

**NOTICE IS HEREBY GIVEN THAT
THE SURRY COUNTY BOARD OF SUPERVISORS
WILL HOLD A PUBLIC HEARING ON
THURSDAY, FEBRUARY 5, 2026 AT 6:00 P.M.
IN THE GENERAL DISTRICT COURTROOM LOCATED AT
THE SURRY COUNTY GOVERNMENT CENTER
45 SCHOOL STREET, SURRY, VIRGINIA
TO CONSIDER AND TAKE ACTION ON THE FOLLOWING:**

PC Ordinance Amendment 2025-02: An Ordinance to amend Article III, 3-1100 Emerging Technologies District, consisting of Secs. 3-1101 to 3-1108 by amending the permitted principal uses, conditional uses, and accessory uses, amending the site development standards, including the addition of a waiver to the minimum district size upon Board of Supervisors approval, amending the application requirements and providing added clarity to the application process, establishing additional requirements for site plans, and amending definitions.

The public hearing will be held pursuant to § 15.2-2204, and § 15.2-2285 of The Code of Virginia (1950, as amended). A copy of the proposed ordinance amendments may be reviewed or obtained on the County's website at <https://www.surrycountyva.gov/413/Public-Notices>, or may be examined at the Department of Planning and Community Development, Surry County Government Center, 45 School Street, Surry, Virginia when the offices are open. Office hours are generally Monday through Friday from 9:00 am to 5:00 pm.

All interested persons are invited to participate in the public hearing. If assistance or special accommodations are needed to participate in the hearing, please contact the Department of Planning & Community Development, Monday – Friday from 9:00 a.m. to 5:00 p.m., at least 72 hours prior to the hearing.

**BY ORDER OF THE BOARD OF SUPERVISORS SURRY COUNTY, VIRGINIA
MELISSA ROLLINS, CLERK TO THE BOARD OF SUPERVISORS**

3-1100 Emerging Technologies District

Sec. 3-1101. Purpose of the district.

The purpose of the emerging technologies (ET) district is to permit master planned developments consisting of a combination of commercial, industrial, utility, technology-focused, and related uses in a campus-like environment. Due to its flexible nature and the goals of the county to encourage and accommodate innovative development, the ET district is intended to be implemented as a conditional zoning district. An applicant's use of conditional zoning is encouraged as the most appropriate means to provide for the necessary zoning regulations to address the unique impacts of a proposed rezoning of property to the ET district.

The district is intended to be applied only to large contiguous areas of the county that are located in close proximity to strategic and necessary resources, such as high-capacity electric generation and transmission facilities, natural gas lines, and navigable waterways. Properties to which this district is applied should be located so as to minimize potential conflicts with residential or other commercial uses and should be in locations where the use will minimally impact traffic and be adequately served by existing roadway capacity. The district and its uses should not cause undue environmental impacts, and should be consistent with the general location, character, and extent as described in the future land use map of the county's adopted comprehensive plan.

Sec. 3-1102. Uses generally permitted.

The following uses, as defined by section 3-1108 or article II of the zoning ordinance are permitted in the emerging technologies (ET) district, subject to approval of the board of supervisors as described in section 3-1105. Uses allowed by right or through a conditional use permit shall also be subject to all other applicable requirements contained in the zoning ordinance including additional, modified or more stringent standards listed in article IV, Supplemental Regulations, as denoted by an asterisk (*) below, for those specific uses unless otherwise approved as part of the ET district.

(A) *Permitted principal uses.* Only the following uses shall be permitted by right in the ET district.

CIVIC USE TYPES

Utility service/minor

COMMERCIAL USE TYPES

Business or trade school

Educational facility

Science and technology center

Research, experimental, and technology center

Construction office, temporary

Office, general

Contractor's yard

INDUSTRIAL USE TYPES

Data warehouse center

Energy storage facility (Battery energy storage systems*)

Flex industrial

~~Laboratory~~

~~Outdoor storage, construction material (temporary)~~

Renewable energy generation facility

~~Warehousing and distribution~~

Water storage tank

- (B) *Conditional uses.* The following uses shall be permitted upon issuance of a conditional use permit following the process in section 1-500 et seq. of the zoning ordinance.

