



**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING AGENDA**

Morris Room, Fluvanna County Administration Building
132 Main St, Palmyra, VA 22963

July 8, 2025

6:00pm Work Session | 7:00pm Regular Meeting

WORK SESSION

A – CALL TO ORDER, PLEDGE OF ALLEGIANCE

B – WORK SESSION

**Village Residential Overlay District
Special Event Permits**

C – ADJOURN

REGULAR MEETING

1 – CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE

2 – ADOPTION OF THE AGENDA

3 – DIRECTOR’S REPORT

4 – APPROVAL OF MINUTES

- A Approval of Minutes from May 13, 2025 – Todd Fortune, Director of Planning
- B Approval of Minutes from June 10, 2025 – Todd Fortune, Director of Planning

5 – PUBLIC COMMENTS #1 (5 Minutes Each)

6 – PUBLIC HEARING

- C None

7 – RESOLUTIONS

- D ZTA 25:04-Food Trucks – Todd Fortune, Director of Planning
- E ZTA 25:07-Process for Plan Reviews – Todd Fortune, Director of Planning

8 – SITE DEVELOPMENT PLANS

- F None

9 – SUBDIVISIONS

- G None

10 – PRESENTATIONS

- H None

11 – UNFINISHED BUSINESS

- I Comprehensive Plan Update – Todd Fortune, Director of Planning; and Alex Porter, Planner/GIS Technician
- J Community Meetings – Todd Fortune, Director of Planning

12 – NEW BUSINESS

- L None

13 – PUBLIC COMMENTS #2 (5 minutes each)

14 – ADJOURN

Planning Director Review

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*For the Hearing-Impaired – Listening device available in the Morris Room upon request. TTY access number is 711 to make arrangements.
For Persons with Disabilities – If you have special needs, please contact the County Administrator’s Office at 591-1910.*

PLEDGE OF ALLEGIANCE

I pledge allegiance to the flag
of the United States of America
and to the Republic for which it stands,
one nation, under God, indivisible,
with liberty and justice for all.

ORDER

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Commission wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Commission to discuss the matter.
3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman shall be the judge of such breaches, however, the Commission may vote to overrule both.
4. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

PUBLIC HEARING RULES OF PROCEDURE

1. PURPOSE
 - The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action.
 - A hearing is not a dialogue or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. SPEAKERS
 - Speakers should approach the lectern so they may be visible and audible to the Commission.
 - Each speaker should clearly state his/her name and address.
 - All comments should be directed to the Commission.
 - All questions should be directed to the Chairman. Members of the Commission are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion.
 - Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
 - Speakers with questions are encouraged to call County staff prior to the public hearing.
 - Speakers should be brief and avoid repetition of previously presented comments.
3. ACTION
 - At the conclusion of the public hearing on each item, the Chairman will close the public hearing.
 - The Commission will proceed with its deliberation and will act on or formally postpone action on such item prior to proceeding to other agenda items.
 - Further public comment after the public hearing has been closed generally will not be permitted.

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What Is an Overlay District?

In essence, overlay districts are a flexible land-use planning tool that allows communities to tailor regulations to address specific needs and achieve targeted goals within a defined area. This can include things like controlling building codes, urban design, permitted land use, and density. Its primary purpose is to implement additional regulations and standards that are specific to that area, complementing or even superseding the rules of the underlying zone.

- Address specific local conditions
- Protect sensitive features
- Preserve historic or cultural features
- Guide and promote specific development
- Streamline regulation implementation

A zoning overlay district superimposes an additional set of regulations over an existing zoning district, or multiple zoning districts in order to achieve specific planning objectives while still allowing for development and growth within the established zoning.

Overlay districts are frequently used in zoning codes to protect sensitive environmental features, preserve historic buildings, prevent development on unstable or vulnerable land features, or promote specific types of development such as transit-oriented development. Like other zoning regulations, overlay districts can control building codes and urban design, permitted land use, density, and other factors. Overlay districts give planners a tool for implementing targeted regulations that accommodate local conditions, guide development, and protect natural and cultural resources.

The overlay district often fills a gap where traditional zoning does not address specific or complicated local conditions or multi-jurisdictional issues. For example, an overlay district protecting a rivershed along a river that flows through several different zoning districts would protect land along the entire river with one set of rules that applies across districts. Overlay districts can streamline the implementation of additional regulations in all applicable areas without having to amend the codes for multiple districts and maintain consistency across multijurisdictional natural, historic, or infrastructural features.

ORDINANCE EXAMPLES - GOOCHLAND COUNTY

ARTICLE 27. - ENTRANCE CORRIDOR AND VILLAGE CENTER OVERLAY

DISTRICTS

- **Sec. 15-431. - Statement of intent.**

The entrance corridor and village center overlay districts are intended to implement the comprehensive plan objective of preserving the unique character of our villages, rural crossroads, and major roadways and historic resources, through architectural control of development; to stabilize and improve property values; to protect and enhance the county's attractiveness to residents, tourists, and other visitors; to support and stimulate complementary development and future growth appropriate to the prominence afforded properties of historic, architectural and cultural significance. An overlay district is created for the purpose of providing special regulations in designated areas; accordingly, these regulations are in addition to and modify the requirements of the zoning districts, especially with respect to architecture and landscaping.

Entrance corridor and village center overlay district regulations apply to both modifications of existing structures and new construction. However, in order to provide for a transition for existing structures, to alleviate hardship, and to allow flexibility for existing small parcels, authority is provided for reasonable deviations which are consistent with good planning principles.

- **Sec. 15-432. - Applicability.**

A. Entrance Corridors. Entrance corridor overlay districts may be established along streets or highways designated as scenic highways if the board of supervisors finds they are significant routes of tourist access to the county.

The following entrance corridors are hereby established to a depth of 500 feet from both the north and south rights-of-way:

(1) *Patterson Avenue/River Road West*. Defined as Patterson Avenue/River Road West (Route 6) from the Henrico County line to Maidens Road (Route 634).



Patterson Ave corridor, Goochland County

(2) *River Road*. Defined as River Road (Route 650) from the Henrico County line to its terminus at Patterson Avenue (Route 6).

B. Village Centers. Village center overlay districts may be established in the vicinity of designated historic, architectural, or cultural landmarks, buildings, structures, or areas the board of supervisors finds to be worthy of additional protection.

The following village centers are hereby established:

(1) *Courthouse Village*. The village is generally defined as being 1,000 feet wide (500 feet from the centerline of the roads on both sides) along Sandy Hook Road (Route 522) from 1200' north of Bulldog Way (Rt. 724) to its intersection with River Road West (Rt.6); along Fairground Road (Rt. 632) from Sandy Hook Road (Rt. 522) to 400' east of Maidens Road (Rt. 634); and along River Road West (Rt. 6) from Irwin Road (Rt. 607) to Maidens Road (Rt. 634)

(2) *Centerville Village (Broad Street Road)*. This district is generally comprised of the parcels on either side of Broad Street Road (Route 250) beginning from the Henrico County Line west to a point 1,500 feet west of the intersection of Broad Street Road and Manakin Road; parcels along Plaza Drive, St. Matthews Lane and Hockett Road, except for property zoned M-1 as of November 7, 2012; and the area generally comprised of the parcels on either side of Ashland Road (Route 623) from Broad Street Road (Route 250) to the Ashland Road/Interstate 64 interchange.

(3) *Oilville Village*. This district is defined as being 1,000 feet wide (500 feet from the centerline) of the following roads as they extend through the Oilville Village: Broad Street Road, Oilville Road, Pony Farm Road, Hanover Road, Fairground Road, and Cardwell Road.

Franklin County

DIVISION 3. - WESTLAKE VILLAGE CENTER OVERLAY DISTRICT

- **Sec. 25-491. - Purpose.**

The Westlake Village Center Overlay district recognizes that the area will serve as a focal point for cultural and commercial activity of the Smith Mountain Lake area of the county. The village center overlay district promotes a development pattern that brings a sense of community to the surrounding rural area with an emphasis on facilitating the creation of a convenient, attractive and harmonious community center that provides essential goods and services to rural residents and may also include higher density housing and office and light industrial employment centers. The purpose of the overlay district is to implement key provisions of the Westlake Design Guidelines in order to:



Westlake Area, Franklin County



Boones Mill, Franklin County

- (1) Create a sense of place.
- (2) Create a unified architectural character where new development is harmonious, well coordinated and compatible with the historic architecture of the area.
- (3) Create convenient, safe and comfortable pedestrian linkage between commercial and residential areas and between commercial sites.
- (4) Create a consistent approach to location, design and landscaping of parking areas for commercial use.
- (5) Create visual buffers between historic properties and commercial uses.
- (6) Create an approach to signs that reduces clutter.
- (7) Create lighting that does not pollute the night sky and does not impact adjacent uses, particularly historic sites.
- (8) Create new development that protects scenic views.

Roanoke County

- **Sec. 30-58-6. - Special Regulations in the Clearbrook Village Overlay District.**

The following special regulations shall apply within the Clearbrook village overlay district:

(A) *Landscaping*. Required landscaping within the Clearbrook village overlay district shall comply with the standards contained in [section 30-92-5.1](#) of this ordinance.

(B) *Signage*. Signage within the Clearbrook village overlay district shall comply with C-1 sign district regulations, except as modified by [section 30-93-14\(F\)](#) of this ordinance.

(C) *Lighting*. Lighting within the Clearbrook village overlay district shall comply with the provisions of [section 30-94](#) of this ordinance.

(D) *Utilities*. All new utility lines and services within the Clearbrook village overlay district shall be located underground.

(E) *Residential use types*. Residential use types within the Clearbrook village overlay district upon the date of the adoption of this ordinance shall not be deemed to be nonconformities, and may be reconstructed, altered and/or enlarged consistent with the requirements contained in [section 30-58-5](#) of this ordinance. In addition, single family detached dwellings may be developed in the district on lots of record in existence on the effective date of this ordinance. Any dwelling constructed shall not be deemed to be a nonconformity. No new subdivisions for residential purposes shall be allowed within the Clearbrook village overlay district, except that family exemption subdivisions shall be permitted pursuant to [section 30-100-11](#) of this ordinance.



Bent Mountain, Roanoke County

(F) *Parking*. All off-street parking, stacking and loading areas within the Clearbrook village overlay district shall comply with the provisions of [30-91](#) of this ordinance.

(Ord. No. 121900-11, § 1, 12-19-00; Ord. No. [052609-22](#), § 1, 5-26-09; Ord. No. [111213-15](#), § 1, 11-12-13)

Loudoun County

5.07 Village Conservation Overlay District Purpose. The purpose of the Village Conservation Overlay District is to:

- Implement the Rural Historic Village Place Type of the General Plan;
- Recognize that each Rural Historic Village has a unique character linked to its historic development pattern, spatial organization, and location within Loudoun County, and sense of place that should be preserved and enhanced;
- Support the retention and reinforcement of historic development patterns, character, and visual identity of individual villages;
- Protect the small, compact, pedestrian-scale, rural communities characterized by low-density residential development situated on smaller lots interspersed with limited commercial uses and encourage extension of this development pattern when new construction occurs;
- Protect and reinforce the commercial core of villages that provides for the daily needs of village residents, surrounding rural residents, and visitors;



Aldie, Loudoun County



Philomont, Loudoun County



Waterford, Loudoun County

- Ensure new commercial and residential construction is designed to complement surrounding properties and maintain the existing development pattern within each Village by:
 - o Respecting each village's historic precedents for lot size, building setbacks, spacing, and orientation to the road; and
 - o Considering the context of each village's historic buildings by designing new buildings that are compatible in siting, size, scale, massing, materials, design details, and roof forms; and
- Maintain areas of open space and natural areas on the perimeter of the villages to retain a hard edge and visual separation of the Rural Historic Villages from the surrounding agricultural landscape; and
- Preserve existing trees and vegetation, which define building lots and contribute to the streetscape.

Lancaster County

- **ARTICLE 21. - RURAL VILLAGE OVERLAY, ALL DISTRICTS, RV-1^[4]**

Statement of Intent

Generally, this district covers areas that have been traditional village centers. It is intended for the conduct of business to which the public requires direct and frequent access in addition to primary residences. This district will provide area in which residential and commercial uses can be commingled in a mutually supportive manner, and provides for the location of a business and a residence in the same building. This district is designed to encourage the centralization of permitted uses as a means of revitalizing traditional village areas and making the delivery of goods and services more cost effective. It will serve as the alternative to strip development along currently undeveloped traffic corridors, a practice that will be discouraged.



Irvington, Lancaster County



White Stone, Lancaster County
(Ord. of 12-13-18(2))

- **21-1. - Use regulations.**

A rural village area shall be defined and approved. Once defined, it is included in this district. In the Rural Village Overlay, All Districts, structures to be erected or land to be used shall be for one or more of the listed uses. Businesses permitted within this district are required to conduct all aspects of their operations enclosed under roof and are limited to 4,000 square feet of floor area, unless otherwise approved with a special exception.

21-1-1. Single-family residences.

21-1-2. Multi-family residences or cluster homes with approved master plan.

21-1-3. Residences located in the same building as a business. Residences can be above the business, below it, or attached to it. Residence portion of the shared building must conform to building codes for residential structures.

21-1-4. Retail food stores and bakeries.
21-1-5. Reserved.
21-1-6. Reserved.
21-1-7. Antique shops and art galleries.
21-1-8. Reserved.
21-1-9. Laundry and dry cleaning, to include coin-operated laundry facilities.
21-1-10. Reserved.
21-1-11. General, variety and drug stores.
21-1-12. Barber and beauty shops.
21-1-13. Appliance sales and service.
21-1-14. Reserved.
21-1-15. Auto sales, repair and service stations.
21-1-16. Theaters and assembly halls.
21-1-17. Hotels, motels, tourist homes.
21-1-18. Office buildings, business offices, banks, savings and loan, and other professional buildings.
21-1-19. Churches.
21-1-20. Libraries.
21-1-21. Hospitals, general and private.
21-1-22. Funeral homes.
21-1-23. Printing and framing shops or offices.
21-1-24. Restaurants.
21-1-25. Clubs and lodges.
21-1-26. Lumber and building supply, hardware, home improvement and farm supplies.
21-1-27. Plumbing, electrical, heating and air conditioning supply, sales and service.
21-1-28. Building contractors.
21-1-29. Reserved.
21-1-30. County-sanctioned public facilities.
21-1-31. Reserved.
21-1-32. Off street parking as required by this ordinance.
21-1-33. Public billiard parlors and pool rooms, bowling alleys, dancehalls, and similar forms of public amusement with a special exception. (NOTE: In approving such application, the board of supervisors may establish special requirements and regulations for the protection of adjacent property, set the hours of operation, and make requirements as it may deem necessary in the public interest).
21-1-34. Post office.
21-1-35. Major recreational equipment in accordance with [article 19](#) of this ordinance.
21-1-36. Horticultural nurseries, greenhouses with garden and plant supplies and flower sales.
21-1-37. Reserved.
21-1-38. Child care or day care centers.
21-1-39. Veterinary hospitals.
21-1-40. Bookstores, stationery and office supply stores.
21-1-41. Reserved.
21-1-42. Exterminating companies sales and service.
21-1-43. Furniture stores and carpet stores.
21-1-44. Reserved.
21-1-45. Reserved.
21-1-46. Insurance agencies.
21-1-47. Reserved.
21-1-48. Jewelry and gift shops, hobby and craft shops, sales and service.
21-1-49. Locksmiths.
21-1-50. Reserved.
21-1-51. Music stores.
21-1-52. Optical sales and service.
21-1-53. Real estate sales offices and other brokerage sales offices.

21-1-54. Sporting goods and wearing apparel stores.
21-1-55. Swimming pools sales and service.
21-1-56. Reserved.
21-1-57. Travel agencies.
21-1-58. Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, and truck repairing or overhauling.
21-1-59. Reserved.
21-1-60. Public utility booster or relay stations, transformer substations, transmission lines and towers, and other facilities for the provision and maintenance of public utilities, including telecommunications and water and sewer lines.
21-1-61. Office buildings for executive, administrative, business, educational or professional services.
21-1-62. Reserved.
21-1-63. Reserved.
21-1-64. Commercial marina including boat and accessory sales, boat storage, engine and boat repairs, fishing and boating supplies.
21-1-65. Reserved.
21-1-66. Reserved.
21-1-67. Yacht club.
21-1-68. Reserved.
21-1-69. Mailing, reproduction, commercial art and photography, and stenographic services.
21-1-70. Reserved.
21-1-71. Factory outlets and retailing.
21-1-72. Garages and storage buildings.
21-1-73. Reserved.
21-1-74. Radio and/or signal transmission towers less than 35 feet in height above ground level, located in the rear or side yard. Towers greater than 35 feet in height above ground level may be placed with a special exception.
21-1-75. Reserved.
21-1-76. Retail sale, wholesale, lease or licensing of goods or services directly to a user, manufacturer, distributor, retailer or customer using computers or telecommunications.
21-1-77. Call centers.
21-1-78. Service provider installation of single-pole high-speed data communication antennas less than 100 feet in total height with main structure setbacks. Poles not meeting these criteria, with a special exception.

Rannahannock Countv

170-44 Purpose and intent; establishment.

A. Purpose and intent. Overlay districts, as presented in this article V, are created for the purpose of imposing special regulations in designated areas of the County to accomplish stated purposes that are set forth for each overlay district. Overlay districts shall be in addition to and shall overlap and overlay all other zoning districts within which lands placed in each district also lie, so that any parcel of land lying in an overlay district shall also lie in one or more of the other underlying zoning districts provided for by this chapter.

B. Establishment. In general, overlay districts and amendments thereto shall be established in the same manner and by the same procedures set forth for other zoning districts provided for by this chapter, unless such procedures are qualified by the provisions of a particular overlay district as set forth herein.

170-45.1 General Commercial Overlay District (GCO).

A. Purpose and intent. The General Commercial Overlay District (GCO) is created for the purpose of providing guidelines whereby the principal undeveloped commercial zone of the community may be safely and efficiently developed for the betterment of the public health, safety and general welfare.

B. District boundaries. The General Commercial Overlay District boundaries are delineated in accordance with a map adopted by the Rappahannock County Board of Supervisors and made a part of the Rappahannock County Comprehensive Plan.^[1]

[1]

Editor's Note: The 2004 General Commercial Overlay District map is the official map delineating the boundaries of the General Commercial Overlay District (GCO). The December 7, 2020, map adopted with the updated Comprehensive Plan of the same date is not the official Overlay District map. To ascertain the boundaries of the GCO, reference must be made to the 2004 Comprehensive Plan.

C. District boundary changes. The delineation of the boundaries may be revised by the Board in the same manner and by the same procedures as set forth in Subsection B.

D. Interpretation of district boundaries. The Zoning Administrator shall make the decision as to the exact location of the GCO District line, using the best information available.

E. Permitted uses. All uses permitted in areas zoned General Commercial shall likewise be allowed in the GCO District. Similarly, all uses allowed by special use permit or special exception in the General Commercial Zone shall be allowed with a special use permit or special exception, respectively, in the GCO District.

F. Use limitations.

(1) Setbacks. In the case of proposed commercial development, the designation of setback dimensions provides for the creation of buffer zones which, when planted or bermed, help to strengthen visual relationships between commercial development and adjacent public roadways or unrelated uses such as agriculture. The setbacks for interior areas within the General Commercial Overlay District would be determined by the current setback requirements of the underlying zoning. These recommendations focus on the relationship of the General Commercial Overlay District to adjacent noncommercial land areas (including public roads).

(2) Building setbacks.

(a) All buildings shall have a one-hundred-foot minimum setback from the existing or proposed right-of-way of United States (US) Route 21 1/522.

(b) All buildings shall have a seventy-five-foot minimum setback from adjacent non-General Commercial Overlay Districts outside of the General Commercial Overlay District.

(c) All buildings shall have a fifty-foot minimum setback from existing or proposed private or public road rights-of-way bordering the General Commercial Overlay District other than US Route 211/522.

(3) Parking setbacks.

(a) All parking, interior parcel access, drives and other vehicular-oriented improvements shall be setback 40 feet from the existing or proposed right-of-way of US Route 21 1/522.

(b) All parking, interior parcel access, drives and other vehicular-oriented improvements shall have a forty-foot minimum setback from adjacent non-General Commercial Overlay Districts outside of the General Commercial Overlay District or from existing or proposed private or public road rights-of-way bordering the overlay district other than US Route 211/522.

(4) Building height. To create a harmonious environment along Rappahannock County's major thoroughfares and to mitigate the potential negative visual impacts of any tall commercial structure fronting on US Route 21 1/522, building heights shall be limited within areas adjacent to US Route 211/522.

(a) In all areas within 500 feet of the North side of US Route 21 1/522, all buildings shall be limited in height to 35 feet from grade.

(5) Utilities and infrastructure. The installation and development of utilities and infrastructure, including but not limited to water and sewage systems, electric power and communications systems, and drainage and stormwater management systems shall be coordinated within the General Commercial Overlay District and shall accommodate the location of required plantings, as well as visual impacts mitigated through screening or subsurface locations. Underground installation shall be required, unless Rappahannock County determines that the same is not practicable. Trash collection equipment and/or storage facilities should be screened from all public roads.

(6) Plantings and vegetative screening. The screening of commercial development from non-General Commercial Overlay Districts is required to mitigate the visual impact of commercial development within rural areas. Screening of General Commercial Overlay Districts from noncommercial development shall occur along the perimeter of the Rappahannock General Commercial Overlay District along service areas and at parking. In addition to planting and screening requirements indicated in this chapter, all parking, service, storage, loading and other vehicular areas shall be screened from all adjacent non-General Commercial Overlay Districts and all adjacent public and private roadways. In order to reduce heat generated by large expanses of paved areas and to mitigate the visual impact of paved areas, shade trees shall be planted in parking areas. The retention and preservation of existing wooded areas and existing specimen trees shall be encouraged. The use of plant materials native to Rappahannock County or the region is encouraged. Plantings which die within one year of installation shall be replaced.

(a) Perimeter screening.

[1] Adjacent noncommercially zoned areas shall be screened from commercial development by a planted buffer strip with a minimum width of 25 feet. The retention and preservation of existing woodlands and specimen trees is encouraged.

[2] The buffer zone shall be planted in a double staggered row of nursery-grown evergreen trees.

[3] Evergreen trees for screening shall be a minimum of three feet in height at the time of planting with a maximum spacing between trees of 15 feet.

(b) Tree plantings.

[1] All parking spaces shall be sited within 60 feet of preserved wooded areas/specimen trees or a planted nursery-grown shade tree (three-inch caliper) and planted in a two-hundred-square-foot minimum planting bed.

[2] Along US Route 21 1/522, nursery-grown shade trees (three-inch caliper) shall be planted in double staggered rows, with trees spaced 50 feet on center along each row.

[3] Along public or private road rights-of-way, nursery-grown shade trees (three-inch caliper) shall be required for every 50 feet of road frontage, or portion thereof, if 25 feet or more.

(c) Parking screening.

[1] All parking, storage, loading and other vehicular areas shall be screened from all adjacent non-General Commercial Overlay Districts and all adjacent public and private roadways with a continuous strip of planted evergreen shrubs. Planted evergreen shrubs shall attain a height of three feet in five years after planting.

[2] Shrub plantings shall not be required wherever existing topography and/or proposed grading provides for the screening of parking, storage, loading and other vehicular areas from all adjacent non-General Commercial Overlay Districts and all adjacent public and private roadways. When berming is proposed the slopes, shall be no steeper than three to one (3:1) and the berming no higher than three feet.

(7) Resource protection.

(a) Landscaping. All proposed landscaped areas should employ low-impact development techniques, such as bioretention facilities in place of landscaped islands.

