

DRAFT AMENDMENT

LDR 2023-04; Proposed Amendments to Chapter 86. Land Development Regulations; Article IV. Supplementary Regulations, Division 4. Lake Anna Shoreline Use and Design Standards and Article II. Zoning Ordinance and Maps, Division 5. Growth Area Overlay Standards, Section 86-124. Site design and architectural guidelines.

The purpose of the proposed amendment is to amend portions of the Lake Anna Shoreline Use and Design Standards ordinance sections 86-656 (b) through (c) to remove unnecessary County involvement. Provisions for dark-sky lighting in 86-656 (b) are proposed to be relocated to the Growth Area Design Standards in Section 86-124. Existing *neighbor policies* in (c) unique to Louisa County code would be removed, as detailed above. Section in 86-656 (d) dredging will refer to Dominion Energy standards.

Article IV. Supplementary Regulations

DIVISION 4. - LAKE ANNA SHORELINE USE AND DESIGN STANDARDS

Sec. 86-655. - Statement of intent; policy guidance.

The intent of this division is to encourage the public's health, safety, and welfare with equitable and enforceable conditions for development, on Dominion Energy's easement and property, along the Lake Anna shoreline, including the waste heat treatment facility (WHTF). These use and design standards are intended to protect the shoreland, enhance public safety, and advance the public's general welfare and quality of life. The Lake Anna shoreline use and design standards are adopted under the general provisions of the zoning ordinance.

Unless specifically stated otherwise, the provisions set forth in this division do not apply to structures built, or otherwise approved by Louisa County or Dominion Energy, prior to the adoption of these standards. Non-conforming structures shall be exempt from these standards unless the structure is expanded or if the structure is replaced more than two years after being removed. A structure for the purposes of this division includes, but is not limited to, fixed or floating docks, piers, boardwalks, slips, accessory buildings, or other types of development on, or attached to, Dominion Energy's property.

The standards set forth in this division are mandatory unless a waiver is granted. Applications that meet all of the ordinance standards will be reviewed administratively by staff. Applications should include site plans that meet the criteria included in the "Lake Anna Shoreline Site Plan Requirements Checklist," to include an approval statement by Dominion Energy for proposed development on Dominion Energy's shoreland or shoreline. Where criteria is not clearly illustrated on a site plan, a survey shall be required to demonstrate compliance with the ordinance, or in order to process special exception requests. If a waiver is requested, then the application will be reviewed by staff (per section 86-22 of this chapter). If a waiver is denied, applicants may resubmit a revised waiver at any time or appeal staff's decision to the board of supervisors.

Sec. 86-656. - Use and design standards.

- (a) Shoreland protection/erosion and sediment control. This section is intended to mitigate the impacts to the shoreland of residential and commercial development (including common areas) along the Lake Anna shoreland due to construction activities.

These standards address two main types of erosion, upland erosion and shoreline erosion. These measures are intended to mitigate the impacts of land disturbance above and beyond the scope of the county erosion and sediment control ordinance (Code of Louisa County, VA, chapter 38, article II). The measures also recommend approved methods of shoreline stabilization.

For the purposes of this division, land disturbance is defined consistent with the definition provided in the erosion and sediment control ordinance: any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

- (1) Upland erosion. Land disturbances over 10,000 square feet along the Lake Anna waterfront shall require a Lake Anna shoreline agreement in lieu of an erosion and sediment control plan or an erosion and sediment control plan that implements one of the recommended methods, or equivalent measures, as approved by the County of Louisa. The agreement in lieu requires the implementation of one of several recommended methods of shoreland protection measures depending on the individual site or owner preference (where it would be more environmentally beneficial).

Any shoreland that is disturbed shall be permanently stabilized. Permanently stabilized vegetation is ground cover that is uniform, mature enough to survive, and will inhibit erosion. Sand beaches shall be permitted if they are properly retained.

Shoreland protection measures may include a 100-foot wide natural, forested buffer along the shoreline. A natural, forested buffer for the purposes of this section is an indigenous, undisturbed, riparian forest with ground cover, shrub, and tree canopy layers.