CIVIC USE TYPES

Utility service/major*

INDUSTRIAL USE TYPES

Electrical component manufacturing facility

Laboratory

Natural gas terminal

Small scale nuclear modular reactors

MISCELLANEOUS USE TYPES

Alternate discharge sewage system*

Surface water withdrawal

Surface water withdrawal system

- (C) *Accessory uses.* Accessory uses to each of the permitted uses above shall be permitted, including water dependent facilities, shall be permitted as accessory use is defined in the zoning ordinance.

The following uses shall be permitted as accessory use only:

Contractor's yard

Office, general

Outdoor storage, construction material (temporary)

Warehouse and distribution

Sec. 3-1103. Site development regulations.

A. Each ET district shall be subject to the following site development standards.

1. Minimum district size: 500 acres of contiguous land, unless expressly approved by the board of supervisors through issuance of a waiver as part of its decision on the application and master plan in accordance with the following:
 - a. To be eligible for a waiver, the parcel(s) on which the proposed development will be located must be:
 - i. Zoned M-1 Light Industrial District (prior to rezoning to Emerging Technologies District);
 - ii. Zoned M-2 General Industrial District (prior to rezoning to Emerging Technologies District); or
 - iii. Contiguous to a parcel zoned as an M-1 Light Industrial District, M-2 General Industrial District, or Emerging Technologies District.
 - b. In considering a waiver, the board of supervisors may evaluate all relevant factors, including whether the proposed development application is consistent with the goals of the Comprehensive Plan and shows special consideration for close proximity to:
 - i. High-capacity electric and transmission facilities;
 - ii. Natural gas lines;
 - iii. Navigable waterways; and
 - iv. Existing road networks.
 - c. The board of supervisors may place reasonable conditions on any waiver granted under this section.
2. With the exception of areas of the ET district adjacent to industrial uses or industrially-zoninged areas, all structures must be sufficiently screened, consistent with the master plan and to the administrator's satisfaction, such that structures will not create a materially-adverse visual impact on neighboring properties, the James River, or historic sites, in Surry or in other localities.
3. The maximum height of any structure shall be 75 feet. A waiver to the maximum height may be granted by the board of supervisors provided that the applicant proves to the satisfaction of the board of supervisors that the structure will have a minimally adverse impact on neighboring properties, the James River, or historic sites in Surry or in other localities. Adverse impact shall be evaluated with consideration to items such as, sight lines, lighting, screening, site design, safety or other matters which might be regulated to mitigate adverse impact. The board of supervisors will consider the waiver request and make a determination as part of its decision on the application and master plan. The board of supervisors may place reasonable conditions on any waiver granted under this section.
4. ~~Notwithstanding the maximum height of structures, an exception may be granted by the board of supervisors for structures that are associated with an accessory use, provided that the applicant proves that the accessory use and associated structure will not create a materially-adverse visual impact on neighboring properties, the James River, or historic sites,~~

~~in Surry or in other localities. The board of supervisors will consider the exception request and make a determination as part of its decision on the application and master plan. The board of supervisors may place reasonable conditions on any exception granted under this section.~~

54. There shall be no minimum setback requirements for development in the ET district; however, setback requirements shall be specifically established during the review and approval of the master plan. The following guidelines shall be used in establishing the building spacing and setbacks:
- a. Building spacing shall provide adequate room for circulation, safety, and emergency access;
 - b. Building spacing and design shall provide adequate space for outdoor activity areas (patios, decks, etc.) associated with individual uses.
65. Streets in the ET district shall be public in accordance with VDOT and county standards unless private streets are approved by the board of supervisors through the acceptance of conditional zoning proffers.
76. Exterior lighting in the ET district must be established with minimal impact to neighboring properties and the regional skyline in accordance with the following:
- a. All lighting must be in compliance with the International Dark-Sky Association (IDA) guidelines; and
 - b. All lighting equipment shall have received third-party certification by the IDA's Dark-Sky Approved Program.