(b) Proposed grading. All proposed grading shall not exceed a slope of 3:1 whenever possible and shall be protected from erosion utilizing an appropriate ground cover other than one requiring mowing. The Zoning Administrator shall approve appropriate measures when a slope of 3:1 is not achievable or impractical.

(8) Signage. The location, design, configuration, materials and color of all proposed signs and associated structures (except temporary event, auction, trespass, political, and sale or rental signs six square feet or less) located within 500 feet of the right-of-way of US Route 21 1/522 shall be in character with the historic and scenic setting of Rappahannock County and shall not visually dominate buildings or sites.

(a) Aggregate sign areas shall be reduced by one-half (1/2).

(b) Freestanding and projecting wall signs shall be limited to 10 feet above grade.

(c) One freestanding or projecting wall sign shall be allowed per parcel frontage and shall not be located closer than 100 feet from the US Route 21 1/522 right-of-way.

(d) Signs shall be limited to 20 feet in height from finished grade to the upper edge of sign surface.

(9) Pedestrian circulation. Barrier-free and universally accessible pedestrian linkages, including but not limited to trails, paths or sidewalks, shall be provided between buildings and parking areas and between parcels to create a continuous barrier-free pedestrian system serving the General Commercial Overlay District.

G. Design guidelines.

(1) Intent.

(a) The General Commercial Overlay District Design Guidelines have been established to promote design quality and efficient land use within designated areas having underlying General Commercial (GC) zoning. The overlay district carries with it zoning requirements that supplement those for GC areas. In addition to matters regulated elsewhere in this chapter, issues of design and site organization that do not lend themselves readily to prescriptive regulation but ultimately may be just as important in determining the utility and appearance of development are addressed by design guidelines.

(b) The purpose of design guidelines is to offer a set of principles that can direct the design approach for sites of varying character, yet help achieve consistent, high-quality results. Design guidelines address such issues as site access, resource protection and building appearance in response both to the opportunities and constraints of a given site and to the character of adjacent developed or undeveloped land. While design guidelines are not intended to duplicate the provisions of applicable Zoning Chapter requirements, they often provide guidance in satisfying those zoning requirements in a manner appropriate to the character of a particular site.

(c) These design guidelines have been developed specifically for the Rappahannock General Commercial District, although they build upon similar efforts undertaken for other Virginia localities. They are intended both to help property owners and developers understand the design goals of the General Commercial District and to assist the County's planning officials in assessing the suitability of design proposals within the General Commercial Overlay District.

(2) Natural site amenities. Natural site characteristics such as topography, vegetation, streams and natural drainage corridors and rock outcroppings establish the character of the environment and help to provide continuity between a developed site and the adjacent countryside.

(a) Existing vegetation and tree cover, particularly specimen trees or vegetation that define the boundaries of a site, should be preserved to the greatest extent possible.

(b) Streams, natural drainage swales, ponds, rock outcroppings and similar natural features that are unique to a site should be retained and incorporated into the site development wherever possible.

(c) The natural slope and topography of a site should be retained to the greatest degree possible, employing incremental rather than site-wide regrading strategies wherever necessary to reduce cut and fill slopes, large amounts of earthmoving and the use of retaining walls across sites.

(d) Significant views to natural or man-made focal points, both to and from an individual site, should be maintained and enhanced whenever possible.

(e) Clearing and grading should be kept to a minimum to preserve open space and meet requirements set for in § 170-37.

(f) The use of native plants and vegetation should be employed when replanting is necessary to foster the preservation of natural site amenities.

(3) Site access. Clear and convenient access to a site helps give organization to a development and promotes safety.

(a) Wherever possible, vehicular access to sites should be provided from secondary roadways rather than from US Route 21 1/522.

(b) Vehicular access to individual sites fronting US Route 21 1/522 and not served by a secondary roadway should occur opposite highway median cuts.

(c) Vehicular access to sites on opposite sides of a secondary roadway should be located directly opposite each other.

- (d) Adjacent sites should share vehicular access and provide vehicular access from one parcel to another.
 - (e) Barrier-free pedestrian circulation systems parallel to roadways should be protected from vehicular traffic by grade separation, planting strips and/or berming.
- (4) Parking. Adequate, convenient parking associated with commercial development should have a minimal visual impact on traditionally agricultural settings.
 - (a) When providing parking for large numbers of vehicles, parking areas should be designed in smaller groups of not more than 20 vehicles and separated and defined by features such as berms, plant materials, access drives and/or buildings.
 - (b) Bioretention facilities or landscaped treatment and plant materials should be used to define vehicular and pedestrian circulation and minimize impervious areas within parking space.
 - (c) Parking should not be located exclusively at the front of building sites; some parking should be located at the sides or rear of the site.
 - (d) Sites with steep slopes should not be modified to produce a single ground plane for building and parking. In such cases, parking areas should be developed on one or more terraces with site elevations different from that of the building and linked by appropriate barrier-free pedestrian circulation.
- (5) Building siting. In addition to the specific requirements elsewhere in this Zoning Chapter, the siting of buildings within the General Commercial Overlay District is determined by the proposed use, parcel configuration, site circulation patterns, topography and character of adjacent development. Building siting should contribute to a coherent image for the entire General Commercial Overlay District.
 - (a) A building should be sited so that its primary orientation is to the major roadway from which it is accessible. When a parcel fronts on US Route 21 1/522 but is accessible from a secondary roadway, the building should be sited or configured so that its entrance not only orients to the direction of access but also so that the building maintains an architectural identity when seen from the major highway. Buildings on parcels not fronting on the highway should not be sited to relate to US Route 21 1/522.
 - (b) Buildings should be designed and sited to reduce the need for topographic modification to the site. If buildings must be sited in areas of significant slope, they should make use of multiple stories and multilevel access to retain the natural topography of the site.
 - (c) The siting of buildings in relation to each other to establish courtyards, gateways and axial alignments and to reinforce vehicular and pedestrian circulation should be encouraged.
- (6) Building form. The appearance of buildings within the General Commercial Overlay District is one of the most effective ways of establishing the commercial identity of the area. The form of a building also may give an indication of its use or the type of business it houses, as well as helping it relate to the character of adjacent residential or agricultural land uses.
 - (a) Buildings at key locations within the General Commercial Overlay District, such as on sites adjacent to intersections of the secondary loop road with US Route 21 1/522, should serve as landmarks and focal points for the overall area. The use of visible roof forms rather than flat roofs, multistory buildings rather than single-story massing and architectural details should be encouraged for these locations.
 - (b) All buildings should include architectural elements, such as entrances, windows and articulated wall surfaces, that help them relate to pedestrian use.
 - (c) Commercial buildings should avoid the use of blank wall surfaces for any side of a building visible from an adjacent public right-of-way. Where blank walls are unavoidable, their visual impact should be softened by the adjacent planting of trees, vines or other large-scale plant materials.
 - (d) Because of the lower-lying land south of US Route 21 1/522, buildings in this area should incorporate visible roof forms rather than flat roofs to help define their architectural identity from the highway.
 - (e) Where the necessity exists north of US Route 21 1/522 for warehouse type buildings with large expanses of flat roofs and unarticulated exterior walls, efforts should be made to introduce additional subsidiary building forms with visible roof forms and greater architectural detail,

particularly in conspicuous locations or in areas of greater public access such as building entrances to provide greater visual interest.

(f) Owing to the sloping character of the General Commercial Overlay District north of US Route 21 1/522, multistory buildings should be encouraged where appropriate.

(g) Commercial buildings of larger size, though not intended to mimic agricultural buildings, may adopt the general form and composition of such buildings to foster compatible visual relationships between adjacent commercial and agricultural areas.

(7) Signs. Although commercial signs are intended primarily to identify various businesses, excessive or conspicuous signs can be confusing or distracting for motorists along US Route 21 1/522.

(a) Commercial signs for businesses fronting on US Route 21 1/522 should be simple and small to avoid confusing motorists and should be located in the setback zone along the highway or directly on the facade of the building.

(b) Businesses accessible from secondary roads should locate all commercial signs in the setback along such roads or directly on the facade of the building.

(c) Wherever possible, businesses should cluster signs in a single location, such as adjacent to a shared vehicular access, rather than setting up a series of unrelated signs.

(d) Freestanding signs (those not located on buildings) should be integrated into the site with walls, in conjunction with land forms and/or plant materials.

(e) When signs are located on buildings, their placement should not obscure or overwhelm architectural features of the building.

(8) Lighting and utilities. Exterior lighting is an important design aspect of the General Commercial Overlay District that promotes its identity, image, user safety and building security. Site utilities, on the other hand, will contribute most to the overall character of the commercial area when they are handled inconspicuously.

(a) All exterior lighting should be controlled (by down-shielding or other means) to eliminate glare to passing motorists on US Route 21 1/522 and secondary roadways and to avoid spilling onto adjacent noncommercial properties.

(b) General exterior illumination of building facades should be discouraged. Instead, appropriate exterior lighting of building entrances should be adopted. Additional lighting for business identification other than for signs should be confined to window displays with interior lighting.

(c) Lighted signs, whether freestanding or located on buildings, should have external, directed illumination rather than being internally lit.

(d) The use of site lighting for parking areas and pedestrian circulation should be consistent in design and character throughout the General Commercial Overlay District.

(e) The use of high-intensity security lighting should not be used in any area visible from adjacent public rights-of-way.

(f) Electric, telephone and cable television service should be located underground.

(g) Stormwater management structures should be integrated into the overall landscape development of the site. The stormwater requirements of several sites should be consolidated into a single structure.

(9) Plant materials. The use of appropriate plant materials native to or traditionally used in Rappahannock County will enhance visual continuity with the surrounding agricultural landscape. The use of species that are winter hardy and drought tolerant should be encouraged.



Sperryville, Rappahannock County – from the south (US 522)



Sperryville, Rappahannock County – Main Street (Route 1001)

ARTICLE 1. FESTIVALS

Sec. 7-1-1. Authority; purpose.

This article is enacted pursuant to section 15.2-1200 of the Code of Virginia for the purpose of providing necessary regulations for the conducting of musical or entertainment festivals conducted in open spaces not within an enclosed structure and of any gathering or groups of individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces not within an enclosed structure in the interest of the public health, safety and welfare of the citizens and inhabitants of the County.

(Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6; Ord. 11-18-15)

Sec. 7-1-2. Definitions.

When used in this article, the following words shall have the meanings respectively ascribed to them in this section:

Board shall mean the Board of Supervisors of the County.

Musical or entertainment festival or festival shall mean any gathering of groups or individuals for the purpose of listening to or participating in entertainment which consists primarily of musical renditions conducted in open spaces not within an enclosed structure.

(Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6)

Sec. 7-1-3. Special entertainment permit—Required.

No person shall stage, promote or conduct any musical or entertainment festival in the unincorporated areas of the County unless there shall have been first obtained from the board a special entertainment permit for such festival.

(Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6)

Sec. 7-1-3.1. Same—Application—Generally.

Applications for special entertainment permits required by this article shall be in writing on forms provided for the purpose and filed in duplicate with the clerk of the board at least forty-five (45) days before the date of such festival and shall be accompanied by a \$200.00 application fee, which shall not be returned. Such applications shall have attached thereto and made a part thereof the plans, statements, approvals and other documents required by this article. A copy of such applications shall be sent by certified mail by the clerk to each member of the board the day such applications are filed. The board shall respond to the application within thirty (30) days of receipt of the complete application and fee.

(Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6; Ord. 11-18-15)

Sec. 7-1-3.2. Same—Same—Action by board; issuance or refusal of permit.

The board shall act on applications required by this article within thirty (30) days from the filing of the same. If granted, the permit shall be issued in writing on a form for the purpose and mailed by the clerk to the applicant at the address indicated. If denied, the refusal shall be in writing and the reasons for such denial stated therein, and mailed by the clerk to the applicant at the address indicated.

(Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6; Ord. 11-18-15)

Sec. 7-1-3.3. Same—Same—Conditions for issuance of permit; documents to accompany application.

The permit required by this article shall not be issued unless the following conditions are met and the following plans, statements and approvals submitted to the board with the application:

- (A) Such application for a special entertainment permit shall have attached to it a copy of the ticket or badge of admission to such festival, containing the date or dates and time or times of such festival together with a statement by the applicant of the total number of tickets to be offered for sale and the best reasonable estimate by the applicant of the number of persons expected to be in attendance.
- (B) A statement of the name and address of the promoters of the festival, the financial backing of the festival, and the names of all persons or groups who will perform at such festival.
- (C) A statement of the location of the proposed festival, the name and address of the owner of the property on which such festival is to be held, and the nature and interest of the applicant therein.
- (D) A plan for adequate sanitation facilities and garbage, trash and sewage disposal for persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and shall be approved by the County Health Officer.
- (E) A plan for providing food, water and lodging for the persons at the festival. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and shall be approved by the County Health Officer.
- (F) A plan for adequate medical facilities for persons at the festival, approved by the County Health Officer.
- (G) A plan for adequate parking facilities and traffic control in and around the festival area.
- (H) A plan for adequate fire protection. This plan shall meet the requirements of all state and local statutes, ordinances and regulations, and shall be approved by the County Forest Warden.
- (I) A statement specifying whether any outdoor lights or lighting is to be utilized, and if so, a plan showing the location of such lights and shielding devices or other equipment to prevent unreasonable glow beyond the property on which the festival is located.
- (J) A statement that no music shall be played, either by mechanical device or live performance, in such a manner that the sound emanating therefrom shall be unreasonably audible beyond the property on which the festival is located.

(Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6)

Sec. 7-1-4. When music or entertainment prohibited.

Music shall not be rendered nor entertainment provided for more than eight (8) hours in any twenty-four (24) hour period, such twenty-four (24) hour periods to be measured from the beginning of the first performance at such festival.

(Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6)

Sec. 7-1-5. Minors to be accompanied by parent or guardian.

No person under the age of eighteen years of age shall be admitted to any festival unless accompanied by a parent or guardian, the parent or guardian to remain with such person at all times.

(Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6; Ord. 11-18-15)

State law reference(s)—Authority of County to regulate minors in public places of amusement, see Code of Va., § 15.2-926(B).

Sec. 7-1-6. Right of entry of board, etc.

No permit shall be issued under this article unless the applicant shall furnish to the board written permission for the board, its lawful agents or duly constituted law enforcement officers to go upon the property at any time for the purpose of determining compliance with the provisions of this article. The board shall have the right to revoke any permit issued under this article upon noncompliance with any of its provisions and conditions.

(Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6)

Sec. 7-1-7. Construction of article.

The provisions of this article shall be liberally construed in order to effectively carry out the purposes of this article in the interest of the public health, welfare and safety of the citizens and residents of the County.

(Min. Bk. 6, pp. 423-426; Comp. 1974, ch. 6)

Neighboring Counties' Policies on Non-Musical Events

Louisa

Does not currently have anything specifying any regulation of general events due to lack of demand of those attempting to host events at Louisa

Definition [86-13 of Louisa County Zoning Ordinance Municode]

- Special Occasion Facilities
 - o A place of assembly where dances, parties, receptions, and other gatherings are held for profit, except when sponsored or co-sponsored by government, civic, charitable, or nonprofit groups. (Weddings and cooperative events)
- Outdoor Gatherings
 - o Any temporary organized gathering expected to attract 200 or more people at one time in open spaces outside an enclosed structure. Included in this use type are entertainment and music festivals, church revivals, carnivals and fairs, and similar transient amusement and recreational activities

[86-106] states where special occasion facilities can be held based off of zoning.

Louisa county Does not have anything in their ordinance about special events (musical or non-musical) in their ordinance. This is mainly because there was never a need to add one. The process of adding a policy on this topic to their ordinance started around 2018, but was never completed. They mainly run off of "By-rights" or by allowing events such as weddings, cooperative events and outdoor gatherings to be allowed with Conditional use permit.

Goochland

Definition of a special event: [8-327]

- More than 500 people
- 250 people at any given time listening/participating in entertainment
- 250 or more persons, when alcoholic beverages will be permitted, possessed, or consumed; or
- More attendees than permitted pursuant to a conditional use permit or plan of development.

A permit is required to host a special event. The permit may be exempt in the case that:
[8-329]

- Special events permitted by right under the zoning ordinance

- Special events held in compliance with a conditional use permit or plan of development
- Special events being conducted by Goochland County, the Goochland County School Board, or another governmental agency acting within the scope of its functions; or
- Spontaneous events [Unplanned gathering caused by unforeseen circumstances]

Process of applying for a permit [8-330]

- Written application at least 30 days prior to event. Must have two copies of plans, statements and any other required documents
- Must contain a surplus of information alongside the application. The required contents include but are not limited to
 - o The name and address of the applicant, and a statement of the nature and interest of the applicant in the special event.
 - o all financial sponsors of the event, and every person or group who will perform during the special event.
 - o The date(s) of the special event, the time period
 - o a reasonable estimate of the number of anticipated attendees
 - o A plan for adequate sanitation facilities
 - o A plan for providing sufficient food and potable water for attendees
 - o A plan for adequate medical personnel, equipment, and facilities
 - o A plan for adequate parking facilities, crowd control, and traffic control
 - o Evidence of liability and casualty insurance

Permit Approval process [8-331]

- County administrator shall approve the permit as long as the criteria are met and there is no legitimate concern for safety or major disruptions to neighbors.
- County administrator has 21 days to respond

The Code of ordinance goes into details about certain events such as “Public Dance Halls”, “Massage Therapists” and “Adult Businesses”

It seems as though that Goochland county does not treat non-musical events any differently than musical events. As long as the requirements are met, the application is submitted with all the correct context, and the county administrator deems that it is safe and okay then the event will be approved. They utilize the Special Event system of applying for a permit and gaining approval

Albemarle [11-116]

Definition of Special Event

- Any planned gathering of 100+ people in or on county park. Including but not limited to demonstration, athletic event or contest, festival, concert, parade, march, procession, protest, or public assembly
- Or any commercial activity, regardless of size or number of people attending.

Permit is required. Permit can be exempt in the case that:

- Spontaneous event [assembly of any number of people that is caused by or in response to unforeseen circumstances or events resulting from news or affairs first coming into public knowledge within seven days before the assembly.]
- Athletic, competitive, or instructional events, leagues, and tournaments organized, sponsored, or procured by the Department of Parks and Recreation individually or in conjunction with the City of Charlottesville Department of Parks and Recreation
- Events and activities sponsored or approved by the County School Board
- Students participating in educational activities under the immediate direction and supervision of the Superintendent of the County School Division
- Less than 100 people
- Events and activities sponsored by the Town of Scottsville in Dorrier Park within the town limits.

Process of Applying for permit

- At least 15 days before event, but no more than 12 months.
- The name, address, and telephone number of the person
- The name and address of any organization or group the Applicant represents
- The type of special event intended to be held, including a description of all activities planned for the event
- The date and starting and ending times of the special event
- The requested location or locations and facilities to be used for the special event
- The approximate number and description of people, animals, vehicles, and equipment that will participate in the special event
- Verification of special event liability insurance coverage as provided in subsection

Permit Approval process

- Director has 7 days to approve application after receiving it. If he does not do so after 7 days the permit is considered approved.
- The director will determine if the permit shall be approved based on the applicant's ability to present all necessary information, the dates and lengths are not unreasonable, the event is legal both federally and through the state laws, and if the special event refrains from being too much stress on infrastructure and surrounding neighbors.

Albemarle has a loose definition of what exactly a special event is. However, there is no distinction between non-musical events and musical events. They are treated the same. They also use the special event system that is permit and approval based.

Buckingham

Definition of Special Event

- Event that is open to the public
- More than 300 people
- Admission / music may or may not be required / present

It appears as though their Special Event is underneath their “special use permit” section

Little to no information on the ordinance contains information on policy on events, musical or non-musical.

Cumberland

Definition of Festival [6-32]

- Major → More than 150 people and have one of the following applicable
 - o The event is held more than two times a year and sponsored by a non-profit organization
 - o The event is held once a year and held over two or less consecutive days with the intent to discontinue such event upon the expiration of the time period
- Minor → More than 150 people
 - o the event is established for a limited duration in a single day
 - o Limited to two times per year or less if sponsored by non-profit organizations and to one time per year otherwise
 - o Minor festivals can include, but are not limited to, parades, concerts, musical festivals, stage or theatrical shows, fairs, carnivals, exhibits, displays, sports events, automobile or animal races or competitions and off-road vehicle events

Process of Applying for permit [6-62]

- A statement of the name and address of the promoters or sponsors of the festival, the financial backing of the festival, and the names of all persons or groups who will perform at the festival.
- A statement of the location of the proposed festival, the name and address of the owner of the property

- A plan for adequate sanitation facilities and garbage, trash and disposal
- A plan for providing food, water and lodging for the persons at the festival
- A plan for adequate medical facilities
- A plan for adequate parking facilities and traffic control
- A plan for adequate fire protection
- A statement that no music shall be played, either by mechanical device or live performance, in such a manner that the sound shall be unreasonably audible beyond the property on which the festival is located.
- attached to it a copy of any ticket or badge of admission to the festival, containing the date or dates and time or times of such festival, together with a statement by the applicant of the total number of tickets to be offered for sale and the best reasonable estimate by the applicant of the number of persons expected to be in attendance

Permit Approval process [6-62]

- The board or the county administrator, as applicable, shall act on such applications within 30 days from their filing. If granted, the permit shall be issued in writing on a form
- Applications for such festival permits shall be in writing on forms provided for the purpose and filed in duplicate with the clerk of the board at least 45 days before the date of such festival

Cumberland defines special events as festivals. The subcategorize this into “Major” and “minor”. Despite the name, the size does not have a factor on what kind of festival it is. There is no distinction between music and non-music festivals. Besides that, mostly standard permit and approval process as well as safety regulations.

Chesterfield

Chapter 3 – Article II. – Music or Entrainment festivals.

Definitions in this section include:

- music festival means any gathering of persons for the purpose of listening to or participating in entertainment consisting primarily of, but not limited to, musical renditions conducted in open spaces.

- entertainment festival means any gathering of persons for the purpose of listening to or participating in entertainment which consists of airshows, fairs, carnival shows, circus shows, exhibitions, rides, magic or animal acts conducted in open spaces.

- open spaces means not within a permanent enclosed structure. A circus tent is not a permanent enclosed structure.

Permits required [Sec. 3-13]

- Any promotor or sponsor of a music or entertainment festival who will receive or potentially will receive financial benefit from the festival must obtain a permit for such festival from the board of supervisors or the county administrator.
- The board or county administrator shall act on a filed application within 30 days of filing and shall not issue a permit unless the requirements of this article are met.
- This section does not apply to an entertainment or music festival in a facility managed by the county parks and recreation department, provided that a **special events** permit is obtained for such festival

Contents of Application [Sec. 3-15]

- The name and address of the applicant, the nature of the festival and the applicant's interest in the festival.
- The dates and location of the festival and the time period during which the festival will be held.
- A copy of the ticket or badge of admission to the festival, together with the total number of tickets to be offered for sale and the applicant's best estimate of the number of persons expected to attend the festival.
- A detailed plan for adequate sanitation facilities and a plan for disposal of garbage, trash and sewage generated by the persons who will attend the festival. Such plan shall include provisions for removal from the festival area of garbage and trash at the end of the festival and shall include the names of the persons responsible for the work.
- Detailed plan for water, food, housing, fire, and medical
- Lighting and any shielding of lighting
- Security plan and insurance

- **\$100 fee for permit application**

- ➔ "As a condition to issuance of a permit, the board may require the applicant to make a deposit with the county treasurer to pay for the cost of additional county services necessary to meet the requirements of the plans submitted with the application and necessary to protect the health, safety and welfare of the citizens of this county. Such additional county services means any additional county personnel in excess of those regularly available to the music or entertainment festival and may include, but shall not be limited to, additional police officers for crowd control, traffic control and parking; additional firefighters for fire protection during the festival; and any additional medical or sanitation officers necessary to protect the health, safety and welfare of the persons attending the festival. The actual cost of such additional services shall be paid to the county out of the deposit, and the difference, if any, shall be refunded to the applicant within 14 days after the festival."