Alternative protection measures may also be used. The following slopes shall be calculated within the Dominion Energy property boundary as an average slope between a property's boundary lines. The specifications outlined below are a summary of those outlined in the Lake Anna shoreline agreement in lieu.

3—15 percent = a vegetated diversion (18 inches minimum in height) with compacted soil and a minimum base width of 4.5 feet. This diversion shall consist of a berm and a swale and be contoured with the property. The swale shall be designed to carry flows at a minimal slope to a rock outlet located at a defined low point. Vegetation on the diversion should include native grasses or shrubs, with other non-invasive ornamental plantings as desired;

>15 percent = the above specified diversion with a 25-foot wide undisturbed, vegetated area along the shoreline, measured horizontally from the water's edge (not to include pathway to lake structures).

Alternate control methods not listed above may be used pending review and approval by the County of Louisa.

Applications of fertilizers and herbicides are prohibited within the berm, swale, and buffer areas, and within 25 feet of the shoreline. Insecticides are strongly discouraged.

All of the above recommended control methods shall be maintained and repaired as necessary to remain permanently stabilized and in compliance with state and local erosion and sediment control regulations.

(2) Shoreline stabilization. Shoreline erosion is exacerbated by wave action from boats on Lake Anna. Another cause of shoreline erosion, from the sheet flow of water across the land, is adequately addressed in the above section. Shoreline erosion not directly caused by land disturbance is not required to be stabilized but is encouraged. Shoreline that is disturbed shall be permanently stabilized by one of the below recommended methods.

The use of non-structural, vegetated stabilization methods is strongly encouraged per the Lake Anna shoreline agreement in lieu. Structural methods are limited to riprap and bulkhead materials with geotextile fabrics unless otherwise approved by the County of Louisa.

Technical guidance for complying with the Lake Anna Shoreline Use and Design Standards is available through the County of Louisa.

A violation of this section shall be subject to the penalties set forth in the Code of Louisa County, VA, section 38-37, including, but not limited to, a \$1,000.00 fine per violation (each day of violation).

(b) Safe navigation.

(1) Water access entrances and travel-ways into coves shall be at least 30 feet in width at navigable depth until the cove reaches a width of 90 feet or less. The one-third rule shall be the determining factor in any cove less than 90 feet in width. This standard applies to all choke points leading to, and within, the cove. A choke point is a narrowing of the cove that boats navigate through. Staff may grant a waiver (per section 86-22 of this [chapter]) to this standard in extenuating circumstances due to water depth, topography, irregular shoreline, narrowness of cove, existing structures, and other existing conditions.

(2) The navigable channel shall be clearly identified during site plan review.

(3) Structures shall not protrude into the water from the shoreline further than the following maximum lengths unless otherwise approved by a waiver or special exception.

(4) Agricultural/residential district uses. Louisa County will only review development permit applications made to Louisa County with a valid Construction and Use Agreement from Dominion Energy. Such review by Louisa County will only be to apply building code requirements.

- a. Commercial district and common area use. Structures shall not protrude more than one third of the distance across the water from the shoreline to a maximum of 150 feet. Structures proposed to exceed this limit require approval of a waiver or special exception. The travel-way must be a minimum of 50 feet whenever serving common area launch facilities or commercial properties.
- b. Resort development and planned unit development uses. The length of lake structures shall be included as part of the master plan submitted during the rezoning process. The standards set forth in this section should be used in the development of the master plan requirements regulating lake structures.

For the purposes of this section, the term shoreline shall refer to the boundary line, at normal pool, between land and the water.

- (5) In order to identify the protruding outline of all lake structures, existing and new, two-inch minimum diameter reflectors shall be affixed along the sides of the structure at intervals of ten feet. Reflectors shall be within one foot of both sides of each lakeside corner. Reflectors shall be placed no more than two feet above normal pool level (250 feet above mean sea level for the lake, 251 feet above mean sea level for the WHTF).

All lake structures shall be in full compliance with this safety standard by November 1, 2007.