Sec. 3-1104. Relationship to existing development regulations.

- A. All regulations of the zoning ordinance shall apply to the development of the ET district, unless specifically modified by conditional zoning proffers accepted by the board of supervisors.

Sec. 3-1105. Application process.

- A. Prior to submitting a formal application for review and approval under these provisions, the applicant and county staff shall meet to discuss the requirements of this section. The purpose of the meeting is to obtain a mutual understanding of the application requirements and process. The applicant is encouraged to submit information on the scope and nature of the proposal to allow staff to become familiar with the proposal in advance of this meeting.
- B. Any application to rezone land to the ET district shall constitute an amendment to the zoning ordinance pursuant to section 1-510, the impacts of which can only be effectively mitigated through conditional zoning. The applicant's rezoning application packet must indicate whether the applicant intends to utilize conditional zoning for the rezoning request, and all conditions proffered by the owner shall comply with section 1-513, as amended. The written and graphic information submitted by the applicant as part of the application process and incorporated into the ET district master plan shall be incorporated as part of the ordinance rezoning property to the ET district. As part of any approval of an ET district master plan, all proffers accepted by the board of supervisors shall constitute conditional zoning regulations pursuant to section 1-513, as amended.
- C. To initiate an amendment rezoning property to the ET district, the applicant shall complete a rezoning application packet. This information shall be accompanied by graphic and written

information, which shall constitute a preliminary master plan. All information submitted shall be of sufficient clarity and scale to clearly and accurately identify the location, nature, and character of the proposed district. At a minimum this information shall include the following, to the satisfaction of the administrator:

1. A legal description and plat showing the site boundaries, and existing street lines, lot lines, and easements.
2. Existing zoning, land use, and ownership of each parcel proposed for the district.
3. A general statement of planning objectives to be achieved by the district, including a description of the character of the proposed development, the existing and proposed ownership of the site, the market for which the development is oriented, and objectives towards any specific manmade and natural characteristics located on the site.
4. A description and analysis of existing site conditions, including information on topography, archeological and historic resources, natural water courses, floodplains, unique natural features, and tree cover areas.
5. A land use plan designating specific uses for the district, and establishing site development regulations, including setback, height, building coverage, and lot coverage.
6. An overall transportation and mobility circulation plan for the district, including:
 - a. The location of existing and proposed vehicular, pedestrian, bicycle, multimodal, and other transportation facilities.
 - b. General information on the trip generation for the uses proposed in the district, ownership and maintenance, and
 - c. A traffic impact analysis in accordance with VDOT standards.
 - d. Proposed construction standards for these any improvements facilities and a description of their ownership and maintenance. If private rights-of-way are proposed, the plan shall include a detailed proposal of how the rights-of-way will be maintained and improved and how the initial monetary contribution by the developer funding will be provided for capital maintenance of private facilities over the first initial 20-year period of development. ~~shall be provided. A traffic impact analysis shall be required in accordance with VDOT standards.~~
7. A public services and utilities overview providing requirements for and provision of all utilities, sewers, and other facilities to serve the district and the proposed uses and structures.
8. An open space and district screening plan, including any areas proposed for passive and active recreational uses, natural and undisturbed areas, and proposed buffer areas around the perimeter of the district. Information on the specific design and location of these areas and their ownership and maintenance should be included.
9. A narrative addressing the noise that is expected to emanate from the uses in the district and a preliminary description of measures to be taken to mitigate noise and ensure that equipment and processes on the properties in the district are not audible to nearby uses properties, and resources, in Surry or in other jurisdictions.
10. Viewshed studies or visibility analyses, from such sites as are requested by the county, sufficient to demonstrate to the satisfaction of the board of supervisors that the proposed

development within the district will not create a materially-adverse visual impact on neighboring properties, the James River, or historic sites, in Surry or in other localities.