Summary:

Chesterfield has a very extensive system for events. They define music festivals vs entertainment festivals as two separate entities however, they are treated the same. They require a pretty extensive application process that requires significant amount of planning. The county administrator or the BOS has to approve the application within 30 days of receiving application. They also have a system set in place to release a bond to help with safety. [Sec. 3-19]

Orange

"Special Events" permitted on Agricultural Zoning District, (C-1) Limited Commercial Zoning, and (C-2) General Commercial Zoning.

Chapter 70-IV-2 Sec. 70-309

- A temporary zoning permit shall be required for special events that are planned for or which reasonably may be expected to attract more than 100 persons a day. Examples of special events which require a temporary zoning permit are: Carnival, circus, equipment show and display, festival, fair, fireworks show, tent event or similar meetings or event. Each subsequent event shall require a new permit.
- Special Events are permitted only between the hours of 7:00 a.m. to 10:00 p.m., Sunday through Thursday; and 7:00 a.m. to 12:00 a.m., Friday and Saturday. The zoning administrator may require that no activity, including set-up or knockdown of any such use, be permitted between 11:00 p.m. to 7:00 a.m.

- Niche things such as “If a temporary use permit is obtained for an outside music/festival, an entertainment permit will not be required.” And “Prior to issuance of a zoning permit, fireworks shows must also obtain a fireworks display permit, which sets forth the days and hours of the show, from the county administrator’s office.”
- A Permit can be exempt if the following
 - o less than 100 people
 - o private parties upon the ground of private residence and owner receives no compensation for hosting.
 - o event held by county or state
 - o Where events are held in spaces that were built for these events. Example sports stadium
 - o Any established event that has been in existence for 5 or more years as long as the use does not change
 - o Yard sales that do not last more than 3 days

Summary

Orange County does not separate musical and non-musical events. They only allow special events on parcels zoned Agricultural, Limited Commercial (C-1) and general commercial (C-2). They use the size of the event as the threshold for if they require a permit. If the size is less than 100 people that it is permitted by use. If it exceeds the 100 person number then it is required to have a permit. Fairly straightforward and not overly complex system for getting a permit.

Greene

12-III. 62-51

- The county administrator is authorized to require permits for the use of county streets, avenues, parks, bridges, and other public places or public property, for special events and community events, and for other activities that may affect the safety or convenience of the general public. The county administrator is authorized to promulgate regulations to govern the time, place and manner of such activities, and to establish reasonable fees, charges and rentals therefore.

C-16-21 & C-16-23 & C-16-24

	By right	By right with Zoning Clearance	special Use permit
Farm Wineries / Farm Brewery	<ul style="list-style-type: none"> - Production, harvesting, storage, sales, tasting, agritourism activities; - Agritourism or farm winery events or retail sales generating less than or equal to 200 vehicle trips/day & occurring on sites greater than or equal to 10 acres in size. - Less than or equal to 24 agritourism or farm wine/brewery events/year with less than or equal to 400 attendees at any time; - Structures for agritourism or farm winery sales less than or equal to 4,000 square feet 	<ul style="list-style-type: none"> - Outdoor amplified music (new establishments) - Agritourism or farm winery/brewery events or retail sales generating either greater than 200 vehicle trips/day or occurring on sites less than 10 acres in size ¹ ; greater than 24 agritourism or farm winery/brewery events per year with less than 400 attendees at any time 	<ul style="list-style-type: none"> - Structures for agritourism or farm winery/brewery sales greater than 4,000 square feet; -Events greater than 400 attendees at any time
Events and Activities at Agricultural Operations	<ul style="list-style-type: none"> - Harvest-your-own activities; - Agritourism, events or retail sales generating less than or equal to 200 vehicle trips/ day & occurring on sites greater than or equal to 10 acres in size ⁴ ; - Less than or equal to 24 farm tours/year with less than or equal to 400 attendees at any time; - Less than or equal to 24 educational programs, workshops or demonstrations related to agriculture or silviculture with less than or equal to 400 attendees at any time; - Structures for farm sales less than or equal to 4,000 square feet 	<ul style="list-style-type: none"> - Outdoor amplified music - Agritourism , events or retail sales generating either greater than 200 vehicle trips/day or occurring on sites less than 10 acres in size ⁴ ; - Greater than 24 farm tours per year or farm tours with less than 400 attendees at any time - Greater than 24 educational programs, workshops or demonstrations related to agriculture or silviculture with less than or equal to 400 attendees at any time 	<ul style="list-style-type: none"> - Structures for farm sales greater than 4,000 square feet; - Events or activities with greater than 400 attendees at any time

- When special use permit is required information pertaining maximum number of people, propose uses, on-site parking, frequency and duration of use, location, lights, location of any stage or where music will be performed is needed. As well as a sketch plan depicting all structures and their uses, access-parking, lighting, signage, minimum yards, and potential impacts to abutting lots.
- If outdoor music is being amplified, they need to get a Zoning certification. The sound cannot be amplified outside of the hours of 10:00 am to 10:00 pm
- Uses prohibited → Restaurants and Helicopter Rides

C-19-19 Temporary Events Zoning Permit

- "Temporary events permit are uses that is established for a fixed period of time, with the intent to discontinue such use upon the expiration of such time, and that does not involve the construction or alteration of any permanent building or structure. A temporary structure is a feature, device, container or vehicle without a permanent foundation or footing and which is removed when the designated time period, activity, or use for which temporary structure was erected has ceased."
- A temporary event zoning permit is required for any temporary event that will reasonably exceeded 50 people.
- Examples of temporary events which require a temporary zoning permit are: carnival, circus, festival, fair, dog show, horse show, fireworks show and similar uses.
- The temporary events zoning permit shall be issued for not more than four occasions per year and not more than seven consecutive days on a specific property.
- Limited to hours of 7:00 am to midnight and lighting must be provided if dark.
- Events can be exempted form temporary events zoning permit if
 - Less than 50 people
 - Event sponsored by county or another political subdivision of VA
 - Political rallies
 - The event is being held at a location designed for these events. For example stadiums and concert halls.

Summary

Greene County has their own separate thing that are permitted by right, with a zoning clearance, and with a SUP for wineries, breweries, and agricultural events. Mostly regarding the scale of the event. Music and non-music are separated in regards to the fact that if there's music it may trigger the need for a zoning clearance or a SUP. Events outside of the agricultural events require a "Temporary Events Zoning permit" if larger than 50 people. This behaves like a zoning compliance application would.

Nelson

A-24. Temporary Events, Festival Grounds, Out-of-Door Accessory Uses

Definitions

- *Agritourism Activity*: any activity carried out on a farm or ranch engaged in bona fide Agricultural Operations that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, wineries, ranching, historical, cultural, harvest-your-own activities, or natural activities and attractions. An activity is an agritourism activity whether or not the participant paid to participate in the activity.
- *Festival Grounds*: The use of land for the hosting and operation of Category 3 Temporary Events, and the construction, erection, or other use of structures or other improvements (temporary or permanent) associated with Category 3 Temporary Events. The minimum acreage for a Festival Grounds is 250 acres. Contiguous parcels under the same or different ownership or control may be aggregated to attain the minimum acreage; if contiguous parcels are under different ownership or control, the owner or agent for each parcel must formally authorize the application for a Festival Grounds Special Use Permit.
- *Out-of-Door, Accessory Use*: The following out-of-door activities are accessory uses to a Banquet Hall, Conference Center, Corporate Training Center, Restaurant, Brewery, and Distillery: receptions, dining, and entertainment, such as musical or other cultural performances, which (i) are conducted in connection with the primary permitted use, (ii) do not involve amplified sound later than 9:00 p.m. on Sundays through Thursdays or later than 10:00 p.m. on Fridays or Saturdays, and (iii) host no more than five hundred (500) attendees at any one time during the activity. Unless otherwise specified in (ii), all such accessory activities are limited to 10:00 p.m. on Sundays through Thursdays, and are limited to 11:00 p.m. on Fridays and Saturdays.
- *Temporary Event*: The temporary use of property that is not otherwise a by-right use or use permitted by special or conditional use permit.
- *Temporary Event, Historical Property*: An event such as historical reenactments, living history, home tours, or similar activities which are conducted in connection with a property of historical or natural value when there is either (i) no admission or (ii) a nominal admission dedicated to preservation, restoration, or charitable purposes.
- *Temporary Event, Non-Profit*: An event conducted by local non-profit community service organizations such as fire departments, rescue squads, schools, fraternal organizations, faith-based organizations, or community centers.
- *Temporary Event, Social*: A one (1) day private social event, such as weddings, receptions, and reunions, which is conducted on property not zoned for commercial uses and not a farm winery or agritourism activity venue, which is not open to the general public, to which attendance does not exceed 300 people, and for which the landowner charges a fee for the use of his property.

Exempts form Temporary Event Permit

- Private non-commercial functions conducted on the property of the host
- Social Temporary Events where permitted by right
- Historical Property Temporary Events.
- Non-Profit Temporary Events having or projecting no more than five hundred (500) attendees at any time during the event
- Athletic and sporting events conducted on sites approved for such events
- Political gatherings
- Religious gatherings
- Out-of-Door Accessory Uses
- Farm winery activities that, by virtue of the number of attendees, size and location of property, or hours of conduct, do not cause any substantial impact(s) on the health, safety, or general welfare of the public.
- Agritourism activities that, by virtue of the number of attendees, size and location of property, or hours of conduct, do not cause any substantial impact(s) on the health, safety, or general welfare of the public.
- Temporary Events which are conducted entirely within the Residential Planned Community District (RPC).

Temporary Event is split into three groups:

Category 1 Temporary Event (not permitted use nor exempt)

- admission is charged or at which goods and services are sold, having or projecting no more than five hundred (500) attendees
- Non-Profit Temporary Events having or projecting more than five hundred (500) attendees and less than one thousand (1,000) attendees
- Farm winery activities or Agritourism activities which - by virtue of the number of attendees, size and location of property, or hours of conduct - cause any substantial impact(s) on the health, safety, or general welfare of the public, and having or projecting less than one thousand (1,000) attendees at any time

May not exceed a max of 4 consecutive days. Amplified sound is not permitted after 11:00 pm on Sunday-Wednesday, 11:59 on Thursday, or 1:00am on Saturday. Requires a temporary event permit.

Category 2 Temporary Event (not permitted or exempt)

- admission is charged or at which goods and services are sold, and having or projecting more than five hundred (500) attendees but less than ten thousand (10,000) attendees

- Non-Profit Temporary Events having or projecting more than one thousand (1,000) attendees but less than ten thousand (10,000) attendees
- Farm winery activities or Agritourism activities which by virtue of the number of attendees, size and location of property, or hours of conduct cause any substantial impact(s) on the health, safety, or general welfare of the public, and having or projecting more than one thousand (1,000) attendees but less than ten thousand (10,000) attendees

May not exceed a max of 6 consecutive days open. Same Amplified sound rules as category 1. Requires a Temporary Event permit.

Category 3 Temporary Event

- Any event expecting to have more than 10,000 persons.
- Required to have a SUP, SDP, and TEP

Same rules as Category 2

Section A-24-3-A discuss what factors should be considered when determining if a TEP shall be issues. Section A-24-3-D discuss what has to be submitted for a complete application including fees (1→ \$100 2→ \$500 3→2,500)

Summary

Nelson county has a very extensive definition section in their ordinance and separates their Special events into three categories. This is determined by the size and nature of the event. If amplified sound is present, there is a time frame within the day that they are permitted. They also issue TEP, behaving much like the other TEPs for other counties.

Madison

Defines “event” as - public or private, fee-based or non-fee-based, gatherings of individuals, including without limitation, entertainment events, sporting events, arts and crafts shows, seasonal festivals, weddings and reunions.

- large-scale events are considered 300 or more daily attendees.

1-14-18 Event Venue

- Discusses the requirements for siting and construction of rural resorts.
- area restrictions (10 acres in A-1 and C-1), building height, open space, SUP for any construction, parking
- This behaves essentially like a SUP with a detailed plan for events in particular.

Summary

Madison doesn't contain a lot of special events. They define an event and large-scale event. While they do require certain perimeters for Rural Resorts, it doesn't contain its own permit.

FLUVANNA COUNTY PLANNING COMMISSION
MEETING MINUTES
132 Main Street Palmyra, VA 22963,
Tuesday, May 13, 2025
Work Session 6:00 | Regular Meeting 7:00 pm

MEMBERS PRESENT:

Barry Bibb, Chair
Howard Lagomarsino, Vice-Chair
Kathleen Kilpatrick, Commissioner
Lorretta Johnson-Morgan, Commissioner
Bob Dorsey, Commissioner
Mike Goad, Board of Supervisors Representative

STAFF PRESENT:

Todd Fortune, Director of Planning
Dan Whitten, County Attorney
Margie Bamford, Administrative Assistant
Eric Dahl, County Administrator
Kelly Harris, Assistant County Administrator
Jason Overstreet, Senior Planner
Alex Porter, Planner/GIS Technician

WORK SESSION:

- **WORK SESSION CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**
At 6:00 pm Chairman Bibb called the May 13, 2025 work session to order, led in the Pledge of Allegiance, and conducted a Moment of Silence.
- **Village Residential District:**
 - Mr. Fortune presented his power point as a starting point for discussion to create a Village Residential District for the Village of Columbia and discussion to use it for other villages in the County. This is done after several developers called the Planning Department for development in Columbia and it had been discovered that it was not possible due to the zoning and lot size and the need for water and sewer. Mr. Fortune also presented a draft ordinance for review that outlines some of the proposed ideas. Ms. Johnson-Morgan wanted to then know the boundaries the Planning Department was going to use to determine the new district, Mr. Fortune displayed the Columbia Zoning Map and outlined the current area for her. The flood zone was then discussed in relation to the zoning and the FEMA flood map was displayed for the Commission.
 - Ms. Kilpatrick discussed the different business and residential zoning that would have to be developed and also wanted to know how the County was going to determine what a “Village” was. There was some discussion on what would constitute a village (what the boundaries would be). Ms. Kilpatrick noted that different village areas would be distinct, and each one would have its own special features. Ms. Kilpatrick also discussed possibly creating an overlay district or special planning area for each individual village. Mr. Whitten then discussed the cost of adding sewer to Columbia and the possibility that when the zoning for when Columbia was created was possibly grandfathered in, but now Columbia has been rezoned when the town status went away and most of the lots are now non-conforming. Ms. Johnson-Morgan expressed concerns over changing zoning to add townhouses or other uses that developers were bringing in and that if individual residents wanted to allow this that was different. Ms. Johnson-Morgan was concerned the County was doing this to appease developers not the residents of Columbia.
 - Ms. Johnson-Morgan wanted to discuss the boundaries of Columbia again, wanting to better understand where the borders were going to be. She also discussed having community meetings to see what the residents thought about this zoning district. Mr. Dorsey agreed with community meetings but brought up concerns that citizens were going to want zoning from many years ago. Ms. Johnson-Morgan then stated that during previous community meetings she was understanding that the community was expressing concerns about the business district on East River Rd not the residences. Mr. Bibb then stated that nothing can be done until the flooding is addressed since heavy flooding has damaged the town in the past. Mr. Whitten stated that the Commission might want to consider residences due to the Cobb Creek Reservoir being constructed in Cumberland and that rooftops will bring in businesses.
 - It was then discussed by several Commission members lot sizes as they currently are in Columbia and how they will not be meeting sewer and water requirements, it was also

discussed that properties further north of Columbia could eventually be developed as well in the future. The community meetings for the Comprehensive Plan were discussed and Ms. Johnson-Morgan and Ms. Kilpatrick discussed what their individual groups requested for both Columbia and Fork Union and how this District Zoning would meet and not meet those needs. Mr. Fortune did remind the Commission that there were Community Plans on file but they were extremely dated.

- Mr. Dorsey then requested that during the community meetings that the Planning Department try and create a model of what they zoning would look like for presentation to make it easier for the community to understand since he thought the ordinance was hard for a citizen to understand. Images from another village were presented to see what it could look like. Ms. Kilpatrick agreed with that idea and also discussed having different zoning for the different villages in the county. Fork Union was then discussed by several members, they were trying to discuss boundaries and the definition of a village was discussed again. Several members also discussed overlay districts again. It was decided by several members that the Planning department would do more research, schedule at least one community meeting in Columbia and bring it back to the Commission when that was completed.

- **ADJOURNMENT:**
 - Mr. Bibb adjourned the work session at 6:48pm.

REGULAR MEETING:

- **MEETING CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**
At 7:00 pm Chairman Bibb called the May13, 2025 regular meeting to order, led in the Pledge of Allegiance, and conducted a Moment of Silence.
- **Adoption of the Agenda:**

MOTION:	To Approve the Adoption of the Agenda of the Planning Commission meeting for May 13, 2025 Meeting with removal of the Landscaping Ordinance discussion.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:				Motion	Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **Director’s Report:**
 - **Staff Updates:**
 - Margie Bamford is leaving her position as Administrative Programs Specialist to take a position with the Sheriff’s Office.
 - Her last day with the Planning and Zoning Department will be May 23.
 - The Administrative Programs Specialist Position will be advertised soon
 - **There is one public hearing on the agenda for tonight.**
 - ZTA-GIS as the County’s official zoning map.
 - There are two SDP sidewalk waiver requests that will be presented to the Commission tonight for review.
 - Project Hoops
 - Artful Lodger
 - There are two resolutions for proposed Zoning Text Amendments that will be presented to the Commission tonight for approval
 - Solid Waste
 - Sidewalks

● **Future Meetings-**

Day	Date	Time	Public Hearings and Public Meetings	Location
Tuesday	Jun 10, 2025	6pm 7PM	Work Session (TDB) Regular Meeting	Morris Rm
Tuesday	Jul 8, 2025	6pm 7PM	Work Session (TDB) Regular Meeting	Morris Rm
Tuesday	Aug 12, 2025	6pm 7PM	Work Session (TDB) Regular Meeting	Morris Rm

- Minutes:**

MOTION:	To Approve the meeting minutes from March 11, 2025				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Abstain	Aye	Aye
RESULT:	4-0 Approved, 1 Abstain				

MOTION:	To Approve the meeting minutes from April 8, 2025				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- Public Comments:**

- Mr. Bibb opened the first round of public comments at 7:06pm. Mr. Isaac Shelley, 3414 Rolling Rd South, wanted to discuss the Columbia Village district creation and his thoughts on the public water and sewer. He also discussed the boundaries of Columbia and his plans for the property he owns in the village. No one else came forward, Mr. Bibb closed the first round of public comments at 7:11pm.

- Public Hearings:**

- ZTA 25:05-GIS Zoning Map, Jason Overstreet, Senior Planner-

- Mr. Overstreet presented a power point on the proposed ZTA accepting the GIS map as the Counties official zoning map.
- Mr. Bibb opened the Public Hearing at 7:14pm. With no one coming forward, Mr. Bibb closed the public hearing at 7:14pm.
- Mr. Dorsey did want to confirm with Mr. Overstreet that the online GIS map was updated more than the paper one. Mr. Overstreet confirmed that is was.

MOTION:	I move that the Planning Commission recommend approval of ZTA 25:05, on ordinance to amend the Code of the County of Fluvanna, Virginia by adding Section 22-1-3 to identify the County’s GIS map as the official zoning map of Fluvanna County.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Second			Motion
VOTE:	Aye	Aye	Nay	Aye	Aye
RESULT:	5-0 Approved				

- Site Development Plans-**

- Sidewalk Waiver for Project Hoops, Todd Fortune, Director of Planning-

- Mr. Fortune presented his power point on the sidewalk waiver that was requested by the developer of the project, as well as the fact that the site development plan was accepted previously by the Commission.
- Ms. Johnson-Morgan discussed concerns about the County waiver with so many sidewalks due to future uses in the county. She wanted to know why the County was pushing for more development but allowing sidewalks to be waived. Mr. Fortune advised that historically the Commission had waived sidewalks in the “I” and “B” districts in the past. Ms. Johnson-Morgan was still concerned about pedestrian traffic in the area and if a sidewalk would be beneficial for citizens. Mr. Whitten stated that sidewalks also interfered with the size of vegetative buffers on properties as well. Ms. Kilpatrick raised concerns about citizens walking through properties and it being a liability to the businesses. Mr. Whitten stated that VDOT would have to give

- approval and they may not give approval due to the speed limit in the area.
- Ms. Johnson-Morgan Stated the community wanted to know why sidewalks are being waived as well. She also raised concerns about the lack of bicycle lanes on Rt. 15 as well. Mr. Lagomarsino stated that where he understood the concerns, there was also a possibility the roadway would be widened in the area if more development occurred, so the sidewalks would have to be moved if that happened. Mr. Lagomarsino also brought up concerns that there were no sidewalks in the area so it would serve no purpose to have a sidewalk there currently. Ms. Kilpatrick stated that the county citizens want business as a relief from taxes and the Commission needed to encourage that and that perhaps vegetative buffer would be a better since the property is an entrance corridor. Ms. Johnson-Morgan commented on the future developments and need for sidewalks in the area due to the amount of citizen foot traffic on Rt. 15 currently and the addition of large tractor trailers due to the warehouse that is being constructed.

MOTION:	I move that the Planning Commission approve a request for a variation to the sidewalk regulations required by Section 22-23-6 of the Fluvanna County Code for SDP 25:03.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion	Second		
VOTE:	Aye	Aye	Aye	Aye	Nay
RESULT:	4-1 Approved				

- **SDP25:04-Artful Lodger Sidewalk Waiver, Jason Overstreet, Senior Planner-**
 - Mr. Overstreet presented a power point on the sidewalk waiver for the minor site plan. Mr. Overstreet did advise the Commission that this did not come before them for site plan development approval since it was a minor site development.
 - Mr. Goad wanted to know why there were so many waivers coming up recently to the Commission. The Planning Department staff stated they did not know why so many had come up recently. There were no further questions from the Commission.

MOTION:	I move that the Planning Commission approve a request for a variation to the sidewalk regulations required by Section 22-23-6 for SDP 24:05				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion		Second	
VOTE:	Aye	Aye	Aye	Aye	Nay
RESULT:	4-1 Approved				

- **Resolutions:**
 - **ZTA 25:02-amend the definition of “Solid Waste Material Recovery Facility” and “Solid Waste Collection Facility”**
 - Mr. Fortune presented the ZTA to the Commission, stating this ZTA was deferred until staff had time to research how other counties defined solid waste and hazardous waste. There were no questions from the Commission.