- (6) The minimum travel-way between groups of dock slips shall be two times the length of the adjacent slip; if two slips are different sizes, the larger length shall be used. A fairway is an unobstructed access channel for entry to or exit from a moorage area.

(7) Common areas.

- a. Common area ramps shall be constructed of reinforced concrete with a minimum thickness of six inches and shall be a minimum distance of 75 feet from designated swimming areas.
- b. Common areas are required to have a dry hydrant in a location to be determined on the site plan.
- c. Common area boat ramps shall be placed or positioned to minimize wave interference from boats passing nearby through high concentration navigation choke points as determined by the county during site plan review (i.e., cove entrances, narrow channels, sharp bends, bridges, etc.).

(c) Neighbor policies.

- (1) A sign shall be posted at common area and commercial pier entrances summarizing alcohol and boating regulations in the state.
- (2) All site plans for new development must show shoreline building zones and extension lines to 150 feet into the water or one third of the cove, whichever is less.
- (3) Structures.

- a. District uses.

1. Agricultural/residential. The maximum square footage (SF) permitted over water shall be as determined by Dominion Energy in a valid Construction and Use Agreement.
2. Commercial and common areas. The following is the maximum square footage (SF) permitted over water:
 - (i) 0—99 linear feet of waterfront = 90 SF per linear foot of shoreline.
 - (ii) 100—500 linear feet of waterfront = 75 SF per linear foot of shoreline.
 - (iii) > 500 linear feet of waterfront = 55 SF per linear foot of shoreline.
3. Resort development and planned. If lake structures are included as part of the proffered conditions during the rezoning process, the maximum square footage shall be included. The standards set forth in this section should be used in the development of the proffered conditions regulating lake structures.

b. The maximum height of structures on land within the Dominion Energy easement in all zoning districts shall be 20 feet for flat roofs and 28 feet for pitched roofs as measured from the lowest finished grade. Weathervanes and telecommunication antennas do not count against the structure's height.

The maximum height of structures over the water within the Dominion Energy easement in all zoning districts shall be 20 feet for flat roofs and 28 feet for pitched roofs as measured from normal lake level (250 feet above mean sea level for the lake, 251 feet above mean sea level for the WHTF). Weathervanes and telecommunication antennas do not count against the structure's height.

c. Waterfront construction – defined herein as structures on the Dominion Energy shoreland and/or over water – may have a second story but it may not be enclosed. Screened areas are not considered to be enclosed. Maximum height limits shall apply. Structures that will exceed these standards shall require a waiver from staff. (Section 86-119 of this chapter).

(4) Common areas.

a. Restroom facilities are required in areas with structures for persons or watercraft for common areas with 25 or more lots. Restrooms are not allowed within the Dominion Energy easement without their approval.

b. All structures in a common area shall maintain a 100-foot side setback from residential and agricultural zoning districts (not part of the subdivision), and a 50-foot side setback from resort development, commercial, and industrial zoning districts.

c. 25-foot vegetative buffer between the common area and adjoining property owners (not part of the subdivision) shall be required. Buffers shall consist of evergreen vegetation but may also include deciduous species. County staff may grant a special exception to this requirement on a case-by-case basis.

(5) Commercial areas.

a. A pump out station shall be required for commercial waterside operations if they introduce traffic to the lake.

b. Commercial slips are allowed one enclosed storage structure per slip that is a maximum of 50 square feet.

c. Any business engaged in fuel sales shall use United States Coast Guard (USCG) approved spill recovery systems.

(d) Dredging, excavation, and filling. The standards established by Dominion Energy shall govern these activities along with other applicable federal, state, and local codes, unless otherwise noted in this section.

Article II. Zoning Ordinance and Maps, Division 5. Growth Area Overlay Standards

Sec. 86-124. - Site design and architectural guidelines.