11. Generalized statements pertaining to architectural and community design guidelines of any use structure visible from the public right-of-way or navigable waterway shall be submitted in sufficient detail to provide information on building designs, orientations, styles, and lighting overview.
12. A development schedule indicating the location, extent, and phasing of proposed development. Specific information on development of ~~the~~ each use should be included and should be integrated into the phasing plan for the overall development of the district.
13. A summary disclosure of any and all hazards or hazardous materials as well as a preliminary hazard mitigation plan detailing potential risks from each use. ~~shall be submitted with the master plan.~~

The master plan approved by the board of supervisors, including all supporting documentation expressly included in proffers or referenced in the master plan by the applicant, shall constitute the final master plan for the ET district. Any subsequent modification to the final master plan shall be made only in accordance with the process in this section 3-1105.

Sec. 3-1106. Approval of preliminary and final site development plans; revisions to the master plan.

- A. Following the approval of the final master plan, the applicant or its authorized agent, shall be required to submit preliminary and final site plans for approval in accordance with section 5-205 of the zoning ordinance. The owner shall not commence construction for any phase or component of the ET district until the corresponding final site plan is approved, and the county has issued any necessary zoning permits or building permits. In addition to the requirements of section 5-205, an applicant shall be required to submit the following as part of its preliminary site plan:

1. A noise study and noise reduction plan detailing the sources of any potential noise which could emanate from the uses ~~in the district~~ proposed on the site plan and measures to be taken to mitigate noise and ensure that equipment and processes on the properties in the district are not audible to nearby properties, uses, and resources in Surry County or other jurisdictions.
2. A lighting plan, detailing sources of outdoor and exterior light, measures to be taken to mitigate ~~and providing sufficient evidence to prove that lighting on the site will not visibly impact neighboring properties or the regional night skyline-~~ and demonstrating compliance with the requirements of section 3-1103(A)(7).
3. A hazard mitigation plan which must be approved by Surry County's Chief of Emergency Management, in coordination with the Virginia Department of Emergency Management, prior to final site plan approval.
4. Impervious surface locations.

- B. In addition to the requirements of section 5-205, an applicant shall be required to submit the following as part of its final site plan:

1. Construction management plan to include without limitation:
 - a. Limits on hours of construction;
 - b. Construction materials staging, site access and parking plans;

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- c. Truck wash stations to eliminate dirt deposits on public roads;
 - d. Topsoil preservation plan;
 - e. Plan for lighting during construction;
 - f. Traffic mitigation plan; and
 - g. Contact person for neighbor and citizen comments.

2. Archaeological/Cultural Resource Study

- a. All archaeological studies shall meet Virginia Department of Historic Resources' Guidelines for Conducting Historic Resources Survey in Virginia for preparing archaeological resource management reports and the secretary of the interior's standards and guidelines for archaeological documentation, as applicable, and shall be conducted under the supervision of a qualified archaeologist who meets the qualifications set forth in the secretary of the interior's professional qualification standards.
 - i. When a phase I archaeological study is required, it shall identify, in accordance with accepted practices, all sites recommended for a phase II evaluation, and/or identified as being eligible for inclusion on the national register of historic places. If the phase I study concludes that there are no sites meeting these criteria, then no further work is required and development may occur within the subject area. If the phase I study concludes that there are sites that meet these criteria, then the requirements of subsection (a)(ii) will apply.
 - ii. All sites in a phase I archaeological study that are recommended for phase II evaluation, and/or identified as being eligible for inclusion on the national register of historic places, shall be treated by:
 - (a) The preparation of a phase II study to identify, in accordance with accepted practices, all sites recommended for phase III evaluation, and/or identified as being eligible for inclusion on the national register of historic places; or
 - (b) Preservation of the site in situ in accordance with an approved treatment plan, meaning leaving the site completely undisturbed or preserving the site in a manner acceptable to the administrator.
 - (c) If the phase II study concludes that there are no sites that meet these criteria, then no further work is required and development may occur within the subject area.
- iii. All sites in a phase II archaeological study that are recommended for a phase III evaluation, and/or identified as being eligible for inclusion on the national register of historic places shall be treated by:
 - (a) The preparation of a phase III study in accordance with the plan for data recovery outlined in the approved treatment plan. The phase III study shall identify in accordance with accepted practices, all sites identified as being eligible for inclusion on the national register of historic places; or
 - (b) Preservation of the site in situ in accordance with an approved treatment plan, meaning leaving the site completely undisturbed or preserving the site in a manner acceptable to the administrator.