MOTION:	I move that the Planning Commission approve resolution to advertise a public hearing on June 10, 2025 to consider ZTA 25:02-an ordinance to amend and reordain “the Code of the County of Fluvanna, Virginia”				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **ZTA 25:06-Amendment to remove sidewalk requirements from I-1 and I-2 Industrial Zoning Districts.**
 - Mr. Fortune presented to the Commission his PowerPoint on the information to remove sidewalk requirements in Industrial districts.
 - Mr. Goad wanted to know if there were any pending plans that this ZTA would affect, Mr. Fortune was not aware of any. Mr. Whitten stated that sidewalks could still be offered in the re-zoning phase with proffers. Ms. Kilpatrick had questions about wording and if it allowed for sidewalks to be asked for in situations where there were already sidewalks in place, such as residential or school areas. She also wanted to know if there was a restriction on materials, so that more green materials could be used. There were no further questions from the Commission

MOTION:	I move that the Planning Commission approve resolution to advertise a public hearing on June 10, 2025 to consider ZTA 25:06 to amend the Code of the County of Fluvanna, Virginia by amending Sections, 19-8-8, 22-11-11, 22-12-11, 22-23-6 and 22-23-7 to remove the sidewalk requirements from I-1 and I-2 Industrial Districts.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			
VOTE:		Aye			
RESULT:	Denied due to lack of a second				

- **Presentations**
 - None
- **Subdivisions:**
 - None
- **Unfinished Business:**
 - **Comprehensive Plan-Todd Fortune, Director of Planning:**
 - Mr. Fortune presented a power point on the Committee updates and presented the numbers for the online survey participation
 - **SUP 25:01-Sprouse-Specialty Retail Store-Jason Overstreet, Senior Planner.**
 - Mr. Overstreet Presented the information to the Commission from last months meeting and the deferral for the retail store. The information was presented on the community meeting, the number of attendees and the concerns that were raised by the citizens. Mr. Overstreet also went over the new stipulations that were added into the SUP as well if approved as well as approved VDOT traffic information on crashes within the last 8 years.
 - Commission members questioned Mr. Sprouse on his hours, on the safety measures, such as a back stop, and the location of the archery range as well. They also confirmed that there would be no shooting of fire arms on the property as well. Mr. Bibb provided photos he had taken of the facility to the other Commission members to show where the location of the range would be and Mr. Bibb also commented on his thoughts of the traffic since he had entered and exited the property. Mr. Bibb also had distances to the local fire department and rescue squad he provided to the Commission members.
 - Ms. Johnson-Morgan had questions about what the other house on the property would be used for and Mr. Sprouse was unable to provide an answer, citing he was not the owner of the property and didn't know what the owner had planned for it. Mr. Bibb had questions about hunting and how the no shooting of firearms on the property would be handled. Mr. Goad also had questions about it and said it was his understanding that the no shooting included hunting, but only on the seven acres, not on the rest of the owner's property which surrounded the property the SUP was contained too. Mr. Johnson-Morgan brought up the concerns of citizens with hunting on the property as well as the traffic concerns

citizens had brought up in the community meetings and that a citizen spoke to her and said he had talked to his neighbors and they as well as himself, wanted a traffic study done in the area.

- Ms. Kilpatrick stated that she was at the community meeting and that most of the citizens seemed less concerned once Mr. Spouse stated the archery range would be enclosed and that information had been provided to a citizen with concerns to hunting for the Virginia Department of Game and Wildlife Resources. Mr. Kilpatrick also stated she noticed that the biggest concerns were over traffic in the area, not due to Mr. Sprouse’s store, but due to ongoing issues in the area and that it seemed to be an enforcement issue not a traffic study issue.
- Ms. Johnson-Morgan also raised concerns that neither she nor had the BOS representative had been notified of the community meeting and that she is not sure if who she spoke to was the same person that was at the meeting and that person said different things were said. Mr. Bibb once again stated he was not concerned with the traffic in the area and again offered photos of the entrance. Ms. Johnson-Morgan stated she did have concerns because she drove the road everyday and thought that the number of clientele Mr. Sprouse was going to bring in was going to cause traffic problems. Ms. Kilpatrick stated that she thinks that getting enforcement in the area should handle the citizens’ concerns and that the community at the meeting as a whole, with the exception of one citizen, seemed favorable to the store.

MOTION:	I move that the Planning Commission recommends approval of SUP25:01, a special use permit request in the A-1, Agricultural, General District to operate a specialty retail store on a approximately 7-acre parcel located at 1474 North Boston Road and also known as Tax Map Parcel 10-A-60A subject to the conditions as described in the staff report.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion	Second		
VOTE:	Aye	Aye	Aye	Aye	Nay
RESULT:	4-1 Approved				

○ **Food Trucks-**

- Mr. Fortune discussed the letters sent out to the food truck vendors and presented the 2 answered that he received back.
- Mr. Bibb stated he did have concerns about the food trucks parking in the residential areas and in front of people’s houses. Mr. Fortune did state that the ordinance did have wording added due to the addition of meals taxes in Fluvanna County. Ms. Johnson-Morgan wanted to confirm if this was for food trucks coming in for special events or more permanent food trucks and that the formation of an ordinance was cause food trucks to not want to come to Fluvanna County. Mr. Bibb stated that the person that had come in before was complaining about his signs that had nothing to do with the ordinance. Ms. Johnson-Morgan stated once again that trucks are not coming into the County because of this. Mr. Whitten stated that in some counties there is wording in their ordinances to exclude special events so they wouldn’t have to come into zoning for approval. It would just be the trucks that are in the county on a permanent basis and that there is no fee with the ordinance, just a permit.
- Mr. Goad suggested if they are already going to the Commissioner of the Revenue could there be a joint form between them and Planning to cover this. Mr. Whitten has a meeting with the Commissioner at a later date and will bring this up to him. Ms. Johnson-Morgan wanted to know as a event coordinator if she was responsible to collect the meals tax or who was supposed to collect it in the instance of a special event. Mr. Whitten explained the process to her and assured her that if vendors operated in other counties with meals taxes they were familiar with how to handle it. Mr. Goad stated that the Commission should wait until after the meeting between the County Attorney and the County Commissioner of the Revenue to see what they discuss.

● **New Business:**

- There was a discussion by Ms. Johnson-Morgan on adjusting the way community meetings were handled. Neither she nor the area BOS member were made aware of the community meeting for the Sprouse SUP and she stated she was approached by numerous other citizens in the county upset that they were not invited to participate.

Mr. Fortune and Mr. Bibb stated that 109 letters were sent out in a 1-mile radius of the SUP location, but confirmed nothing was put in the Fluvanna Review.

- **Public Comments #2:**
 - Mr. Bibb opened the second round of public comments at 8:24 pm and Tracey Smith, 2 Sandy Beach Ct, came forward and spoke against the Sprouse SUP and concerns of speeding in the area of North Boston Rd. She was also concerned about the sidewalk waivers and how it will impact pedestrians in the area. With no one else coming forward, Mr. Bibb Closed the second round of Public Comments at 8:26 pm.
- **ADJOURNMENT**
 - Prior to adjournment, Ms. Johnson-Morgan went on record requesting that if there are any community meetings that affect her district in her future, she and her representative on the Board of Supervisors be notified by phone, text, or e-mail. She reiterated her concern that she was not aware of the community meeting for the Sprouse SUP in advance, and pointed out that she requested the community meeting. Ms. Kilpatrick noted that she suggested to Mr. Fortune that the issue of protocol for community meetings be brought up at a future meeting.
 - Chair Bibb called for a motion to adjourn the May 13, 2025 Planning Commission regular meeting.

MOTION:	Motion to Adjourn the May 13, 2025 Planning Commission regular meeting at 8:29 pm.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:			Second		Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

Minutes were recorded by Margie Bamford, Administrative Programs Specialist.

Barry Bibb, Chair
Fluvanna County Planning Commission

**FLUVANNA COUNTY PLANNING COMMISSION
MEETING MINUTES
132 Main Street Palmyra, VA 22963,
Tuesday, June 10, 2025
Regular Meeting 7:00 pm**

MEMBERS PRESENT:

Barry Bibb, Chair
Howard Lagomarsino, Vice-Chair
Kathleen Kilpatrick, Commissioner
Lorretta Johnson-Morgan, Commissioner
Bob Dorsey, Commissioner
Mike Goad, Board of Supervisors Representative

STAFF PRESENT:

Todd Fortune, Director of Planning
Dan Whitten, County Attorney
Eric Dahl, County Administrator
Kelly Harris, Assistant County Administrator
Jason Overstreet, Senior Planner
Alex Porter, Planner/GIS Technician

MEETING CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:

At 7:00 pm Chairman Bibb called the June 10, 2025 regular meeting to order, led the Pledge of Allegiance, and conducted a Moment of Silence.

- **Adoption of the Agenda:**
 - There was one change to the agenda. Mr. Fortune requested that the minutes from the May 13, 2025 Commission meeting be deferred until July due to a change that needs to be made.

MOTION:	To Approve the Adoption of the Agenda of the Planning Commission meeting for June 10, 2025 Meeting				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	4-0 Approved, one absent				

- **Director’s Report:**
 - **Staff Updates:**
 - We are working to fill the Administrative Programs Specialist position, and will keep the Commission posted on the status.
 - **There are three public hearings on the agenda for tonight.**
 - SUP: Fork Union Drive-in
 - ZMP: Fluvanna County/BHL Group
 - ZTA: Amend definitions related to solid waste
 - There is one SDP sidewalk waiver requests that will be presented to the Commission tonight for review.
 - Fork Union Fire Training Center
 - There are two resolutions for proposed Zoning Text Amendments that will be presented to the Commission tonight for approval
 - Solid Waste
 - Sidewalks

• **Future Meetings:**

Day	Date	Time	Public Hearings and Public Meetings	Location
Tuesday	July 8, 2025	6pm 7pm	Work Session (TDB) Regular Meeting	Morris Rm
Tuesday	Aug. 12, 2025	6pm 7pm	Work Session (TDB) Regular Meeting	Morris Rm

Tuesday	Sept. 9, 2025	6pm 7pm	Work Session (TDB) Regular Meeting	Morris Rm
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- **Minutes:**
 - Ms. Johnson-Morgan requested that a change be made to the minutes from the May 13, 2025 meeting; those minutes will be brought to the next meeting for approval.
- **Public Comments:**
 - Mr. Bibb opened the first round of public comments at 7:07pm. No one came forward to speak, and Mr. Bibb closed the first round of public comments at 7:08pm.
- **Resolutions:**
 - **ZMP 25:01 – BHL Group/Fluvanna County – Todd Fortune, Director of Planning**
 - Board of Supervisors requested the rezoning from A-1 to I-L for 36.187 acres of TM 11-9-3.
 - Given the timing of this rezoning, the resolution was presented tonight in advance of the scheduled public hearing.

MOTION:	I move that the Planning Commission approve the Resolution to advertise a public hearing on June 10, 2025 to consider ZMP 25:01 – a request to amend the Fluvanna County zoning map to rezone 36.187 +/- acres of Tax Map 11 Section 9 Parcel 3 from A-1, Agricultural, General to I-1, Industrial, Limited.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Nay	Aye	Aye
RESULT:	5-0 Approved				

- **Public Hearings:**
 - **SUP 25:03 – Fork Union Drive-in, Jason Overstreet, Senior Planner**
 - Mr. Overstreet presented a power point on the proposed SUP for an outdoor entertainment site for TM 51-A-61 and TM 51-A-62 in the Fork Union district.
 - Mr. Ronald Unnerstall, the applicant, spoke about the drive-in reopening project, referencing an online petition for reopening.
 - Mr. Unerstall stated that the petition had more than 1,000 signatures.
 - John Lamb also spoke about the project. This project is a partnership between the property owners and the Lamb family.
 - The move screen will need to be rebuilt.
 - A new ADA-compliant bathroom will be built on site.
 - The proposed hours for movies will be:
 - April, May, September, October: Open Friday and Saturday from 6:00 pm to 1:00 am.
 - June, July, August: Open Wednesday, Thursday, Friday, and Saturday from 6:30 pm to 2:30 am.
 - They hope to have a soft opening later this year, with the drive-in reopening in April 2026.
 - Ms. Johnson Morgan asked that the movie hours be shortened on Wednesdays and Thursdays during June, July, and August.
 - Mr. Dorsey asked for clarification on the proposed use definition, whether it was tight enough for what the applicants want to do. Mr. Overstreet advised that the SUP is for the drive-in. Other proposed uses are by right, but would require a Special Event Permit.
 - Chairman Bibb opened the Public Hearing at 7:31 pm. The following individuals spoke out in favor of the project:
 - Patty Reynard, 3531 Union Mills Road
 - Sandra Turner, 1801 East River Road
 - David Turner, 1801 East River Road
 - Steven Viminimus, 15866 West River Road

- Peggy Donahue, County resident
- Rhonda Griffin, 3474 Cloverdale Road
- Jason Sweeney, 3456 James Madison Highway
- Dave Trost, 2040 Gold Mine Road
- Judith Walker, 31 Northwood Road
- Katherine Kilmon, 13377 West River Road
- With no one else wishing to speak, Chairman Bibb closed the Public Hearing at 7:41 pm.

MOTION:	I move that the Planning Commission recommend approval of SUP 25:03, a Special Use Permit request in the B-1, Commercial, General District for an outdoor entertainment site under Section 22-9-2.2 on two parcels identified as Tax Maps 51-A-61 and 51-A-62, subject to conditions as described in the staff report.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

MOTION:	I move that the Planning Commission approve a request for a variation to the sidewalk regulations required by Sec. 22-23-6 for SUP 25: 03.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

○ **ZMP 25:01 – BHL Group/Fluvanna County, Todd Fortune, Director of Planning**

- Mr. Fortune gave a presentation about a Board-initiated rezoning request for BHL Group to change a 36.18-acre parcel (TM 11-9-3) from A-1, Agricultural to I-1, Industrial use near Zion Crossroads.
- The property owners have agreed to proffer out certain uses, including self-storage facilities, solid waste collection facilities, and solar generation. The Technical Review Committee had no objections, though VDOT noted the need for future site plan reviews.
- Ms. Johnson-Morgan expressed concerns about the possibility of a data center being located on the subject property, and asked why that use was not proffered out. Ms. Schmack responded that a data center at this site is not likely due to the absence of needed utilities in the area. Mr. Whitten stated that County staff could talk to the owners about adding this to the proffer statement.
- Ms. Johnson-Morgan asked about where the actual entrance road for any development on the property will be. Ms. Schmack stated that it is not known at this time, and will be worked out when a development is proposed.
- Ms. Johnson-Morgan aired a concern about the creek on the property. Ms. Kilpatrick stated that she would like a chance to look at that when any development is proposed, but added that federal regulations for streams and waterways are fairly extensive.
- Chairman Bibb opened the Public Hearing at 7:59 pm. The following individuals spoke:
 - Don Reynard, 3531 Union Mills Road, said the County should look at any and all business requests that come in.
 - Patty Reynard, 3531 Union Mills Road, said the County needs more businesses and more jobs for the people in the County. She said once a property is rezoned, taxes need to reflect the new zoning. She suggested looking at what neighboring counties do to attract businesses, and reiterated her support for more businesses in the County.
- With no one else wishing to Speak, Chairman Bibb closed the Public Hearing at 8:05 pm.

MOTION:	I move that the Planning Commission recommends approval of ZMP 25:01, a request to amend the Fluvanna County Zoning map to rezone District 36.187 +/- acres of Tax Map 11 Section 9 Parcel 3 from A-1, Agricultural, General to I-1, Industrial, Limited subject to the revised proffers dated June 5, 2025.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **ZTA 25:02 – Revised definition of “Solid Waste Material Recovery Facility” and “Solid Waste Collection Facility,” Todd Fortune, Director of Planning**
 - Mr. Fortune presented the ZTA to the Commission, reminding them that this ZTA had been deferred in March until staff had time to research how other counties defined solid waste and hazardous waste. Some changes have been made at the request of the Planning Commission; those changes were presented for approval.
 - Chairman Bibb opened the Public Hearing at 8:10 pm.
 - Don Reynard, 3531 Union Mills Road, said he would like to see solid waste processed in the County limited to a geographic area.
 - With no one else wishing to speak, Chairman Bibb closed the Public Hearing at 8:11 pm.

MOTION:	I move that the Planning Commission recommend approval of ZTA 25:02 – an Ordinance to amend and reordain “The Code of the County of Fluvanna, Virginia” by amending Section 22-22-1 to add a definition for “Solid Waste” and to amend the definitions of “Solid Waste Material Recovery Facility” and “Solid Waste Collection Facility.”				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Second			Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **SDP 25:06 – Fork Union Fire Training Building, Todd Fortune, Director of Planning**
 - Mr. Fortune presented this sketch for a Site Development Plan to the Commission. This is a County-owned parcel, and the County is requesting acceptance of a sketch plan and approval of a sidewalk waiver for a fire training building on an approximately 9.8-acre parcel, Tax Map 51-A-129. This is an amendment to a previously approved site plan.
 - The sketch was originally presented in 2019. The amended site plan has a slightly different building footprint than the original submittal.
 - The applicant has submitted a sidewalk variation request.
 - During the Technical Review Committee’s review of this sketch, VDOT stated the entrance appeared acceptable; however, they would need to see the plans to know the trip generation.
 - Stephen Morris, Interim Director of Emergency Services, advised that trip generation is expected to be minimal.
 - The Virginia Department of Health (VDH) stated that they have no concerns unless bathrooms are installed.
 - Ms. Johnson-Morgan asked why the sidewalk requirement would be waived, if it is the goal to have the area in question be a walkable business district. Benjamin Powell, representing the firm working with the County on the design for the building, stated that traffic using the building would use the entrance for the Community Center. Ms. Schmack clarified that the sidewalk waiver was just for this building, and that a future industrial park built (separately) on the parcel could be served by sidewalks.

MOTION:	I move that the Planning Commission accept SDP 25:06, a sketch plan request to construct a fire training center on an approximately 9.8-acre parcel identified as Tax Map 51-A-129.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

MOTION:	I move that the Planning Commission approve a request for a variation to the sidewalk regulations required by Sec. 22-23-6 for SDP 25:06.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Second			Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **Presentations**
 - None
- **Subdivisions:**
 - None
- **Unfinished Business:**
 - **Comprehensive Plan - Todd Fortune, Director of Planning:**
 - Mr. Fortune presented a PowerPoint on an update of progress on the Plan update. The Advisory Groups have had multiple meetings; and each group has another meeting scheduled within the next month.
 - The Citizen Survey deadline was May 30. A total of 757 surveys were returned (34 paper surveys; 723 online surveys); staff are working to compile the results.
 - **Food Trucks – Todd Fortune, Director of Planning**
 - After previous discussion by the Planning Commission, staff developed a checklist for food unit operators and revised the proposed ZTA. The revised ZTA defines a Mobile Food Unit and lists it as a by-right use in all zoning districts.
 - Underlying regulations were removed from the draft ZTA.
 - Ms. Johnson-Morgan expressed a concern about the definition of Mobile Food Unit, specifically the wording that such a unit be “not permanent fixtures to a specific property.” Staff proposed “not affixed to a foundation” as an alternative.
 - Ms. Johnson-Morgan asked that the second bullet point on the checklist be reworded, starting a concern about requiring a zoning permit since this would be a by-right use. A requirement for written permission from the property owner was discussed as an alternative.
 - The Commission asked staff to send the revised ZTA to known food unit operators in the County for review and input.
 - **Community Meetings – Todd Fortune, Director of Planning**
 - Mr. Fortune reminded the Planning Commission of concerns expressed in May about the way community meetings are handled and how members of the Commission and Board of Supervisors are notified.
 - Staff advised that typically, the applicant is responsible for holding a community meeting; staff can help facilitate the meeting as needed.
 - Ms. Johnson-Morgan mentioned that this was discussed in 2022 and 2023. Mr. Fortune stated that he would see if he can find a record of that discussion.
 - Mr. Goad said that there is a need to clarify responsibilities – applicant and County – when it comes to scheduling and advertising community meetings.
- **New Business:**
 - None.
- **Public Comments #2:**

- Mr. Bibb opened the second round of public comments at 8:50pm.
 - Crystal McIntosh Harris, 1516 Stage Junction Road and representing June's Eats and Sweet Treats, emphasized the need for clear and understandable definitions in food truck regulations to help business owners comply. She urged for transparency and cooperation in developing the new rules, and said the rules should work for everybody.
 - Patty Reynard, 3531 Union Mills Road, spoke against the food tax, saying it was a shame to hassle businesses and tax residents again. She said such taxes will drive vendors to other localities, and stated the County is not welcoming to businesses. She further said that the County suffered from uneven enforcement, and added that the County has not been trying to improve the Columbia area.
 - Carolyn Franklin, 1066 Stage Junction Road, spoke in favor of removing the requirement for the zoning permit on the food truck checklist. She said that Fluvanna County has been too hard on small businesses, heavy-handed with taxes and enforcement on small businesses and giving tax breaks to big businesses. She urged Fluvanna to be more even-handed in taxation and enforcement.
 - Leon Harris, 1516 Stage Junction Road and owner of June's Eats and Sweet Treats, said he was grateful his issues were addressed but said he feels unfairly targeted by county employees. He stressed the need for Fluvanna County to be more welcoming to new businesses and the rules to be fair, and said the County has not been business friendly. He said Columbia has been “left off the agenda.”
- With no one else coming forward, Mr. Bibb closed the second round of Public Comments at 9:04 pm.
- **ADJOURNMENT.**
 - Chair Bibb called for a motion to adjourn the June 10, 2025 Planning Commission regular meeting.

MOTION:	Motion to Adjourn the June 10, 2025 Planning Commission regular meeting at 9:05 pm.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

Minutes were recorded by Karis White, Paralegal/Legal Assistant.

Barry Bibb, Chair

Fluvanna County Planning Commission



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
Palmyra, VA 22963
(434) 591-1910
Fax (434) 591-1911

PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commissioners

From: Dan Whitten, County Attorney

Case Number: ZTA 25:04

District: Countywide Amendment

General Information:

This is a request for a public hearing to be held on Tuesday, August 12, 2025 at 7:00 pm to be heard by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

Requested Action:

Recommend advertisement for a public hearing to approve an amendment to the Fluvanna County Zoning Ordinance by amending §§ 22-22-1, 22-3-2.1, 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, 22-9-2.1, 22-10-3, 22-11-2.1, 22-12-2.1 and 22-13-2.1 to define "mobile food unit" and to authorize such activity by-right in all zoning districts.

Background Information: Our Code currently does not define mobile food unit. The definition is taken from the Virginia Code § 58.1-3715.1.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION (APPROVE/ DENY / DEFER) THE RESOLUTION TO ADVERTISE A PUBLIC HEARING ON AUGUST 12, 2025 TO CONSIDER ZTA 25:04 – AN ORDINANCE TO AMEND AND REORDAIN "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY AMENDING §§ 22-22-1, 22-3-2.1, 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, 22-9-2.1, 22-10-3, 22-11-2.1, 22-12-2.1 and 22-13-2.1 TO DEFINE MOBILE FOOD UNIT AND TO AUTHORIZE SUCH ACTIVITY BY-RIGHT IN ALL ZONING DISTRICTS.



PLANNING COMMISSION

County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 2025-04

A RESOLUTION OF INTENTION TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 22-22-1, 22-3-2.1, 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, 22-9-2.1, 22-10-3, 22-11-2.1, 22-12-2.1 and 22-13-2.1 TO DEFINE “MOBILE FOOD UNIT” AND TO AUTHORIZE SUCH ACTIVITY BY-RIGHT IN ALL ZONING DISTRICTS.