Requirements of this section create and promote high quality and well-planned development within the growth area overlay districts. Residential single-family dwellings not constructed as part of a planned unit development (PUD) are exempt from these requirements. A plan for development shall incorporate the site and building design requirements below:

(1) *Lighting*. In order to preserve the rural character of the county all exterior lights for commercial, industrial, multifamily uses, subdivision common areas, subdivisions streetlights, and public utility pole lights shall be Dark-Sky compliant. Existing lighting once replaced or upgraded will be required to be Dark-Sky compliant. Single family residential uses shall be excluded from this requirement. If lake structures utilize light fixtures, the following standards are required:

a. Lights should have initial output less than 2,000 lumens (equivalent to 120-watt incandescent bulbs) or should be fitted with opaque shields to prevent direct visibility of the lamp to persons more than 50 feet beyond the structure.

b. Light specifications should meet International Dark-Sky Association (IDA) standards for either landscape or wall-mount style fixtures, or equivalent. Landscape fixtures should be under 2,000 lumens and partially shielded. Wall-mount fixtures should be fully shielded.

c. Solar lighting is encouraged.

**BOARD OF SUPERVISORS
COUNTY OF LOUISA
ORDINANCE**

At a regular meeting of the Board of Supervisors of the County of Louisa held in the Louisa County Public Meeting Room at 5:00 PM on the 6th day of May 2024, at which the following members were present, the following ordinance was adopted by a majority of all members of the Board of Supervisors, the vote being recorded in the minutes of the meeting as shown below:

RESULT:	
MOVER:	None
SECONDER:	None
AYES:	None

**AN ORDINANCE TO AMEND CHAPTER 86. LAND DEVELOPMENT
REGULATIONS; ARTICLE IV. SUPPLEMENTARY REGULATIONS, DIVISION 4.
LAKE ANNA SHORELINE USE AND DESIGN STANDARDS AND ARTICLE II.
ZONING ORDINANCE AND MAPS, DIVISION 5. GROWTH AREA OVERLAY
STANDARDS, SECTION 86-124. SITE DESIGN AND ARCHITECTURAL
GUIDELINES**

WHEREAS, Louisa County adopted the Lake Anna Shoreline Use and Design Standards ordinance in 2005, with design standards for structures including, but not limited to, fixed or floating docks, piers, boardwalks, slips, accessory buildings, or other types of development on, or attached to, Dominion's property; and

WHEREAS, the purpose of the proposed amendment is to amend portions of the Lake Anna Shoreline Use and Design Standards ordinance, specifically sections 86-656(b) through (c) to decrease unnecessary County involvement; and

WHEREAS, the amendment would move provisions for dark-sky lighting in subsection (b) to the Growth Area Design Standards in Section 86-124. Select *neighbor policies* in subsection (c) unique to Louisa County among the Lake Anna jurisdictions are proposed to be amended for zoning permits after the Dominion Energy approval of final locations of overwater structures. Section (d) regarding dredging is proposed to refer to Dominion Energy standards, as applicable; and

WHEREAS, at a regular meeting of the Louisa County Planning Commission held February 8, 2024, the Planning Commission voted that the public necessity, convenience, general welfare, or good zoning practice compels it to make a recommendation of approval to the Louisa County Board of Supervisors on the draft code amendment; and

NOW, THEREFORE, BE IT ORDAINED, on this 6th day of May 2024, that the Louisa County Board of Supervisors hereby approves/denies the proposed amendments to Chapter 86. Land Development Regulations; Article IV. Supplementary Regulations, Division 4. Lake Anna Shoreline Use and Design Standards and Article II. Zoning Ordinance and Maps, Division 5. Growth Area Overlay Standards, Section 86-124. Site design and architectural guidelines.

A Copy, teste:

Christian R. Goodwin, Clerk
Board of Supervisors
Louisa County, Virginia

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RESULT:	Passed
MOVER:	Board of Supervisors - Patrick Henry District Fitzgerald Barnes
SECONDER:	Board of Supervisors - Cuckoo District Christopher McCotter
AYES:	Duane Adams , Tommy Barlow , R.T. "Toni" Williams, Rachel Jones , Fitzgerald Barnes , Manning Woodward, Christopher McCotter

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Christian R. Goodwin, Clerk
Board of Supervisors
Louisa County, Virginia