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- iv. All studies and treatment plans shall be submitted to the administrator for review and approval prior to land disturbance. If in the phase II or phase III study a site is determined eligible for nomination to the register of historic places and the site is to be preserved in situ, the treatment plan shall include nomination of the site to the national register of historic places. The administrator shall determine whether the studies and plans have been prepared in accordance with the acceptable guidelines through consultation with the Virginia Department of Historic Resources. All approved treatment plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.

3. Natural resources inventory

- a. When a natural resource inventory is required, it shall identify habitats suitable for S1, S2, S3, G1, G2 and G3 resources, as defined by the Virginia Department of Conservation and Recreation's Division of Natural Heritage (DCR/DNH), in the project area. If the inventory concludes that there is no suitable habitat, then no further work is required, and development may occur within the subject area. If the inventory concludes that there is suitable habitat, then the requirements of item b. will apply.
- b. If the natural resource inventory confirms that a S1, S2, S3, G1, G2 or G3 natural heritage resource either exists on, or could be supported by a portion of the site, a conservation management plan for the affected area shall be submitted to and approved by the administrator. The conservation management plan shall consist of a plan that indicates preservation boundaries, and with language that fully explains the safeguards intended to minimize impacts to the natural heritage resource. All approved conservation management plans shall be incorporated into the plan of development for the site, and the clearing, grading or construction activities thereon.
- c. All inventories and conservation management plans shall meet the DCR/DNH standards for preparing such plans and shall be conducted under the supervision of a qualified biologist as determined by DCR/DNH, the United States Fish and Wildlife Service and/or the Virginia Department of Game and Inland Fisheries.
- d. All inventories and conservation management plans shall be submitted to the administrator for review and approval prior to land disturbance. The administrator shall determine whether the inventories and conservation management plans have been prepared in accordance with the standards through consultation with DCR/DNH.
- e. Upon written request by the applicant demonstrating that the conservation management plan would severely impact the plan of development, the administrator may waive the requirement to incorporate the conservation management plan into the plan of development, and may instead permit the substitution of a mitigation plan. Such mitigation plan shall provide for the permanent conservation of an equally or more rare resource off-site where such resource would otherwise not be protected.
- B C. Preliminary and final site plans submitted for review shall ~~comply~~ substantially conform with the final master plan approved by the board of supervisors. Prior to approval of any site plan that ~~includes material deviations from~~ does not substantially conform with the final master plan, as determined by the administrator, a revision to the final master plan shall be reviewed and approved following the procedures and requirements of section 3-1105. Deviations requiring revision of the final master plan shall include, but not be limited to, the following changes:

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1. Any increase in the density of the development or addition of uses;
 2. Substantial change in circulation or access;
 3. Substantial changes in grading or utility provisions;
 4. Substantial changes in the location, classification, or mixture of land uses or buildings as shown on the master plan;
 5. ~~Reserved.~~
 65. Reduction, or substantial change in the distribution or location, of the approved open space, landscaping, or buffering;
 76. Substantial change in architectural or site design features of the development;
 87. Substantial change in the phasing of public improvements and amenities;
 98. Any other change that the administrator finds is a material divergence from the final master plan, based upon the approved application and the public record of comments and concerns raised during consideration the initial or subsequent modifications to the ET zoning.

Sec. 3-1107. Control following approval of final site plans.

- A. The administrator shall periodically inspect the site and review all building permits issued for the development to ensure general compliance with the development phasing and other requirements of the ET district master plan, the accepted proffers, and the zoning ordinance.

Sec. 3-1108. Use types, new definitions.

The following terms are exclusive to this district and defined herein. All other uses are as defined in this chapter, Appendix A, Zoning.