WHEREAS, the regulations established in the Fluvanna County Zoning Code (“Zoning Code”) may from time to time be amended, supplemented, changed, modified or repealed by the governing body pursuant to § 15.2-2285 of the Code of Virginia; and

WHEREAS, in accordance with § 22-20-1 of the Zoning Code, the Fluvanna County Planning Commission (“Planning Commission”) can adopt a resolution of intention to propose an amendment to the Zoning Code; and

WHEREAS, the Planning Commission desires to propose an amendment to the Zoning Code by amending §§ 22-22-1, 22-3-2.1, 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, 22-9-2.1, 22-10-3, 22-11-2.1, 22-12-2.1 and 22-13-2.1 to define “mobile food unit” and to authorize such activity by-right in all zoning districts; and

WHEREAS, the Planning Commission finds that this proposed amendment in a matter of public necessity, convenience, general welfare or good zoning practice; and

WHEREAS, the Planning Commission shall hold a public hearing on such proposed amendments after notice as required by § 15.2-2204 of the Code of Virginia, and may make appropriate changes in the proposed amendment as a result of such hearing.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission proposes an amendment to the Zoning Code by amending §§ 22-22-1, 22-3-2.1, 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, 22-9-2.1, 22-10-3, 22-11-2.1, 22-12-2.1 and 22-13-2.1 to define “mobile food unit” and to authorize such activity by-right in all zoning districts; and

BE IT FURTHER RESOLVED, the Planning Commission authorizes the Director of Planning to advertise the proposed amendment for a public hearing on August 12, 2025; and

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Planning Commission at a meeting of the Commission held on the 8th day of July, 2025:

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Barry Bibb, Cunningham District						
Lorretta Johnson-Morgan, Columbia District						
Kathleen Kilpatrick, Fork Union District						
Howard Lagomarsino, Palmyra District						
Eddie Shifflett, Rivanna District						

Attest:

Barry Bibb, Chair
Fluvanna County Planning Commission

(Seal)

PUBLIC HEARING

Fluvanna County Planning Commission

Tuesday, August 12, 2025, at 7:00 p.m.

Pursuant to Virginia Code Sections 15.2-1427 and 15.2-2204, a Public Hearing will be held in the Morris Room in the County Administration Building at 132 Main Street, Palmyra, Virginia 22963 for citizens of the County to have the opportunity to appear before and be heard by the Planning Commission for the following items:

ZTA 25:04: Ordinance to amend the “Code of the County of Fluvanna, Virginia,” by amending §§ 22-22-1, 22-3-2.1, 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, 22-9-2.1, 22-10-3, 22-11-2.1, 22-12-2.1 and 22-13-2.1 to define “mobile food unit” and to authorize such activity by-right in all zoning districts.

A copy of the complete text of the above ordinance is available for public review at <https://www.fluvannacounty.org/> and at the Fluvanna County Planning and Zoning Department during normal business hours. Questions may be directed to the Planning and Zoning Department, at (434) 591-1910. All interested persons wishing to be heard are invited to attend the public hearing.

TO: Fluvanna Review

Advertise on the following dates: July 31, 2025 & August 7, 2025

Authorized by: Fluvanna County Planning Commission

Bill to: Planning Commission

CONTACT INFORMATION:

Todd Fortune

Director of Planning

Fluvanna County

P. O. Box 540

Palmyra, VA 22963

tfortune@fluvannacounty.org

434-591-1910

ZTA 25:04

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-22-1 TO ADD A DEFINITION FOR MOBILE FOOD UNIT; AND AMENDING §§ 22-3-2.1, 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, 22-9-2.1, 22-10-3, 22-11-2.1, 22-12-2.1 AND 22-13-2.1 TO LIST MOBILE FOOD UNIT AS A BY-RIGHT USE.

BE IT ORDAINED by the Board of Supervisors of Fluvanna County:

- (1) *That the Code of the County of Fluvanna, Virginia is amended by amending §§ 22-22-1, 22-3-2.1, 22-4-2.1, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, 22-9-2.1, 22-10-3, 22-11-2.1, 22-12-2.1 and 22-13-2.1 as follows:*

CHAPTER 22 ZONING

ARTICLE 22. – DEFINITIONS.

Sec. 22-22-1. – Rules of construction; definitions.

Mobile Food Unit: A restaurant that is mounted on wheels and readily moveable from place to place at all times during operation.

ARTICLE 3. – SOLAR, GENERAL, DISTRICT S-1

Sec. 22-3-2.1. - Uses permitted by right.

The following uses shall be permitted by right:

Mobile Food Unit

ARTICLE 4. – AGRICULTURAL, GENERAL, DISTRICT A-1

Sec. 22-4-2.1. - Uses permitted by right.

The following uses shall be permitted by right:

Mobile Food Unit

ARTICLE 5. – RESIDENTIAL, LIMITED, DISTRICT R-1

Sec. 22-5-2.1. - Uses permitted by right.

The following uses shall be permitted by right:

Mobile Food Unit

ARTICLE 6. – RESIDENTIAL, GENERAL, DISTRICT R-2

Sec. 22-6-2.1. - Uses permitted by right.

The following uses shall be permitted by right:

Mobile Food Unit

ARTICLE 7. – RESIDENTIAL, PLANNED COMMUNITY, DISTRICT R-3

Sec. 22-7-9.1. - Uses permitted by right.

The following uses shall be permitted by right:

Mobile Food Unit

ARTICLE 8. – RESIDENTIAL, LIMITED, DISTRICT R-4

Sec. 22-8-2.1. - Uses permitted by right.

The following uses shall be permitted by right:

Mobile Food Unit

ARTICLE 9. – BUSINESS, GENERAL, DISTRICT B-1

Sec. 22-9-2.1. - Uses permitted by right.

The following uses shall be permitted by right:

Mobile Food Unit

ARTICLE 10. – BUSINESS, CONVENIENCE, DISTRICT B-C

Sec. 22-10-3. - Uses permitted by right.

The following uses shall be permitted by right:

Mobile Food Unit

ARTICLE 11. – INDUSTRIAL, LIMITED, DISTRICT I-1

Sec. 22-11-2.1. - Uses permitted by right.

The following uses shall be permitted by right:

Mobile Food Unit

ARTICLE 12. – INDUSTRIAL, GENERAL, DISTRICT I-2

Sec. 22-12-2.1. - Uses permitted by right.

The following uses shall be permitted by right:

Mobile Food Unit

ARTICLE 13. – MANUFACTURED HOME PARK, DISTRICT MHP

Sec. 22-13-2.1. – Uses permitted by right.

The following uses shall be permitted by right:

Mobile Food Unit

(2) *That the Ordinance shall be effective upon adoption.*

Mobile Food Units Checklist

Mobile food unit operators will need to abide by the following:

- Effective August 1, 2025, the operator of the mobile food unit (“Unit”) will be required to register their unit with the Fluvanna County Commissioner of the Revenue for the purpose of collecting the local food and beverage tax (pursuant to the adoption of the tax by the Board of Supervisors on March 19, 2025).
- If the unit is operating on private property, the operator must have written permission from the property owner or their designee to place a unit on the property (written permission to be provided to appropriate Fluvanna County officials upon request).
- Any temporary signage displayed at the unit shall conform to Chapter 22 Article 15 of the Fluvanna County Code (Fluvanna County Sign Ordinance).
- The mobile food unit operator must provide receptacles for, and properly dispose of, all trash, refuse, compost and garbage that is generated.
- Any music played outside the unit shall conform to Chapter 15.2 of the Fluvanna County Code (Fluvanna County Noise Ordinance).
- The unit will comply with Virginia Department of Health (VDH) regulations, and obtain any needed permits from VDH.
- The unit will comply with Virginia Department of Transportation regulations, as applicable (including obtaining any required entrance permits).
- The unit will comply with Sections 319.1 and 319.2 of the Virginia Statewide Fire Prevention Code.
- If the unit is found to be in violation of these regulations, the operator shall be subject to enforcement action by the Zoning Administrator per Chapter 22 Article 19 of the Fluvanna County Code, the Virginia Department of Health, or other agencies as applicable.



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www.fluvannacounty.org

PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commissioners

From: Dan Whitten, County Attorney

Case Number: ZTA 25:07

District: Countywide Amendment

General Information: This is a request for a public hearing to be held on Tuesday, August 12, 2025 at 7:00 pm to be heard by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

Requested Action: Recommend advertisement for a public hearing to approve an amendment to the Fluvanna County Zoning Ordinance by amending §§ 19-2-1, 19-3-2, 19-3-4, 19-3-5, 19-3-6.2, 19-4-5, 19-5-2, 19-6-2, 22-14-2, and 22-23-8 to conform to the Code of Virginia by removing Planning Commission approval authority for the administrative review process for plats and plans and assigning such authority solely to the Subdivision Agent, and by changing certain review timeframes.

Background Information: SB974 changed the statutory review process to eliminate Planning Commission review of plats and plans, and to assign that review authority to a Designated Agent, as defined in the bill. HB 2660 shortened the timeframes for various local government approvals of subdivision plats and site plans. Both bills were signed by Governor Youngkin on March 19, and the changes to the Virginia Code went into effect on July 1. These amendments conform the Fluvanna Code to the state Code, although the Fluvanna Code uses the term "Subdivision Agent" in lieu of "Designated Agent."

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION (APPROVE/ DENY / DEFER) THE RESOLUTION TO ADVERTISE A PUBLIC HEARING ON AUGUST 12, 2025 TO CONSIDER ZTA 25:07 – AN ORDINANCE TO AMEND AND REORDAIN "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY AMENDING §§ 19-2-1, 19-3-2, 19-3-4, 19-3-5, 19-3-6.2, 19-4-5, 19-5-2, 19-6-2, AND 22-14-2 TO CONFORM TO THE CODE OF VIRGINIA BY REMOVING PLANNING COMMISSION APPROVAL AUTHORITY FOR THE ADMINISTRATIVE REVIEW PROCESS FOR PLATS AND PLANS AND ASSIGNING SUCH AUTHORITY SOLELY TO THE SUBDIVISION AGENT, AND BY CHANGING CERTAIN REVIEW TIMEFRAMES.



PLANNING COMMISSION
County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 2025-07

A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING §§ 19-2-1, 19-3-2, 19-3-4, 19-3-5, 19-3-6.2, 19-4-5, 19-5-2, 19-6-2, 22-14-2, AND 22-23-8 TO CONFORM TO THE CODE OF VIRGINIA BY REMOVING PLANNING COMMISSION APPROVAL AUTHORITY FOR THE ADMINISTRATIVE REVIEW PROCESS FOR PLATS AND PLANS AND ASSIGNING SUCH AUTHORITY SOLELY TO THE SUBDIVISION AGENT, AND BY CHANGING CERTAIN REVIEW TIMEFRAMES

WHEREAS, the regulations established in the Fluvanna County Zoning Code (“Zoning Code”) may from time to time be amended, supplemented, changed, modified or repealed by the governing body pursuant to § 15.2-2285 of the Code of Virginia; and

WHEREAS, in accordance with § 22-20-1 of the Zoning Code, the Fluvanna County Planning Commission (“Planning Commission”) can adopt a resolution of intention to propose an amendment to the Zoning Code; and

WHEREAS, the Planning Commission desires to propose an amendment to the Subdivision Code by amending §§ 19-2-1, 19-3-2, 19-3-4, 19-3-5, 19-3-6.2, 19-4-5, 19-5-2, 19-6-2, 22-14-2, and 22-23-8 to conform to the Code of Virginia by removing Planning Commission approval authority for the administrative review process for plats and plans and assigning such authority solely to the Subdivision Agent; and

WHEREAS, the Planning Commission shall hold a public hearing on such proposed amendments after notice as required by § 15.2-2204 of the Code of Virginia, and may make appropriate changes in the proposed amendment as a result of such hearing.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission proposes an amendment to the Subdivision Code by amending §§ 19-2-1, 19-3-2, 19-3-4, 19-3-5, 19-3-6.2, 19-4-5, 19-5-2, 19-6-2, 22-14-2, and 22-23-8 to conform to the Code of Virginia by removing Planning Commission approval authority for the administrative review process for plats and plans and assigning such authority solely to the Subdivision Agent; and

BE IT FURTHER RESOLVED, the Planning Commission authorizes the Director of Planning to advertise the proposed amendment for a public hearing on August 12, 2025; and

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Planning Commission at a meeting of the Commission held on the 8th day of July, 2025:

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Barry Bibb, Cunningham District						
Lorretta Johnson-Morgan, Columbia District						
Kathleen Kilpatrick, Fork Union District						
Howard Lagomarsino, Palmyra District						
Eddie Shifflett, Rivanna District						

Attest:

Barry Bibb, Chair
Fluvanna County Planning Commission

(Seal)

PUBLIC HEARING

Fluvanna County Planning Commission

Tuesday, August 12, 2025 at 7:00 p.m.

Pursuant to Virginia Code Sections 15.2-1427 and 15.2-2204, a Public Hearing will be held in the Morris Room in the County Administration Building at 132 Main Street, Palmyra, Virginia 22963 for citizens of the County to have the opportunity to appear before and be heard by the Planning Commission for the following item:

ZTA 25-07: Ordinance to amend the “Code of the County of Fluvanna, Virginia,” by amending §§ 19-2-1, 19-3-2, 19-3-4, 19-3-5, 19-3-6.2, 19-4-5, 19-5-2, 19-6-2, 22-14-2, and 22-23-8 to conform to the Code of Virginia by removing Planning Commission approval authority for the administrative review process for plats and plans and assigning such authority solely to the Subdivision Agent, and by changing certain review timeframes.

A copy of the complete text of the above ordinance is available for public review at <https://www.fluvannacounty.org/> and at the Office of the Fluvanna County Administrator during normal business hours. Questions may be directed to the Planning and Zoning Department, at (434) 591-1910. All interested persons wishing to be heard are invited to attend the public hearing.

TO: Fluvanna Review

Advertise on the following dates: July 31 & August 7, 2025

Authorized by: Fluvanna County Planning Commission

Bill to: Planning Commission

CONTACT INFORMATION:

Todd Fortune

Director of Planning

Fluvanna County

P. O. Box 540

Palmyra, VA 22963

tfortune@fluvannacounty.org

434-591-1910

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF
FLUVANNA, VIRGINIA” BY AMENDING §§ 19-2-1, 19-3-2, 19-3-4, 19-3-5, 19-3-6.2, 19-4-
5, 19-5-2, 19-6-2, 22-14-2, AND 22-23-8 TO CONFORM TO THE CODE OF VIRGINIA BY
REMOVING PLANNING COMMISSION APPROVAL AUTHORITY FOR THE
ADMINISTRATIVE REVIEW PROCESS FOR PLATS AND PLANS AND ASSIGNING
SUCH AUTHORITY SOLELY TO THE SUBDIVISION AGENT, AND BY CHANGING
CERTAIN REVIEW TIMEFRAMES

BE IT ORDAINED by the Board of Supervisors of Fluvanna County:

- (1) *That the Code of the County of Fluvanna, Virginia is amended by amending §§ 19-2-1, 19-3-2, 19-3-4, 19-3-5, 19-3-6.2, 19-4-5, 19-5-2, 19-6-2, and 22-14-2, as follows:*

CHAPTER 19 - SUBDIVISIONS

ARTICLE 2. DEFINITIONS

Sec. 19-2-1. Rules of construction; definitions.

For the purposes of this chapter, the present tense may include the past or future, the singular number may include the plural, the masculine gender may include the feminine or neuter, and the following terms shall have the indicated meaning:

Alley. A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Central sewerage system. A sewage system consisting of pipelines or conduits, pumping stations, force mains or sewerage treatment plants, or any of them, or an extension of any existing system which is designed to serve three or more (≥ 3) connections and used for conducting or treating sewage, as that term is defined in chapter 3.1 (section 62.1-44.2 et seq.) of title 62.1 of the Code of Virginia*, to serve or to be capable of serving three or more (≥ 3) connections.

Central water system. A water supply consisting of a well, springs, or other source and the necessary pipes, conduits, mains, pumping stations, and other facilities in connection therewith, to serve or to be capable of serving three or more connections.

Code. The Code of Virginia, 1950, as amended.

Commission. The Planning Commission of Fluvanna County, Virginia.

Comprehensive plan. The Fluvanna County Comprehensive Plan.

Cul-de-sac. The turnaround at the end of a dead-end street.

Family subdivision. A single division of a lot or parcel for the purpose of a gift or sale to any natural or legally defined offspring, spouse, sibling, grandchild, grandparent, or parent of the property owner.

Floodplain. Any area defined as such in Chapter 22 of this Code.

Lot. A parcel of land, including a residue, described by metes and bounds or otherwise or shown on a plat, and intended as a unit of real estate for the purpose of ownership, conveyance or development.

Lot of record. A parcel of land recorded by the Clerk of the Circuit Court as an individual unit of real estate for the purpose of ownership or conveyance.

Major subdivision. The division of a parcel of land into six or more (≥ 6) lots, and not a family subdivision. A subdivision shall be deemed to be a major subdivision if the parcel from which such subdivision is divided was, within the five (5) years next preceding the application, divided into an aggregate of five or more (≥ 5) lots or divided in such a way as to create a new public or central water or sewer system or one or more (≥ 1) public streets.

Minor subdivision. Any division of a parcel of land creating fewer than six (< 6) lots, and not a family subdivision.

Plat. A schematic representation of a parcel or subdivision.

Plat, preliminary. A plat showing the existing boundaries and certain existing features of a parcel to be subdivided, together with the property lines of proposed lots and certain proposed features and improvements.

Plat, final. A plat showing the new property lines and certain features and improvements installed pursuant to the preliminary plat, showing their location as built, and prepared for recordation. Final plat approval gives the subdivider the right to record such plat with the Clerk of the Circuit Court and to convey the individual lots shown thereon.

Property owners' association. An entity established, pursuant to section 55-508 et seq. of the Code of Virginia, or otherwise, for the purpose of maintaining land or property owned in common by the owners of property in a subdivision.

Public water or sewer system. A water or sewer system owned and operated by a municipality, county, or other political subdivision of the Commonwealth.

Residue. The remainder of a lot after a subdivision has detached one or more (≥ 1) lots, which residue shall be deemed, for purposes of this chapter, to be a new lot.

Right-of-way. A strip or other portion of a parcel of land conveyed to a person, a partnership, a property owners' association, a corporation, or a government agency for the purpose of constructing and maintaining a road or utility facility, or a similar use.

Sketch plan. A conceptual, informal map of a proposed subdivision and the surrounding area, of sufficient accuracy to be used for the purpose of discussion.

Street. A thoroughfare for vehicular traffic, interchangeable with the terms avenue, boulevard, court, drive, highway, lane, road, or any similar term.

Subdivider. Any individual, partnership, corporation or group thereof owning or having an interest in land, or representing the owners of any land and proposing to subdivide such land.

Subdivision. The division of any lot, parcel or tract of record into two or more (≥ 2) lots, parcels or tracts, including residue, for the purpose of recordation, transfer of ownership, lease, or building development any one of which lots, parcels or tracts is less than sixty (60) acres in area or has less than 1,500 feet of frontage on a highway maintained by the Virginia Department of Transportation. As the context requires, the term "subdivision" may mean the land divided, the process of division, or both.

Subdivision Agent. The individual appointed and authorized by the Fluvanna County Board of Supervisors to administer and enforce this chapter. **"Subdivision agent" does not include the Planning Commission.**

ARTICLE 3. PROCESS

Sec. 19-3-2. Sketch plan.

(A) For any minor or major subdivision, the subdivider shall submit a sketch plan that satisfies the requirements of Article 4 of this chapter to the Subdivision Agent, who shall comment in writing and provide such comments to the subdivider within thirty (30) days of submission. The Subdivision Agent shall also provide a determination whether the proposed subdivision, as presented, would be classified as a family subdivision, minor subdivision, or major subdivision under this chapter.

(B) If the Subdivision Agent determines the proposed subdivision is a major subdivision, the subdivider shall provide ~~twenty (20)~~ **three (3)** copies of the sketch plan and any revisions to the Subdivision Agent. ~~The Subdivision Agent shall then place this item on the agenda of the Planning Commission within sixty (60) days of receiving the sketch plans. The Subdivision Agent shall also forward any staff comments to the Planning Commission.~~

(C) ~~The Planning Commission~~ **Subdivision Agent** shall review and provide comments within forty-five (45) days of the date of the meeting the sketch plan was ~~presented~~ **submitted**. If no comments are ~~presented to~~ **provided by** the Subdivision Agent, the sketch plan is deemed reviewed and the subdivider may submit a preliminary plat.

(D) Thereafter, no preliminary or final plat shall be approved by the Subdivision Agent unless the same shall substantially conform to the approved sketch plan, including all required modifications thereto, which may be required as a result of comments by the ~~Planning Commission~~ **Subdivision Agent**.

Sec. 19-3-4. Preliminary plat.

For any minor or major subdivision, after receiving the Subdivision Agent's comments on a sketch plan, the subdivider shall submit a preliminary plat that satisfies the requirements of Article 4 of this chapter to the Subdivision Agent.

(A) If approval of a feature or features of a plat by a state agency or public authority authorized by state law is necessary, the Subdivision Agent shall forward the plat to the appropriate agencies for review within five (5) business days of receipt of such plat, retaining sufficient copies for his own review. Upon receipt of the approvals from all state

agencies, the Subdivision Agent shall act upon a preliminary subdivision plat within 20 days.

(B)~~(A)~~ For every minor or major subdivision, the subdivider shall submit, to the Subdivision Agent, copies of a preliminary plat in a number sufficient to allow review by all appropriate agencies as applicable and as determined by the Subdivision Agent. Within ten (10) days **of submission**, the Agent shall review the preliminary plat application for completeness, and if it is incomplete, so notify the subdivider, specifying instructions for its completion. No preliminary plat shall be deemed to be officially submitted for approval unless and until the Subdivision Agent finds it to be complete. ~~Upon his determination that such preliminary plat application is complete, the Subdivision Agent shall retain copies for his review, forward copies to all agencies whose comments are necessary for consideration of the plat.~~

(C)~~(B)~~ For any minor subdivision, the Subdivision Agent shall approve or disapprove a complete preliminary plat **in writing** within thirty (30) days of its submission. In the case of disapproval, the Subdivision Agent shall inform the subdivider in writing of the reasons for disapproval and the changes required to obtain approval.

(D)~~(C)~~ For any major subdivision, the Subdivision Agent shall review the preliminary plat and approve or disapprove the preliminary plat **in writing** within forty-five (45) days of its submission. In the case of disapproval, the Subdivision Agent shall inform the subdivider in writing of the reasons for disapproval and the changes required to obtain approval.

Sec. 19-3-5. Authority to construct improvements.

The subdivider may install the monuments, roads and other improvements proposed on the plat only after approval of a preliminary plat. Preliminary plat approval shall be effective for five (5) years provided the subdivider submits a final subdivision plat for all or a portion of the property within one year of such approval and thereafter diligently pursues approval of the final subdivision plat.

Diligent pursuit of approval means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three (3) years following such preliminary subdivision plat approval, and upon ninety (90) days' written notice by certified mail to the subdivider, the ~~commission or other~~ **Subdivision Agent** ~~agent~~ may revoke such approval upon a specific finding of fact that the subdivider has not diligently pursued approval of the final subdivision plat.

After five (5) years from the date of the last recorded plat, unless the preliminary plat indicates phased implementation consisted with Section 19-7-6 of this chapter, the preliminary plat shall become null and void. The foregoing notwithstanding, the installation of any improvements after the approval of a preliminary plat shall be at the sole risk of the subdivider and shall not entitle the subdivider to the approval of any final plat which is not otherwise approvable.

Sec. 19-3-6.2. Administrative review.

(A) The Subdivision Agent shall act on review the any final plat within forty (40) ~~sixty (60)~~ days of acceptance for conformity to the approved preliminary plat and this chapter, and approval by all appropriate agencies. The Subdivision Agent shall forward any legal documents submitted pursuant to Section 19-6-4 of this chapter to the County Attorney for review and approval, and the County Attorney shall review such documents for compliance with applicable law. If the final plat and associated legal documents meet these criteria, the Subdivision Agent shall approve the final plat and return it to the subdivider. If they do not meet these criteria, the Subdivision Agent shall inform the subdivider in writing of the reasons for disapproval and the changes required to obtain approval. Any resubmission of the plat shall be reviewed within forty (40) ~~forty-five (45)~~ days.

