minimum 250-foot vegetated buffer in accordance with Sec. 15-449.B.4. No parking, drives, use, structure, or building may be located within 10 feet of the buffer landscaping.

Changed the required setbacks according to height.

- Structures may not exceed 60 feet in height unless they are equipped with a fire sprinkler system approved by the building official.
- For properties adjacent to residentially zoned property or agriculturally zoned property, not subject to TOD regulations, the following setbacks must be provided:
 - Structures up to 60 feet in height require a 200-foot setback (except data centers which require a 300 foot setback adjacent to residentially zoned property or mixed-use development with residential uses)
 - Structures between 60 feet in height and 80 feet in height require a 500-foot setback
 - Structures greater than 80 feet in height require a 600-foot setback
 - Buildings that exceed 60 feet in height that are located adjacent to residentially-zoned property must, at the height of 60 feet, set back the building façade from the ground floor exterior footprint by a minimum of 15 feet

Definitions and Uses

Added definitions for *small modular nuclear reactor facility*, *natural gas peaking plant*, and *utility generating station*.

- *Utility generating station*. A facility which generates electricity for sale, transmission, or distribution or a natural gas utility which produces natural gas for sale, transmission, or distribution, other than in enclosed containers, to the public and is rate regulated. The term does not include solar energy facility, principal or supplementary or energy storage facility.
- *Facility, small modular nuclear reactor*. A utility generating station, also referred to as SMR, which includes a nuclear reactor that produces electrical energy of less



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than 300 MWe. The reactors are modular in form, having been fabricated elsewhere and transported for assembly at the station location.

- *Peaking plant, natural gas.* A utility generating station which produces electrical energy via gas turbines fueled by natural gas and operates only during periods of peak electricity demand.

Changed *utility generating station* from conditional use permit to a by-right use and set standards for location, setbacks and buffers.

- A utility generating station as the principal or sole use permitted if:
 - a) Located where the comprehensive plan designates property as Flexible or Industrial.
 - b) No station can be located within 1,500 feet of any residentially-zoned property, a mixed-use development with residential uses, or the county boundary line.
 - c) The station and related improvements must be set back from adjacent property and public roads a minimum of 300 feet
 - d) There must be a 300-foot buffer landscaped in compliance with Sec. 15-449.B.4 and no parking, drives, use, structure, or building may be located within 10 feet of the buffer landscaping.

Changed *energy storage facility* from a conditional use permit to a by-right use and set standards for location, setbacks, buffers, and storage limitations.

- An energy storage facility as the principal or sole use is permitted if:
 - a) facility is a minimum of 1500 feet from residentially-zoned property or the county boundary line;
 - b) facility is within a quarter (1/4) mile of I-64 or Rte. 288;
 - c) a siting agreement with the county is provided;
 - d) facility utilizes solid state battery systems, or facility utilizes a lithium ion battery system not exceeding 20 megawatts in storage capacity; and
 - e) no more than 2 percent of total TOD area is occupied by energy storage facilities



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- f) Facilities not compliant with above may be approved through a conditional use permit

Clarifications

Clarified that for buffers adjacent to public and private roads, exterior to the conceptual master plan, a solid opaque 6-foot high fence of durable material may be approved with the plan of development if the exterior side of the fence has sufficient natural topography, existing vegetation, or supplemental vegetation to provide a visual separation.

Clarified that any existing plant material may be removed if dead, diseased or invasive provided that any credited existing vegetation or required plantings approved through the Plan of Development shall be replaced the next growing season.

Clarified the order of the listed materials under plant materials to improve readability and clarity.

Changed language to clarify uses within buffers, such that roads, utility rights-of-way, and easements are permitted to cross buffers perpendicularly and that stormwater management and best management practices facilities, parking, sidewalks, guard houses, and other accessory permitted uses are prohibited in the buffer, unless authorized in the plan of development approval. Trees located in a buffer will be retained unless removal is necessary to accommodate an approved improvement.

Clarified that buffers are measured inclusive of the setback.