Data warehouse center. A data warehouse center, or data center, is a facility used primarily for the storage, management, processing, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances, and other associated components related to digital data operations. Such facility may also include air handlers, power generators, water cooling and storage facilities, utility substations, and associated utility infrastructure to support sustained operations at a data center. Warehousing and distribution, as defined in article II of the zoning ordinance, shall not include data warehouse centers.

Electrical component manufacturing facility. An electrical component manufacturing facility may manufacture a wide variety of electrical components, including but not limited to semiconductors (also known as microchips), light bulbs, and transformers. Industry Types I, II, and III, as defined in article II of the zoning ordinance, shall not include electrical component manufacturing facilities.

Energy storage facility. Energy storage is the process of accumulating energy in particular equipment or systems so that it can be used at a later time, as needed, including mechanical, electrochemical, thermal, chemical, electrical, and hydrogen-based storage devices and technologies. The following methods of energy storage are permitted as part of this land use:

- Mechanical: pumped water, gravity, compressed air, flywheel storage
- Electrochemical: advanced lead acid, lithium ion, flow batteries, zinc batteries
- Thermal: molten salt, chilled water

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- Phase change materials, thermochemical storage
 - Electrical: super capacitors, magnetic energy storage
 - Hydrogen-based: fuel cells, power to gas storage
 - Battery energy storage systems

Flex industrial. Flex industrial is any of one or more of a group of uses in a completely enclosed building, or campus of completely enclosed buildings, including but not limited to light manufacturing, storage, distribution, warehousing, assembly, shipping, and sales for product manufactured on site. This use is exclusive of agricultural or food preparation processes.

Natural gas terminal. A natural gas terminal is a facility for managing the import and/or export of natural gas or liquified natural gas, including equipment and infrastructure for loading and unloading of natural gas or liquified natural gas cargo to/from ground transportation tankers or water-going tankers, liquefaction, re-gasification, processing, storage, pumping, compression, and metering of natural gas.

Outdoor storage, construction materials (temporary). The temporary holding, staging, or storage of materials utilized in construction of uses and structures within the ET district, limited to the time of said construction, to include machinery, tools, or construction equipment and/or supplies such as lumber, prefabricated structural elements, forms, jigs, stone, or other articles utilized in the fabrication of structural elements, structural steel, steel wire rods, concrete beams, or other materials utilized in construction, and parking for construction employees.

Renewable energy generating facility. Renewable energy generating facilities are solely intended to produce energy to be consumed primarily on site and to support other uses permitted in the Emerging Technologies zoning district. Methods of energy generation may include the use of innovative and emerging green technology, including but not limited to hydrogen production.

Research, experimental, and technology center. Research, experimental, and technology centers (RETCs) conduct causal, preliminary, descriptive, or observational research finding the cause-and-effect relationships between variables. RETC areas include qualitative, retrospective, prospective, marketing and advertising and correlational research. No manufacturing or storage of dangerous or volatile materials is undertaken at RETCs.

Science and technology center (STC). STCs are sites at which a combination of innovative and experimental research, laboratory work, development, and educational projects are undertaken. No manufacturing is undertaken at STCs other than prototype development accessory to the STC use, and not including production for distribution or sale.

Small scale modular nuclear reactor (SMR). Small scale modular nuclear reactors are advanced nuclear reactors that have a power capacity of up to 300MW(3) per unit. SMRs must be built off-site and transferred to the use site. SMRs may be used individually or as a group.

Surface water withdrawal. Surface water withdrawal means removal or diversion of surface water in for consumptive or non-consumptive use thereby altering the instream flow or hydrologic regime of the surface water. All surface water withdrawals shall be conducted in accordance with statutory and regulatory requirements, including the regulations of the State Water Control Board.

Surface water withdrawal system. Surface water withdrawal system means any device or combination of devices or systems used to withdraw surface water such as, but not limited to, a machine, pump, culvert, hose, tube, screen, or facilitated concrete or metal structure. All surface water withdrawal systems shall be conducted in accordance with statutory and regulatory requirements,

including the "Virginia Water Protection Permit Program Regulation" (9 Va. Admin. Code 25-210-10 et seq., as amended).

Water storage tank. A tower or other facility for the storage of water for supply to a water system.