ARTICLE 4. SKETCH PLANS

Sec. 19-4-5. Yield plan required for cluster subdivision.

The applicant for approval of any cluster subdivision shall submit a yield plan to determine the number of lots which could be practicably developed on the subject property as a conventional subdivision, in accordance with all applicable law, including, in particular, the density, lot size, setback, frontage and yard requirements of Chapter 22 of this Code; the design requirements of this chapter; and all other applicable law. Consideration shall be given, among other things, to the area of land which would be occupied by roads and other areas not usable for building or individual sale, including, but not limited to, steep slopes, flood plain, land usually covered by water and land not suitable for building and/or installation of utilities due to soil type, topography or other physical or legal condition. Such yield plan shall be submitted contemporaneously with the sketch plan required by Article 3 of this chapter and shall be in similar detail to such sketch plan, together with such additional data as may be necessary to show the information required hereinabove. The yield plan so submitted shall be considered by the ~~Planning Commission~~ Subdivision Agent in its his review of the sketch plan for the proposed subdivision. In no case shall any cluster subdivision be approved which shows a greater number of lots than could be practicably developed as a conventional subdivision of the subject property.

ARTICLE 5. PRELIMINARY PLATS

Sec. 19-5-2. Form.

Preliminary plats shall consist of black or blue lines on white paper. Each page shall be no more than forty-two (42) inches wide ~~or~~ and thirty (30) inches high. Plats shall be drawn to a scale of one inch equals 50, 100 or 200 feet, whichever is most convenient for the subject parcel. If the plat is drawn on more than one sheet, match lines shall clearly indicate where the several sheets join. Each sheet shall be numbered and the plat shall provide an adequate legend indicating clearly which features are existing and which are proposed.

ARTICLE 6. FINAL PLATS

Sec. 19-6-2. Form.

Final plats shall consist of black or blue lines on white paper. Each page shall be no more than forty-two (42) inches wide ~~or~~ **and** thirty (30) inches high. Final plats shall be drawn to a scale of one inch equals 50, 100 or 200 feet, whichever is most convenient for the subject parcel. If the plat is drawn on more than one sheet, match lines shall clearly indicate where the several sheets join. All straight lines shall be described with distance to the nearest hundredth of a foot and bearing to the nearest second. All curves shall be described with central angle to the nearest minute, radius to the nearest foot, and tangent to the nearest hundredth of a foot.

CHAPTER 22 - ZONING

Sec. 22-14-2. - Procedure for rezoning.

(3) The PUD application package shall not be scheduled for consideration by the Planning Commission until the Planning Director has determined that the package is complete. Except as the Planning Director may determine otherwise in a particular case, for reasons beyond the control of the applicant, any application package which is not complete within 30 days after its submission shall be deemed to have been withdrawn and shall not be further processed. Once the Planning Director has determined the application package to be complete, the following process shall commence:

- (i) The Planning Commission shall receive a public presentation on the proposed development at a regularly scheduled meeting, prior to advertising for a public hearing;
- (ii) The Planning Commission may schedule one or more work sessions to discuss the proposed development;
- (iii) Once a public hearing has been conducted by the Planning Commission, a recommendation shall be forwarded to the Board of Supervisors for their consideration;
- (iv) The Board of Supervisors may schedule one or more work sessions to discuss the proposed development and the Planning Commission recommendation, prior to conducting their public hearing;
- (v) The plan approved by the Board of Supervisors shall constitute the final master plan for the PUD district.

(4) All conditions and elements of the plan as submitted, including amendments and revisions thereto, shall be deemed to be proffers once the Board of Supervisors has approved the final master plan. All such conditions and elements shall be enforceable by the County pursuant to Section 22-17-9 of this Code.

(5) The approved final master plan shall serve as the sketch plans for the subdivision and site plan process.

(6) Prior to development of the site, a final site development plan pursuant to Article 23 of the zoning ordinance, shall be submitted for administrative review and approval for any business, limited industrial, or multi-family development.

(7) Additionally, if any land within the district is to be subdivided, preliminary and final subdivision plats pursuant to the subdivision regulations of Chapter 19 of the Fluvanna County Code shall be submitted for administrative review and approval prior to development of the site. Staff will determine if the submitted Any such preliminary plats and final subdivision plats are must be in accordance with the approved final master plan, or a master plan amendment shall be applied for, in which case the amendment procedure set out in the zoning ordinance shall be followed.

~~(8) If staff determines that the preliminary or final subdivision plats or final site plan are not in accord with the approved final master plan, such plans will be sent to the Planning Commission for review. If the Planning Commission determines that such plans are not in accord with approved final master plan, the applicant shall then submit sketch plans for review and approval by the Planning Commission. The sketch plans shall either be in accord with the approved final master plan, or a master plan amendment shall be applied for, in which case the amendment procedure set out in the zoning ordinance shall be followed.~~

Sec. 22-23-8. Procedure.

Generally:

~~(1) Sufficient copies of the proposed site plan, as required by the Director of Planning of the proposed site plan shall be submitted to the Director of Planning .~~

~~(2) An applicant may appeal any decision by the Planning Director within thirty (30) days in writing to the Planning Commission.~~

(3) All fees for site plans shall be as established by the Board of Supervisors and shall be paid in full before any site plan is accepted for review.

(4) An applicant must submit a sketch plan for review and comment prior to filing a preliminary site plan.

(5) No site plan shall be fully and finally approved unless it has sufficiently accurate dimensions and construction specifications to support the issuance of construction permits.

(A) Sketch Plan Required:

(1) Prior to incurring significant cost to prepare a Minor or Major Site Plan, the applicant shall prepare a sketch plan as set forth below.

(2) The applicant shall meet with the Director of Planning to review the sketch plan and receive comments from the County. ~~If the sketch plan is a prelude to a Major Site Plan, the Planning Commission shall also review the proposed sketch plan. The applicant shall submit twenty (20) additional copies of the proposed sketch plan to the Director of Planning and it shall be placed on the Planning Commission agenda within sixty (60) days. The Planning Commission shall have~~

~~forty-five (45) days to review the sketch plan and provide comments to the applicant.~~

(3) **Sketch Plans can serve as** Site Plans for developments involving expansion of an existing building or use, in which: 1) building expansion is less than 500 square feet; 2) the area of disturbance is less than 2,500 square feet; 3) the development has no additional external lighting; and 4) no more than four (4) additional parking spaces are constructed. ~~then "Sketch Plans" can be reviewed for final approval.~~

(4) Associated with the review of this sketch plan, the Director of Planning may also require an on-site field inspection with the applicant or a representative at the applicant's choosing.

(5) The sketch plan will convey the general concept of the proposed site development and shall only include the following:

(a) A general analysis of the site, showing existing slopes, drainageways, tree stands, site features and amenities to be preserved, conservation areas, historic features, and the like.

(b) Approximate location and size of the buildings.

(c) General points of access.

(d) General street, roadway, and parking layouts.

(e) Any exterior lighting.

(6) Thereafter, no preliminary or final site development plan shall be approved by the Director of Planning unless the same shall substantially conform to the approved sketch plan, including all required modifications thereto which may be required as a result of comments by the planning commission.

(B) Minor Site Plans:

(1) Site Plans for developments involving expansion of an existing building or use, in which the building expansion is less than 2,500 square feet and greater than 500 square feet and the area of disturbance is less than 10,000 but greater than 2,500 square feet are considered "Minor Site Plans".

(2) The plan approval authority for Minor Site Plans is the Director of Planning.

(3) If approval of a feature or features of a site plan by a state agency or public authority authorized by state law is necessary, the Director of Planning shall forward the site plan to the appropriate agencies for review

within five (5) business days of receipt of such plan, retaining sufficient copies for his own review.

~~(3)~~**(4)** After the Director of Planning has deemed the application to be complete, he shall have thirty (30) days to circulate the plan to the relevant county departments ~~and state agencies~~ for written comments. At the end of the thirty (30) day period, the site plan may be approved or returned to the applicant with a written report on why the site plan cannot be approved. If the Director of Planning takes no action by the end of the thirty (30) day period, the site plan shall be deemed approved.

~~(4)~~**(5)** Minor site plans shall contain all the elements in Section 22-23-6 of this chapter.

(C) Major Site Plans:

(1) All site plans except those considered "Minor Site Plans" are considered "Major Site Plans."

(2) The Planning Director is the plan approving authority for Major Site Plans.

(3) If approval of a feature or features of a site plan by a state agency or public authority authorized by state law is necessary, the Subdivision Agent shall forward the site plan to the appropriate agencies for review within five (5) business days of receipt of such plan, retaining sufficient copies for his own review.

~~(3)~~**(4)** After the Director of Planning Subdivision Agent has deemed the application to be complete, he shall have **forty (40)** ~~forty five (45)~~ days to circulate the plan to the relevant County departments ~~and State agencies~~ for written comments. At the end of the **forty (40)** ~~forty five (45)~~ day period, the site plan may be approved or returned to the applicant with a written report on why the site plan cannot be approved. If the Director of Planning takes no action by the end of the **forty (40)** ~~forty five (45)~~ day period, the site plan shall be deemed approved.

~~(4)~~**(5)** Major site plans shall contain all the elements in Section 22-23-6 and Section 22-23-7 of this chapter.

(2) *That the Ordinance shall be effective upon adoption.*

VIRGINIA ACTS OF ASSEMBLY - 2025 SESSION

CHAPTER 594

An Act to amend and reenact §§ 15.2-2201, 15.2-2241, 15.2-2245, 15.2-2254, 15.2-2258, 15.2-2259, 15.2-2260, 15.2-2261, 15.2-2269, 15.2-2270, 15.2-2271, and 15.2-2307 of the Code of Virginia, relating to subdivision ordinance; plan review by designated agent.

[S 974]

Approved March 24, 2025

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2201, 15.2-2241, 15.2-2245, 15.2-2254, 15.2-2258, 15.2-2259, 15.2-2260, 15.2-2261, 15.2-2269, 15.2-2270, 15.2-2271, and 15.2-2307 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-2201. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affordable housing" means, as a guideline, housing that is affordable to households with incomes at or below the area median income, provided that the occupant pays no more than thirty percent of his gross income for gross housing costs, including utilities. For the purpose of administering affordable dwelling unit ordinances authorized by this chapter, local governments may establish individual definitions of affordable housing and affordable dwelling units including determination of the appropriate percent of area median income and percent of gross income.

"Conditional zoning" means, as part of classifying land within a locality into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to, or modification of the regulations provided for a particular zoning district or zone by the overall zoning ordinance.

"Designated agent" means any agent employed or authorized by a locality and designated by the governing body to review and act on subdivision plats, site plans, and plans of development. "Designated agent" does not include the local planning commission. However, the local planning commission may serve as the designated agent of any locality with a population of 5,000 or less.

"Development" means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units. The term "development" shall not be construed to include any tract of land which will be principally devoted to agricultural production.

"Historic area" means an area containing one or more buildings or places in which historic events occurred or having special public value because of notable architectural, archaeological or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

"Incentive zoning" means the use of bonuses in the form of increased project density or other benefits to a developer in return for the developer providing certain features, design elements, uses, services, or amenities desired by the locality, including but not limited to, site design incorporating principles of new urbanism and traditional neighborhood development, environmentally sustainable and energy-efficient building design, affordable housing creation and preservation, and historical preservation, as part of the development.

"Local planning commission" means a municipal planning commission or a county planning commission.

"Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under jurisdiction of the U.S. Department of Defense, including any leased facility, or any land or interest in land owned by the Commonwealth and administered by the Adjutant General of Virginia or the Virginia Department of Military Affairs. "Military installation" does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

"Mixed use development" means property that incorporates two or more different uses, and may include a variety of housing types, within a single development.

"Official map" means a map of legally established and proposed public streets, waterways, and public areas adopted by a locality in accordance with the provisions of Article 4 (§ 15.2-2233 et seq.) hereof.

"Planned unit development" means a form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis.

"Planning district commission" means a regional planning agency chartered under the provisions of Chapter 42 (§ 15.2-4200 et seq.) of this title.

"Plat" or "plat of subdivision" means the schematic representation of land divided or to be divided and information in accordance with the provisions of §§ 15.2-2241, 15.2-2242, 15.2-2258, 15.2-2262, and

15.2-2264, and other applicable statutes.

"Preliminary subdivision plat" means the proposed schematic representation of development or subdivision that establishes how the provisions of §§ 15.2-2241 and 15.2-2242, and other applicable statutes will be achieved.

"Resident curator" means a person, firm, or corporation that leases or otherwise contracts to manage, preserve, maintain, operate, or reside in a historic property in accordance with the provisions of § 15.2-2306 and other applicable statutes.

"Site plan" means the proposal for a development or a subdivision including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject.

"Special exception" means a special use that is a use not permitted in a particular district except by a special use permit granted under the provisions of this chapter and any zoning ordinances adopted herewith.

"Street" means highway, street, avenue, boulevard, road, lane, alley, or any public way.

"Subdivision," unless otherwise defined in an ordinance adopted pursuant to § 15.2-2240, means the division of a parcel of land into three or more lots or parcels of less than five acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided and solely for the purpose of recordation of any single division of land into two lots or parcels, a plat of such division shall be submitted for approval in accordance with § 15.2-2258. Nothing in this definition, section, nor any ordinance adopted pursuant to § 15.2-2240 shall preclude different owners of adjacent parcels from entering into a valid and enforceable boundary line agreement with one another so long as such agreement is only used to resolve a bona fide property line dispute, the boundary adjustment does not move by more than 250 feet from the center of the current platted line or alter either parcel's resultant acreage by more than five percent of the smaller parcel size, and such agreement does not create an additional lot, alter the existing boundary lines of localities, result in greater street frontage, or interfere with a recorded easement, and such agreement shall not result in any nonconformity with local ordinances and health department regulations. Notice shall be provided to the zoning administrator of the locality in which the parcels are located for review. For any property affected by this definition, any division of land subject to a partition suit by virtue of order or decree by a court of competent jurisdiction shall take precedence over the requirements of Article 6 (§ 15.2-2240 et seq.) and the minimum lot area, width, or frontage requirements in the zoning ordinance so long as the lot or parcel resulting from such order or decree does not vary from minimum lot area, width, or frontage requirements by more than 20 percent. A copy of the final decree shall be provided to the zoning administrator of the locality in which the property is located.

"Variance" means, in the application of a zoning ordinance, a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

"Working waterfront" means an area or structure on, over, or adjacent to navigable waters that provides access to the water and is used for water-dependent commercial, industrial, or governmental activities, including commercial and recreational fishing; tourism; aquaculture; boat and ship building, repair, and services; seafood processing and sales; transportation; shipping; marine construction; and military activities.

"Working waterfront development area" means an area containing one or more working waterfronts having economic, cultural, or historic public value of such significance as to warrant development and reparation.

"Zoning" or "to zone" means the process of classifying land within a locality into areas and districts, such areas and districts being generally referred to as "zones," by legislative action and the prescribing and application in each area and district of regulations concerning building and structure designs, building and structure placement and uses to which land, buildings and structures within such designated areas and districts may be put.

§ 15.2-2241. Mandatory provisions of a subdivision ordinance.

A. A subdivision ordinance shall include reasonable regulations and provisions that apply to or provide:

1. For plat details which shall meet the standard for plats as adopted under § 42.1-82 of the Virginia Public Records Act (§ 42.1-76 et seq.);

2. For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades and drainage, including, for ordinances and amendments thereto adopted on or after January 1, 1990, for the coordination of such streets with existing or planned streets in existing or future adjacent or contiguous to adjacent subdivisions;

3. For adequate provisions for drainage and flood control, for adequate provisions related to the failure of

impounding structures and impacts within dam break inundation zones, and other public purposes, and for light and air, and for identifying soil characteristics;

4. For the extent to which and the manner in which streets shall be graded, graveled or otherwise improved and water and storm and sanitary sewer and other public utilities or other community facilities are to be installed;

5. For the acceptance of dedication for public use of any right-of-way located within any subdivision or section thereof, which has constructed or proposed to be constructed within the subdivision or section thereof, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement dedicated for public use, and maintained by the locality, the Commonwealth, or other public agency, and for the provision of other site-related improvements required by local ordinances for vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of critical slopes, and for storm water management facilities, financed or to be financed in whole or in part by private funds only if the owner or developer (i) certifies to the governing body that the construction costs have been paid to the person constructing such facilities or, at the option of the local governing body, presents evidence satisfactory to the governing body that the time for recordation of any mechanics lien has expired or evidence that any debt for said construction that may be due and owing is contested and further provides indemnity with adequate surety in an amount deemed sufficient by the ~~governing body or its designated administrative agency agent~~; (ii) furnishes to the governing body a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the ~~governing body or its designated administrative agency agent~~, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned; or (iii) furnishes to the governing body a bank or savings institution's letter of credit on certain designated funds satisfactory to the ~~governing body or its designated administrative agency agent~~ as to the bank or savings institution, the amount and the form. The amount of such certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed 10 percent of the estimated construction costs. If the owner or developer defaults on construction of such facilities, and such facilities are constructed by the surety or with funding from the aforesaid check, cash escrow, bond or letter of credit, the locality shall be entitled to retain or collect the allowance for administrative costs to the extent the costs of such construction do not exceed the total of the originally estimated costs of construction and the allowance for administrative costs. "Such facilities," as used in this section, means those facilities specifically provided for in this section.

If a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary subdivision plat and furnishes to the governing body a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the locality, the Commonwealth, or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary subdivision plat for a period of five years from the recordation date of any section, or for such longer period as the local commission or other agent may, at the approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded. In the event a governing body of a county, wherein the highway system is maintained by the Department of Transportation, has accepted the dedication of a road for public use and such road due to factors other than its quality of construction is not acceptable into the secondary system of state highways, then such governing body may, if so provided by its subdivision ordinance, require the subdivider or developer to furnish the county with a maintenance and indemnifying bond, with surety satisfactory to the ~~governing body or its designated administrative agency agent~~, in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways. In lieu of such bond, the ~~governing body or its designated administrative agency agent~~ may accept a bank or savings institution's letter of credit on certain designated funds satisfactory to the ~~governing body or its designated administrative agency agent~~ as to the bank or savings institution, the amount and the form, or accept payment of a negotiated sum of money sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways and assume the subdivider's or developer's liability for maintenance of such road. "Maintenance of such road" as used in this section, means maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage.

As used in this section, "designated administrative agency" means the planning commission of the locality or an agent designated by the governing body of the locality for such purpose as set forth in §§ 15.2-2258 through 15.2-2261;

6. For conveyance of common or shared easements to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone and electric service to the proposed subdivision. Once a developer conveys an easement that will permit electric, cable or telephone service to be furnished to a subdivision, the developer shall, within 30 days after written request by a cable television operator or telephone service provider, grant an easement to that cable television operator or telephone service provider for the purpose of providing cable television and communications services to that subdivision, which easement shall be geographically coextensive with the electric service easement, or if only a telephone or cable service easement has been granted, then geographically coextensive with that telephone or cable service easement; however, the developer and franchised cable television operator or telephone service provider may mutually agree on an alternate location for an easement. If the final subdivision plat is recorded and does not include conveyance of a common or shared easement as provided herein, the ~~local planning commission or agent designated by the governing body to review and act on submitted subdivision plats~~ *designated agent* shall not be responsible to enforce the requirements of this subdivision;

7. For monuments of specific types to be installed establishing street and property lines;

8. That unless a plat is filed for recordation within six months after final approval thereof or such longer period as may be approved by the governing body, such approval shall be withdrawn and the plat marked void and returned to the approving official; however, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the ~~governing body or its designated administrative agency agent~~, or where the developer has furnished surety to the ~~governing body or its designated administrative agency agent~~ by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the ~~governing body or its designated administrative agency~~, ~~whichever is greater agent~~;

9. For the administration and enforcement of such ordinance, not inconsistent with provisions contained in this chapter, and specifically for the imposition of reasonable fees and charges for the review of plats and plans, and for the inspection of facilities required by any such ordinance to be installed; such fees and charges shall in no instance exceed an amount commensurate with the services rendered taking into consideration the time, skill and administrator's expense involved. All such charges heretofore made are hereby validated;

10. For reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner in accordance with the provisions of § 15.2-2244; ~~and~~

11. For the periodic partial and final complete release of any bond, escrow, letter of credit, or other performance guarantee required by the governing body under this section in accordance with the provisions of § 15.2-2245;

12. *For the review of plats, site plans, and plans of development solely involving parcels of commercial or residential real estate as set forth in §§ 15.2-2259 and 15.2-2260; and*

13. *For the identification of deficiencies, corrections, or modifications of proposed and resubmitted plats and plans as set forth in §§ 15.2-2259 and 15.2-2260.*

B. No locality shall require that any certified check, cash escrow, bond, letter of credit or other performance guarantee furnished pursuant to this chapter apply to, or include the cost of, any facility or improvement unless such facility or improvement is shown or described on the approved plat or plan of the project for which such guarantee is being furnished. Furthermore, the terms, conditions, and specifications contained in any agreement, contract, performance agreement, or similar document, however described or delineated, between a locality or its governing body and an owner or developer of property entered into pursuant to this chapter in conjunction with any performance guarantee, as described in this subsection, shall be limited to those items depicted or provided for in the approved plan, plat, permit application, or similar document for which such performance guarantee is applicable.

§ 15.2-2245. Provisions for periodic partial and final release of certain performance guarantees.

A. A subdivision ordinance shall provide for the periodic partial and final complete release of any bond, escrow, letter of credit, or other performance guarantee required by the governing body under this article within thirty days after receipt of written notice by the subdivider or developer of completion of part or all of any public facilities required to be constructed hereunder unless the ~~governing body or its designated administrative agency agent~~ notifies the subdivider or developer in writing of nonreceipt of approval by an applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the thirty-day period. Any inspection of such public facilities shall be based solely upon conformance with the terms and conditions of the performance agreement and the approved design plan and specifications for the facilities for which the performance guarantee is applicable, and shall not include the approval of any person other than an employee of the governing body, its administrative agency, the Virginia Department of Transportation or other political subdivision or a person who has contracted with the governing body, its administrative agency, the Virginia Department of

Transportation or other political subdivision.

B. If no such action is taken by the ~~governing body or administrative agency~~ *designated agent* within the time specified above, the request shall be deemed approved, and a partial release granted to the subdivider or developer. No final release shall be granted until after expiration of such thirty-day period and there is an additional request in writing sent by certified mail return receipt to the chief administrative officer of such governing body. The ~~governing body or its designated administrative agency~~ *agent* shall act within ten working days of receipt of the request; then if no action is taken the request shall be deemed approved and final release granted to the subdivider or developer.

C. After receipt of the written notices required above, if the governing body or administrative agency takes no action within the times specified above and the subdivider or developer files suit in the local circuit court to obtain partial or final release of a bond, escrow, letter of credit, or other performance guarantee, as the case may be, the circuit court, upon finding the governing body or its administrative agency was without good cause in failing to act, shall award such subdivider or developer his reasonable costs and attorneys' fees.

D. No ~~governing body or administrative agency~~ *designated agent* shall refuse to make a periodic partial or final release of a bond, escrow, letter of credit, or other performance guarantee for any reason not directly related to the specified defects or deficiencies in construction of the public facilities covered by said bond, escrow, letter of credit or other performance guarantee.

E. Upon written request by the subdivider or developer, the ~~governing body or its designated administrative agency~~ *agent* shall be required to make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to no less than ninety percent of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken, and may make partial releases to such lower amounts as may be authorized by the ~~governing body or its designated administrative agency~~ *agent* based upon the percentage of public facilities completed and approved by the governing body, local administrative agency, or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least thirty percent of the public facilities covered by any bond, escrow, letter of credit, or other performance guarantee. The ~~governing body or administrative agency~~ *designated agent* shall not be required to execute more than three periodic partial releases in any twelve-month period. Upon final completion and acceptance of the public facilities, the ~~governing body or administrative agency~~ *designated agent* shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the subdivider or developer. For the purpose of final release, the term "acceptance" means: when the public facility is accepted by and taken over for operation and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and operating such public facility upon acceptance.

F. For the purposes of this section, a certificate of partial or final completion of such public facilities from either a duly licensed professional engineer or land surveyor, as defined in and limited to § 54.1-400, or from a department or agency designated by the locality may be accepted without requiring further inspection of such public facilities.

§ 15.2-2254. Statutory provisions effective after ordinance adopted.

After the adoption of a subdivision ordinance in accordance with this chapter, the following provisions shall be effective in the territory to which the ordinance applies:

1. No person shall subdivide land without making and recording a plat of the subdivision and without fully complying with the provisions of this article and of the subdivision ordinance.

2. No plat of any subdivision shall be recorded unless and until it has been submitted to and approved by the ~~local planning commission or by the governing body or its duly authorized~~ *designated agent*, of the locality wherein the land to be subdivided is located; or by the ~~commissions, governing bodies or designated agents~~, as the case may be, of each locality having a subdivision ordinance, in which any part of the land lies.

3. No person shall sell or transfer any land of a subdivision, before a plat has been duly approved and recorded as provided herein, unless the subdivision was lawfully created prior to the adoption of a subdivision ordinance applicable thereto. However, nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.

4. Any person violating the foregoing provisions of this section shall be subject to a fine of not more than \$500 for each lot or parcel of land so subdivided, transferred or sold and shall be required to comply with all provisions of this article and the subdivision ordinance. The description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or remedies herein provided.

5. No clerk of any court shall file or record a plat of a subdivision required by this article to be recorded until the plat has been approved as required herein. The penalties provided by § 17.1-223 shall apply to any failure to comply with the provisions of this subsection.

§ 15.2-2258. Plat of proposed subdivision and site plans to be submitted for approval.

Whenever the owner or proprietor of any tract of land located within any territory to which a subdivision ordinance applies desires to subdivide the tract, he shall submit a plat of the proposed subdivision to the

~~planning commission of the locality, or an agent designated by the governing body~~ *designated agent* thereof for such purpose. When any part of the land proposed for subdivision lies in a drainage district such fact shall be set forth on the plat of the proposed subdivision. When any part of the land proposed for subdivision lies in a mapped dam break inundation zone such fact shall be set forth on the plat of the proposed subdivision. When any grave, object or structure marking a place of burial is located on the land proposed for subdivision, such grave, object or structure shall be identified on any plans or site plans required by this article. When the land involved lies wholly or partly within an area subject to the joint control of more than one locality, the plat shall be submitted to the ~~planning commission or other~~ designated agent of the locality in which the tract of land is located. Site plans or plans of development required by subdivision A 8 of § 15.2-2286 shall also be subject to the provisions of §§ 15.2-2258 through 15.2-2261, mutatis mutandis.

§ 15.2-2259. Designated agent to act on proposed final plat.

A. 1. Except as otherwise provided in subdivisions 2 and 3, the ~~local planning commission or other~~ *designated agent* shall act on any proposed plat within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The ~~Commission or~~ *designated agent* shall thoroughly review the plat and shall make a good faith effort to identify all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat by a state agency or public authority authorized by state law is necessary, the ~~commission or designated agent~~ shall forward the plat to the appropriate state agency or ~~agencies~~ *authority* for review within ~~10~~ *five* business days of receipt of such plat. The state agency shall respond in accord with the requirements set forth in § 15.2-2222.1, which shall extend the time for action by the ~~local planning commission or other designated agent~~, as set forth in subsection B. Specific reasons for disapproval shall be contained either in a separate document or on the plat itself. The reasons for disapproval shall identify deficiencies in the plat that cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections as will permit approval of the plat. The ~~local planning commission or other designated agent~~ shall act on any proposed plat that it has previously disapproved within 45 days after the plat has been modified, corrected and resubmitted for approval.

2. The approval of plats, site plans, and plans of development solely involving parcels of commercial or residential real estate by a ~~local planning commission or other designated agent~~ shall be governed by subdivision 3 and subsections B, C, and D. For the purposes of this section, the term "commercial" means all real property used for commercial or industrial uses, and the term "residential" means all real property used for single-family or multifamily use.

3. The ~~local planning commission or other designated agent~~ shall act on any proposed plat, site plan or plan of development within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The ~~local planning commission or other designated agent~~ shall not delay the official submission of any proposed plat, site plan, or plan of development by requiring presubmission conferences, meetings, or reviews. The ~~Commission or designated agent~~ shall thoroughly review the plat or plan and shall in good faith identify, to the greatest extent practicable, all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat or plan by a state agency or public authority authorized by state law is necessary, the ~~commission or designated agent~~ shall forward the plat or plan to the appropriate state agency or agencies for review within ~~10 business~~ *five business* days of receipt of such plat or plan. The state agency shall respond in accord with the requirements set forth in § 15.2-2222.1, which shall extend the time for action by the ~~local planning commission or other designated agent~~, as set forth in subsection B. Specific reasons for disapproval shall be contained either in a separate document or on the plat or plan itself. The reasons for disapproval shall identify deficiencies in the plat or plan that caused the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify, to the greatest extent practicable, modifications or corrections that will permit approval of the plat or plan.

In the review of a resubmitted proposed plat, site plan or plan of development that has been previously disapproved, the ~~local planning commission or other designated agent~~ shall consider only deficiencies it had identified in its review of the initial submission of the plat or plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. In the review of the resubmission of a plat or plan, the ~~local planning commission or other designated agent~~ shall identify all deficiencies with the proposed plat or plan that caused the disapproval by reference to specific duly adopted ordinances, regulations or policies and shall identify modifications or corrections that will permit approval of the plat or plan. Upon the second resubmission of such disapproved plat or plan, the ~~local planning commission or other designated agent's~~ review shall be limited solely to the previously identified deficiencies that caused its disapproval.

The ~~local planning commission or other designated agent~~ shall act on any proposed plat, site plan or plan of development that it has previously disapproved within 45 days after the plat or plan has been modified, corrected and resubmitted for approval. The failure of a ~~local planning commission or other designated agent~~ to approve or disapprove a resubmitted plat or plan within the time periods required by this section shall cause the plat or plan to be deemed approved.

Notwithstanding the approval or deemed approval of any proposed plat, site plan or plan of development, any deficiency in any proposed plat or plan, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated or deemed as having been approved by the ~~local planning commission or other~~ *designated* agent. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the ~~local planning commission or other~~ *designated* agent's review shall not be limited to only the previously identified deficiencies identified in the prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

B. Any state agency or public authority authorized by state law making a review of a plat forwarded to it under this article, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within 45 days of receipt of the plat upon first submission and within 45 days for any proposed plat that has previously been disapproved, provided, however, that the time periods set forth in § 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public rights-of-way dedicated for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state agency or public authority authorized by state law does not approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection A, with the exception of the time period therein specified. Upon receipt of the approvals from all state agencies and other agencies, the ~~local~~ *designated* agent shall act upon a plat within 35 days.

C. If the ~~commission or other~~ *designated* agent fails to approve or disapprove the plat within 60 days after it has been officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous disapproval or within 35 days of receipt of any agency response pursuant to subsection B, the subdivider, after 10-days' written notice to the ~~commission, or~~ *designated* agent, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located, to decide whether the plat should or should not be approved. The court shall give the petition priority on the civil docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644 et seq.) of Chapter 25 of Title 8.01 and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

D. If a ~~commission or other~~ *the designated* agent disapproves a plat and the ~~subdivider~~ *applicant* contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the ~~commission or other~~ *designated* agent.

§ 15.2-2260. Localities may provide for submission of preliminary subdivision plats; how long valid.

A. Nothing in this article shall be deemed to prohibit the local governing body from providing in its ordinance for the mandatory submission of preliminary subdivision plats for tentative approval for plats involving more than 50 lots, provided that any such ordinance provides for the submission of a preliminary subdivision plat for tentative approval at the option of the landowner for plats involving 50 or fewer lots. The ~~local planning commission, or an~~ *designated* agent ~~designated by the commission or by the governing body to review preliminary subdivision plats~~ shall complete action on the preliminary subdivision plats within 60 days of submission. However, if approval of a feature or features of the preliminary subdivision plat by a state agency or public authority authorized by state law is necessary, the ~~commission or~~ *designated* agent shall forward the preliminary subdivision plat to the appropriate state agency or ~~agencies~~ *authority* for review within ~~40~~ *five* business days of receipt of such preliminary subdivision plat.

B. Any state agency or public authority authorized by state law making a review of a preliminary subdivision plat forwarded to it under this section, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within 45 days of receipt of the preliminary subdivision plat upon first submission and within 45 days for any proposed plat that has previously been disapproved, provided, however, that the time period set forth in § 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public rights-of-way for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state agency or public authority authorized by state law does not approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection A of § 15.2-2259 with the exception of the time period therein specified. Upon receipt of the approvals from all state agencies, the ~~local~~ *designated* agent shall act upon a preliminary subdivision plat within 35 days.

C. If a ~~commission~~ has the responsibility of review of preliminary subdivision plats and conducts a public

~~hearing, it~~ *The designated agent* shall act on the plat within 45 days after receiving approval from all state agencies. If the ~~local designated agent or commission~~ does not approve the preliminary subdivision plat, the ~~local designated agent or commission~~ shall set forth in writing the reasons for such denial and shall state what corrections or modifications will permit approval by ~~such the designated agent or commission~~. With regard to plats involving commercial or residential property, as those terms are defined in subdivision A 2 of § 15.2-2259, the review process for such plats shall be the same as provided in subdivisions A 2 and A 3 of § 15.2-2259. However, no ~~commission or designated agent~~ shall be required to approve a preliminary subdivision plat in less than 60 days from the date of its original submission to the ~~commission or designated agent~~, and all actions on preliminary subdivision plats shall be completed by the *designated agent or commission* and, if necessary, state agencies, within a total of 90 days of submission to the ~~local designated agent or commission~~.

D. If the ~~commission or other designated agent~~ fails to approve or disapprove the preliminary subdivision plat within 90 days after it has been officially submitted for approval, the subdivider after 10 days' written notice to the ~~commission, or designated agent~~, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located to enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

E. If a ~~commission or other designated agent~~ disapproves a preliminary subdivision plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the ~~commission or other designated agent~~.

F. Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval or such longer period as may be prescribed by local ordinance, and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon 90 days' written notice by certified mail to the subdivider, the ~~commission or other designated agent~~ may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.

G. Once an approved final subdivision plat for all or a portion of the property is recorded pursuant to § 15.2-2261, the underlying preliminary plat shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property. The five year period of validity shall extend from the date of the last recorded plat.

§ 15.2-2261. Recorded plats or final site plans to be valid for not less than five years.

A. An approved final subdivision plat which has been recorded or an approved final site plan, hereinafter referred to as "recorded plat or final site plan," shall be valid for a period of not less than five years from the date of approval thereof or for such longer period as the ~~local planning commission or other designated agent~~ may, at the time of approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development. A site plan shall be deemed final once it has been reviewed and approved by the locality if the only requirements remaining to be satisfied in order to obtain a building permit are the posting of any bonds and escrows or the submission of any other administrative documents, agreements, deposits, or fees required by the locality in order to obtain the permit. However, any fees that are customarily due and owing at the time of the agency review of the site plan shall be paid in a timely manner.

B. 1. Upon application of the subdivider or developer filed prior to expiration of a recorded plat or final site plan, the ~~local planning commission or other designated agent~~ may grant one or more extensions of such approval for additional periods as the ~~commission or other designated agent~~ may, at the time the extension is granted, determine to be reasonable, taking into consideration the size and phasing of the proposed development, the laws, ordinances and regulations in effect at the time of the request for an extension.

2. If the ~~commission or other designated agent~~ denies an extension requested as provided herein and the subdivider or developer contends that such denial was not properly based on the ordinance applicable thereto, the foregoing considerations for granting an extension, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of land subject to the recorded plat or final site plan, provided that such appeal is filed with the circuit court within sixty days of the written denial by the commission or other agency.

C. For so long as the final site plan remains valid in accordance with the provisions of this section, or in the case of a recorded plat for five years after approval, no change or amendment to any local ordinance, map, resolution, rule, regulation, policy or plan adopted subsequent to the date of approval of the recorded plat or final site plan shall adversely affect the right of the subdivider or developer or his successor in interest to commence and complete an approved development in accordance with the lawful terms of the recorded plat or site plan unless the change or amendment is required to comply with state law or there has been a mistake, fraud or a change in circumstances substantially affecting the public health, safety or welfare.

D. Application for minor modifications to recorded plats or final site plans made during the periods of validity of such plats or plans established in accordance with this section shall not constitute a waiver of the provisions hereof nor shall the approval of minor modifications extend the period of validity of such plats or plans.

E. The provisions of this section shall be applicable to all recorded plats and final site plans valid on or after January 1, 1992. Nothing contained in this section shall be construed to affect (i) any litigation concerning the validity of a site plan pending prior to January 1, 1992, or any such litigation nonsuited and thereafter refiled; (ii) the authority of a governing body to impose valid conditions upon approval of any special use permit, conditional use permit or special exception; (iii) the application to individual lots on recorded plats or parcels of land subject to final site plans, to the greatest extent possible, of the provisions of any local ordinance adopted pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.); or (iv) the application to individual lots on recorded plats or parcels of land subject to final site plans of the provisions of any local ordinance adopted to comply with the requirements of the federal Clean Water Act, Section 402 (p.) of the Stormwater Program and regulations promulgated thereunder by the Environmental Protection Agency.

F. An approved final subdivision plat that has been recorded, from which any part of the property subdivided has been conveyed to third parties (other than to the developer or local jurisdiction), or a recorded plat dedicating real property to the local jurisdiction or public body that has been accepted by such grantee, shall remain valid for an indefinite period of time unless and until any portion of the property is subject to a vacation action as set forth in §§ 15.2-2270 through 15.2-2278.

§ 15.2-2269. Plans and specifications for utility fixtures and systems to be submitted for approval.

A. If the owners of any such subdivision desire to construct in, on, under, or adjacent to any streets or alleys located in such subdivision any gas, water, sewer or electric light or power works, pipes, wires, fixtures or systems, they shall present plans or specifications therefor to the ~~governing body of the locality in which the subdivision is located or its authorized~~ *designated* agent, for approval. If the subdivision is located beyond the corporate limits of a municipality but within the limits set forth in § 15.2-2248, such plans and specifications shall be presented for approval to the ~~governing body of such municipality, or its authorized~~ *designated* agent, if the county has not adopted a subdivision ordinance. The ~~governing body, or designated~~ agent, shall have 45 days in which to approve or disapprove the same. In event of the failure of any ~~governing body, or its designated~~ agent, to act within such period, such plans and specifications may be submitted, after ten days' notice to the locality, to the circuit court for such locality for its approval or disapproval, and its approval thereof shall, for all purposes of this article be treated and considered as approval by the ~~locality or its authorized designated~~ agent.

B. Any state agency or public authority authorized by state law making a review of any plat forwarded to it under this article, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within 45 days of receipt of the plans, provided, however, that the time periods set forth in § 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public rights-of-way dedicated for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plan approval. If a state agency or public authority by state law does not approve the plan, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection A of § 15.2-2259, with respect to the exception of the time period therein specified. Upon receipt of the approvals from all state agencies, the ~~local designated~~ agent shall act upon a preliminary subdivision plat within 35 days.

§ 15.2-2270. Vacation of interests granted to a locality as a condition of site plan approval.

Any interest in streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility granted to a locality as a condition of the approval of a site plan may be vacated according to either of the following methods:

1. By a duly executed and acknowledged written instrument of the owner of the land which has been or is to be developed in accordance with the site plan, declaring the interest or interests to be vacated, provided the ~~governing body or authorized~~ *designated* agent of the locality where the land lies consents to the vacation. The instrument shall be recorded in the same clerk's office wherein is recorded the written instrument describing the interest in real property to be vacated. The execution and recordation of the instrument shall operate to divest all public rights in, and to reinvest the owner with the title to the interests which formerly were held by the governing body; or

2. By ordinance of the governing body in the locality in which the property which is the subject of an approved site plan lies, provided that no interest shall be vacated in an area in which facilities, for which bonding is required pursuant to §§ 15.2-2241 through 15.2-2245, have been constructed.

The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the circuit court having jurisdiction of the land over which the governing body's interest is located. Upon appeal,

the court may nullify the ordinance if it finds that the owner of the property, which has been developed or is to be developed in accordance with the approved site plan, will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the instrument creating the governing body's interest is recorded.

The execution and recordation of an ordinance of vacation shall operate to destroy the effect of the instrument which created the governing body's interest so vacated and to divest all public rights in and to the property and vest title in the streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility as may be described in, and in accordance with, the ordinance of vacation.

§ 15.2-2271. Vacation of plat before sale of lot therein; ordinance of vacation.

Where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the following methods:

1. With the consent of the ~~governing body, or its authorized~~ *designated* agent, of the locality where the land lies, by the owners, proprietors and trustees, if any, who signed the statement required by § 15.2-2264 at any time before the sale of any lot therein, by a written instrument, declaring the plat to be vacated, duly executed, acknowledged or proved and recorded in the same clerk's office wherein the plat to be vacated is recorded and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat; or

2. By ordinance of the governing body of the locality in which the property shown on the plat or part thereof to be vacated lies, provided that no facilities for which bonding is required pursuant to §§ 15.2-2241 through 15.2-2245 have been constructed on the property and no facilities have been constructed on any related section of the property located in the subdivision within five years of the date on which the plat was first recorded.

The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and easements for public passage and other public areas laid out or described in the plat.

§ 15.2-2307. Vested rights not impaired; nonconforming uses.

A. Nothing in this article shall be construed to authorize the impairment of any vested right. Without limiting the time when rights might otherwise vest, a landowner's rights shall be deemed vested in a land use and such vesting shall not be affected by a subsequent amendment to a zoning ordinance when the landowner (i) obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project, (ii) relies in good faith on the significant affirmative governmental act, and (iii) incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

B. For purposes of this section and without limitation, the following are deemed to be significant affirmative governmental acts allowing development of a specific project: (i) the governing body has accepted proffers or proffered conditions which specify use related to a zoning amendment; (ii) the governing body has approved an application for a rezoning for a specific use or density; (iii) the governing body or board of zoning appeals has granted a special exception or use permit with conditions; (iv) the board of zoning appeals has approved a variance; (v) the ~~governing body or its~~ designated agent has approved a preliminary subdivision plat, site plan or plan of development for the landowner's property and the applicant diligently pursues approval of the final plat or plan within a reasonable period of time under the circumstances; (vi) the ~~governing body or its~~ designated agent has approved a final subdivision plat, site plan or plan of development for the landowner's property; or (vii) the zoning administrator or other administrative officer has issued a written order, requirement, decision or determination regarding the permissibility of a specific use or density of the landowner's property that is no longer subject to appeal and no longer subject to change, modification or reversal under subsection C of § 15.2-2311.

C. A zoning ordinance may provide that land, buildings, and structures and the uses thereof which do not conform to the zoning prescribed for the district in which they are situated may be continued only so long as the then existing or a more restricted use continues and such use is not discontinued for more than two years, and so long as the buildings or structures are maintained in their then structural condition; and that the uses of

such buildings or structures shall conform to such regulations whenever, with respect to the building or structure, the square footage of a building or structure is enlarged, or the building or structure is structurally altered as provided in the Uniform Statewide Building Code (§ 36-97 et seq.). If a use does not conform to the zoning prescribed for the district in which such use is situated, and if (i) a business license was issued by the locality for such use and (ii) the holder of such business license has operated continuously in the same location for at least 15 years and has paid all local taxes related to such use, the locality shall permit the holder of such business license to apply for a rezoning or a special use permit without charge by the locality or any agency affiliated with the locality for fees associated with such filing. Further, a zoning ordinance may provide that no nonconforming use may be expanded, or that no nonconforming building or structure may be moved on the same lot or to any other lot which is not properly zoned to permit such nonconforming use.

D. Notwithstanding any local ordinance to the contrary, if (i) the local government has issued a building permit, the building or structure was thereafter constructed in accordance with the building permit, and upon completion of construction, the local government issued a certificate of occupancy or a use permit therefor, (ii) a property owner, relying in good faith on the issuance of a building permit, incurs extensive obligations or substantial expenses in diligent pursuit of a building project that is in conformance with the building permit and the Uniform Statewide Building Code (§ 36-97 et seq.), or (iii) the owner of the building or structure has paid taxes to the locality for such building or structure for a period of more than the previous 15 years, a zoning ordinance shall not provide that such building or structure is illegal and subject to removal solely due to such nonconformity. Such building or structure shall be nonconforming. A zoning ordinance may provide that such building or structure be brought in compliance with the Uniform Statewide Building Code, provided that to do so shall not affect the nonconforming status of such building or structure. If the local government has issued a permit, other than a building permit, that authorized construction of an improvement to real property and the improvement was thereafter constructed in accordance with such permit, the ordinance may provide that the improvements are nonconforming, but not illegal. If the structure is one that requires no permit, and an authorized local government official informs the property owner that the structure will comply with the zoning ordinance, and the improvement was thereafter constructed, a zoning ordinance may provide that the structure is nonconforming but shall not provide that such structure is illegal and subject to removal solely due to such nonconformity. In any proceeding when the authorized government official is deceased or is otherwise unavailable to testify, uncorroborated testimony of the oral statement of such official shall not be sufficient evidence to prove that the authorized government official made such statement.

E. A zoning ordinance shall permit the owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God to repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance as provided in § 15.2-2310. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.) and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program. Unless such building is repaired, rebuilt or replaced within two years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the zoning ordinance of the locality. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the zoning ordinance shall provide for an additional two years for the building to be repaired, rebuilt or replaced as otherwise provided in this paragraph. For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under § 18.2-77 or 18.2-80, and obtain vested rights under this section.

F. Notwithstanding any local ordinance to the contrary, an owner of real property shall be permitted to replace an existing on-site sewage system for any existing building in the same general location on the property even if a new on-site sewage system would not otherwise be permitted in that location, unless access to a public sanitary sewer is available to the property. If access to a sanitary sewer system is available, then the connection to such system shall be required. Any new on-site system shall be installed in compliance with applicable regulations of the Department of Health in effect at the time of the installation.

G. Nothing in this section shall be construed to prevent a locality, after making a reasonable attempt to notify such property owner, from ordering the removal of a nonconforming sign that has been abandoned. For purposes of this section, a sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of at least two years. Any locality may, by ordinance, provide that following the expiration of the two-year period any abandoned nonconforming sign shall be removed by the

owner of the property on which the sign is located, if notified by the locality to do so. If, following such two-year period, the locality has made a reasonable attempt to notify the property owner, the locality through its own agents or employees may enter the property upon which the sign is located and remove any such sign whenever the owner has refused to do so. The cost of such removal shall be chargeable to the owner of the property. Nothing herein shall prevent the locality from applying to a court of competent jurisdiction for an order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or other appropriate remedy.

H. Nothing in this section shall be construed to prevent the land owner or home owner from removing a valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD manufactured housing code. In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home. The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code. Any such replacement home shall retain the valid nonconforming status of the prior home.

VIRGINIA ACTS OF ASSEMBLY - 2025 SESSION

CHAPTER 100

An Act to amend and reenact §§ 15.2-2259 and 15.2-2260 of the Code of Virginia, relating to subdivision ordinance; local approvals.

[H 2660]

Approved March 19, 2025

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2259 and 15.2-2260 of the Code of Virginia are amended and reenacted:

§ 15.2-2259. Local planning commission to act on proposed plat.

A. 1. Except as otherwise provided in subdivisions 2 and 3, the local planning commission or other agent shall act on any proposed plat within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The Commission or agent shall thoroughly review the plat and shall make a good faith effort to identify all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the plat to the appropriate state agency or agencies for review within ~~10 business~~ *five business* days of receipt of such plat. The state agency shall respond in accord with the requirements set forth in § 15.2-2222.1, which shall extend the time for action by the local planning commission or other agent, as set forth in subsection B. Specific reasons for disapproval shall be ~~contained~~ *provided to the applicant* either in a separate document or on the plat itself. ~~The reasons for disapproval and shall (i) identify all deficiencies in the plat that cause caused the disapproval by reference to referencing specific duly adopted ordinances, regulations, or policies and shall (ii) identify all modifications or corrections as will permit approval of the plat. The local planning commission or other agent shall act on any proposed plat that it has previously disapproved within 45 days after the plat has been modified, corrected and resubmitted for approval.~~

2. The approval of plats, site plans, and plans of development solely involving parcels of commercial or residential real estate by a local planning commission or other agent shall be governed by subdivision 3 and subsections B, C, and D. For the purposes of this section, the term "commercial" means all real property used for commercial or industrial uses, and the term "residential" means all real property used for single-family or multifamily use.

3. The local planning commission or other agent shall act on any proposed plat, site plan or plan of development within ~~60~~ *40* days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The local planning commission or other agent shall not delay the official submission of any proposed plat, site plan, or plan of development by requiring presubmission conferences, meetings, or reviews. The Commission or agent shall thoroughly review the plat or plan and shall in good faith identify, to the greatest extent practicable, all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat or plan by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the plat or plan to the appropriate state agency or agencies for review within ~~10 business~~ *five business* days of receipt of such plat or plan. The state agency shall respond in accord with the requirements set forth in § 15.2-2222.1, which shall extend the time for action by the local planning commission or other agent, as set forth in subsection B. Specific reasons for disapproval shall be ~~contained~~ *provided to the applicant* either in a separate document or on the plat or plan itself. ~~The reasons for disapproval and shall (i) identify all deficiencies in the plat or plan that caused the disapproval by reference to referencing specific duly adopted ordinances, regulations, or policies and shall (ii) identify, to the greatest extent practicable, modifications or corrections that will permit approval of the plat or plan.~~

In the review of a resubmitted proposed plat, site plan or plan of development that has been previously disapproved, the local planning commission or other agent shall consider only deficiencies ~~it had~~ identified in its review of the initial submission of the plat or plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. In the review of the resubmission of a plat or plan, the local planning commission or other agent shall (i) identify all deficiencies with the proposed plat or plan that caused the disapproval by ~~reference to~~ *referencing* specific duly adopted ordinances, regulations, or policies and ~~shall~~ (ii) identify all modifications or corrections that will permit approval of the plat or plan. Upon the second resubmission of such disapproved plat or plan, the local planning commission or other agent's review shall be limited solely to the previously identified deficiencies that caused its disapproval.

All deficiencies identified during a third or subsequent resubmission of any plat, site plan, or plan of development shall be provided concurrently to the applicant and the director of planning or the equivalent official having supervisory authority over the agent. Within 14 days of receipt, such director or equivalent

official shall either:

1. Approve the plat, site plan, or plan of development as submitted;
2. Permit the applicant to address any deficiencies deemed minor by the director or equivalent official, and resubmit the plat, site plan, or plan of development for administrative approval. The director or equivalent official shall complete the administrative approval within seven days of receipt of the resubmission; or
3. Disapprove the resubmission, and identify all deficiencies that caused the disapproval by referencing specific duly adopted ordinances, regulations, or policies and identify all modifications or corrections that will permit approval of the plat, site plan, or plan of development.

The local planning commission or other agent shall act on any proposed plat, site plan or plan of development that it has previously disapproved within ~~45~~ 30 days after the plat or plan has been modified, corrected and resubmitted for approval. The failure of a local planning commission or other agent to approve or disapprove a resubmitted plat or plan within the time periods required by this section shall cause the plat or plan to be deemed approved. *Notwithstanding any other provision of this section, the locality's designated agent, with the concurrence of all applicable local reviewing agencies, may administratively approve any resubmitted site plan or subdivision plat that the designated agent deems to be in compliance with local ordinances and state law.*

Notwithstanding the approval or deemed approval of any proposed plat, site plan or plan of development, any deficiency in any proposed plat or plan, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated or deemed as having been approved by the local planning commission or other agent. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the local planning commission or other agent's review shall not be limited to only the previously identified deficiencies identified in the prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

B. Any state agency or public authority authorized by state law making a review of a plat forwarded to it under this article, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within ~~45~~ 30 days of receipt of the plat upon first submission and within ~~45~~ 30 days for any proposed plat that has previously been disapproved, provided, however, that the time periods set forth in § 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public rights-of-way dedicated for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state agency or public authority authorized by state law does not approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection A, with the exception of the time period therein specified. Upon receipt of the approvals from all state agencies and other agencies, the local agent shall act upon a plat within ~~35~~ 20 days.

C. If the commission or other agent fails to approve or disapprove the plat within ~~60 days after it has been officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous disapproval or within 35 days of receipt of any agency response pursuant to subsection B~~ the timeframes prescribed in this section, the subdivider, after ~~10 days'~~ 10 days' written notice to the commission, or agent, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located, to decide whether the plat should or should not be approved. The court shall give the petition priority on the civil docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644 et seq.) of Chapter 25 of Title 8.01 and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

D. If a commission or other agent disapproves a plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the commission or other agent.

§ 15.2-2260. Localities may provide for submission of preliminary subdivision plats; how long valid.

A. Nothing in this article shall be deemed to prohibit the local governing body from providing in its ordinance for the mandatory submission of preliminary subdivision plats for tentative approval for plats involving more than 50 lots, provided that any such ordinance provides for the submission of a preliminary subdivision plat for tentative approval at the option of the landowner for plats involving 50 or fewer lots. The local planning commission, or an agent designated by the commission or by the governing body to review preliminary subdivision plats shall complete action on the preliminary subdivision plats within ~~60~~ 45 days of submission. However, if approval of a feature or features of the preliminary subdivision plat by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the

preliminary subdivision plat to the appropriate state agency or agencies for review within ~~10 business~~ *five business* days of receipt of such preliminary subdivision plat.

B. Any state agency or public authority authorized by state law making a review of a preliminary subdivision plat forwarded to it under this section, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within ~~45~~ 30 days of receipt of the preliminary subdivision plat upon first submission and within ~~45~~ 30 days for any proposed plat that has previously been disapproved, provided, however, that the time period set forth in § 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public rights-of-way for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state agency or public authority authorized by state law does not approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection A of § 15.2-2259 with the exception of the time period therein specified. Upon receipt of the approvals from all state agencies, the local agent shall act upon a preliminary subdivision plat within ~~35~~ 20 days.

C. If a commission has the responsibility of review of preliminary subdivision plats and conducts a public hearing, it shall act on the plat within ~~45~~ 30 days after receiving approval from all state agencies. If the local agent or commission does not approve the preliminary subdivision plat, the local agent or commission shall (i) set forth in writing the reasons for such denial and shall state what corrections or modifications will permit approval by such agent or commission all deficiencies in the plat that caused the disapproval by referencing to specific duly adopted ordinances, regulations, or policies and (ii) identify modifications or corrections that will permit approval of the plat. With regard to plats involving commercial or residential property, as those terms are defined in subdivision A 2 of § 15.2-2259, the review process for such plats shall be the same as provided in subdivisions A 2 and A 3 of § 15.2-2259. ~~However, no commission or agent shall be required to approve a preliminary subdivision plat in less than 60 days from the date of its original submission to the commission or agent, and all~~ All actions on preliminary subdivision plats shall be completed by the agent or commission and, if necessary, state agencies, within a total of 90 days of submission to the local agent or commission.

D. If the commission or other agent fails to approve or disapprove the preliminary subdivision plat within 90 days after it has been officially submitted for approval, the subdivider after 10 days' written notice to the commission, or agent, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located to enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

E. If a commission or other agent disapproves a preliminary subdivision plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the commission or other agent.

F. Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval or such longer period as may be prescribed by local ordinance, and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon 90 days' written notice by certified mail to the subdivider, the commission or other agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.

G. Once an approved final subdivision plat for all or a portion of the property is recorded pursuant to § 15.2-2261, the underlying preliminary plat shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property. The five year period of validity shall extend from the date of the last recorded plat.

2. That the Virginia Code Commission shall convene a work group to review existing provisions of the Code of Virginia related to the submission, review, and approval of subdivision plats and site plans, including any amendments adopted during the 2025 Session of the General Assembly. The work group shall consist of representatives from the Home Builders Association of Virginia, Virginia Association for Commercial Real Estate, Virginia REALTORS, Virginia Municipal League, Virginia Association of Counties, Virginia Chapter of the American Planning Association, and other relevant stakeholders. The work group shall develop recommendations to (i) organize procedural steps in a clear, logical, and sequential order to enhance ease of reference; (ii) clarify the processes, requirements, and timelines applicable to each type of plat or plan; (iii) standardize terminology to ensure consistency, reduce ambiguity, and minimize misinterpretation; and (iv) identify and eliminate redundant or duplicative provisions to streamline the Code and improve its usability. The Virginia Code Commission shall

submit a report to the Chairs of the House Committee on Counties, Cities and Towns and the Senate Committee on Local Government detailing any recommendations of the work group by November 1, 2025.

Fluvanna County

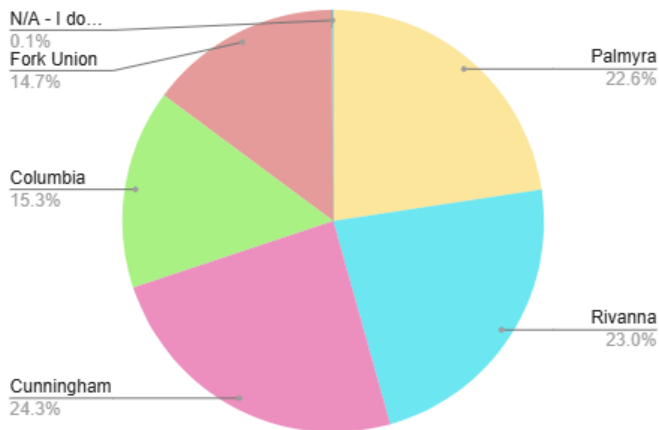
2025 Comprehensive Plan Survey Responses

The 2025 Comprehensive Plan Community Survey was available for residents and others affiliated with the County to complete from April 11th to May 30th. It consisted of 27 questions of varying length, ranging from multiple choice questions to open-ended responses. The survey was available in both digital and hard copy form, and respondents could access it through the Fluvanna County website or a QR code posted in the Fluvanna Review. There were 757 responses completed in total. Of that number, 723 were submitted digitally and 34 were submitted by mail or delivered by hand to the Department of Planning and Zoning.

Analysis of survey data was completed using both Google Sheets and Python scripting with Matplotlib.

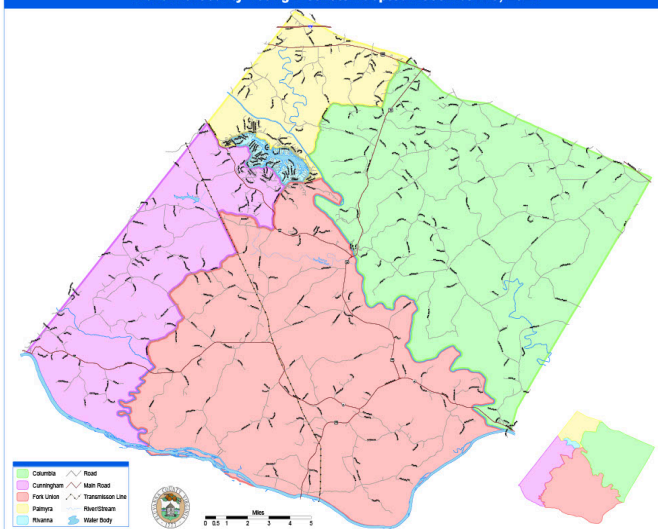
Q2 - District - Multiple Choice

If you live in Fluvanna County, which district do you live in?



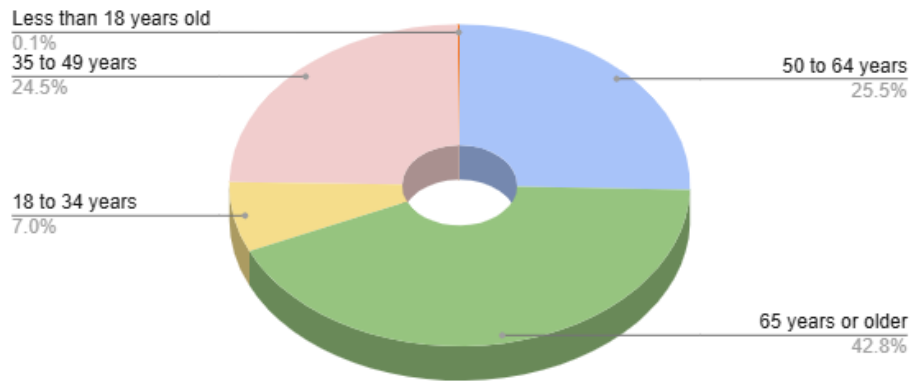
Responses were split somewhat evenly between all five districts, creating a sizable sample for each.

Fluvanna County Voting Districts Adopted December 15, 2021



Q3 - Age Group

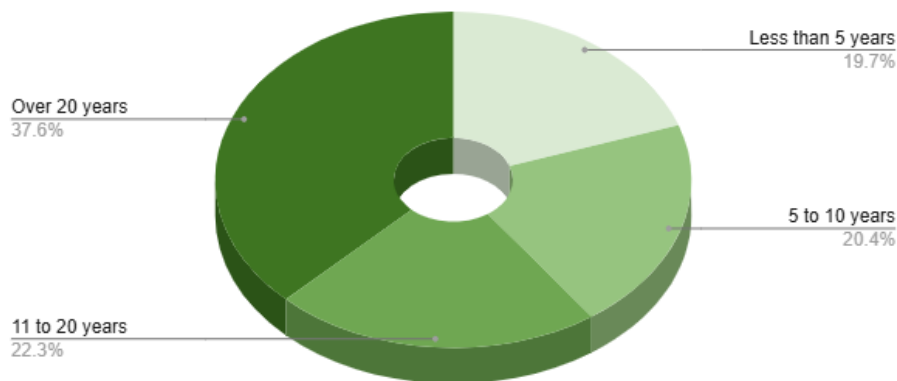
Respondents by age group



Clear majority of respondents were over 50 years of age
Respondents under 35 were underrepresented

Q4 - Tenure of Residency

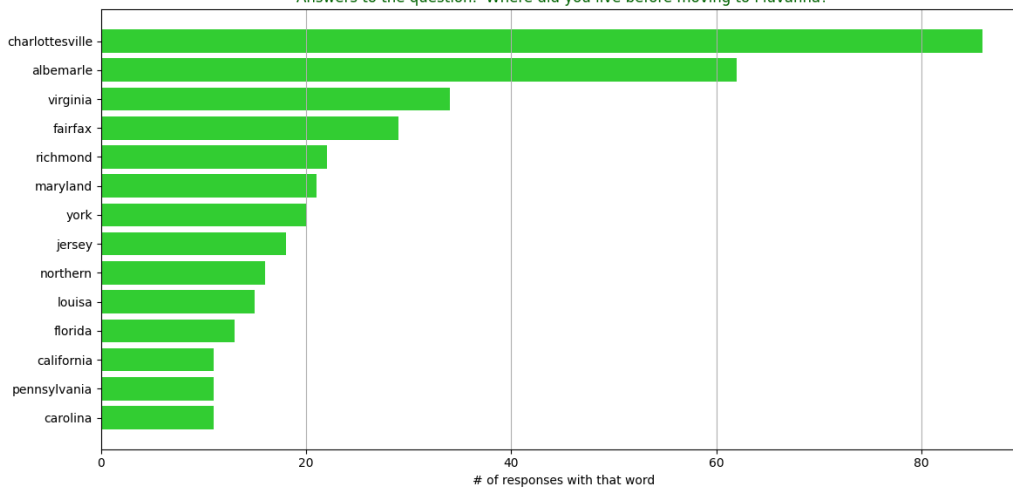
How many years have you lived in Fluvanna County?



Clear majority of respondents have lived here more than 10 years

Q5 - Previous Residency

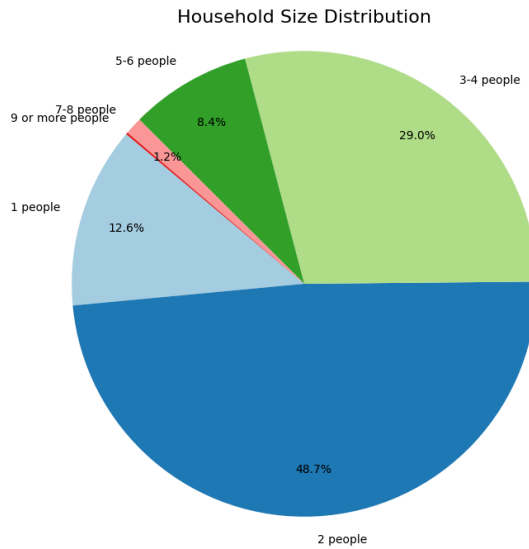
Answers to the question: 'Where did you live before moving to Fluvanna?'



This graph shows data on words most often used in respondents' answers to the question.

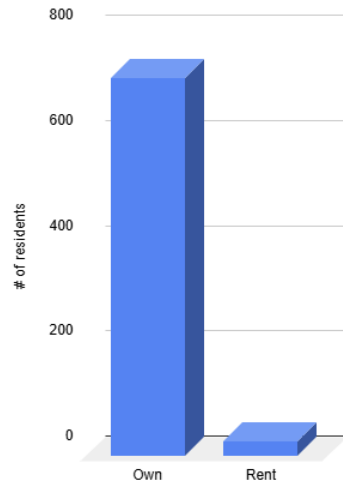
Largest portion of respondents listed Charlottesville/ Albemarle County.

Q6 - Household Size



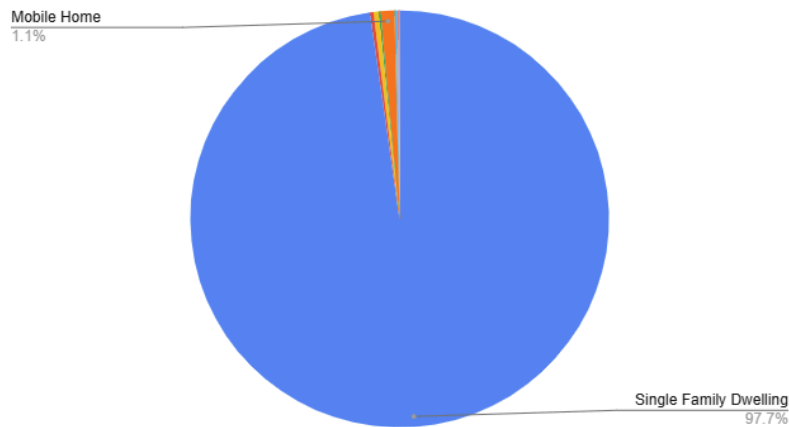
The smallest sliver (9 or more people) represents around .1% and a single response.

Q7 - Do residents rent or own?



Q8 - Home Type

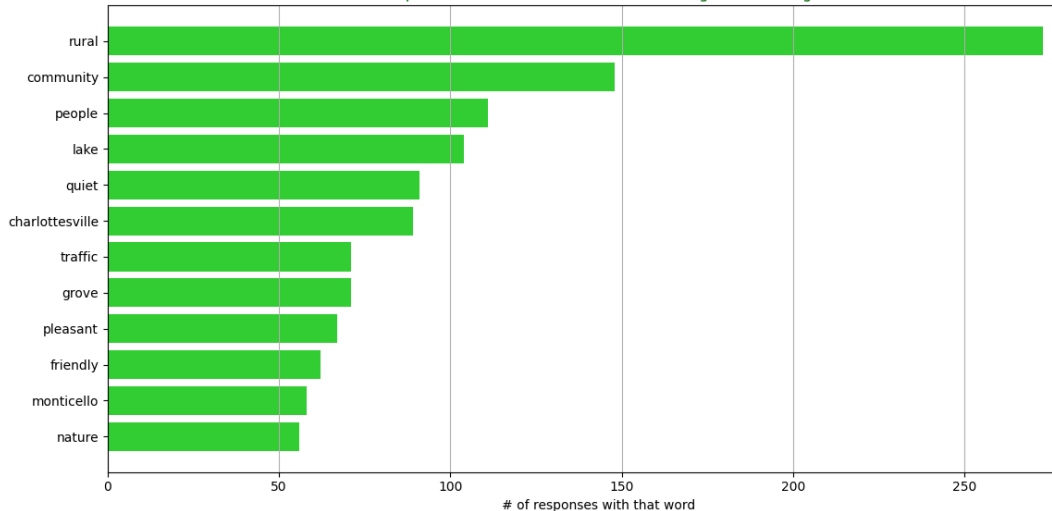
Where do residents live?



Other home types with percentages too small to include were Apartments, Townhomes, and Duplexes.

Q9 - Favorite things about living in Fluvanna.

Answers to the question: 'What are the three best things about living in Fluvanna?'



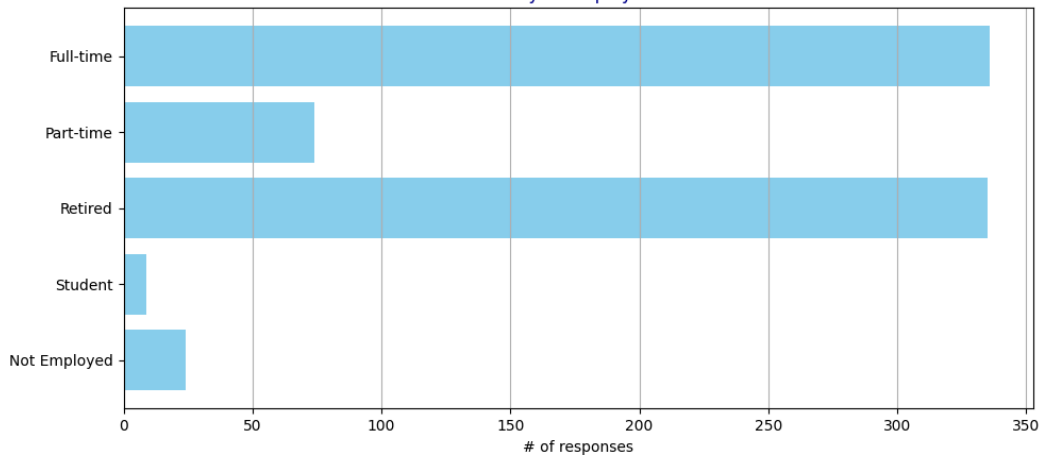
The words most often used in respondents' answers. Redundant words have been omitted.

Other words mentioned often included:

- environment
- character
- peaceful
- wildlife
- convenient
- mountain
- shopping
- church
- rivanna
- love

Q10a - Are you employed?

Are you employed?

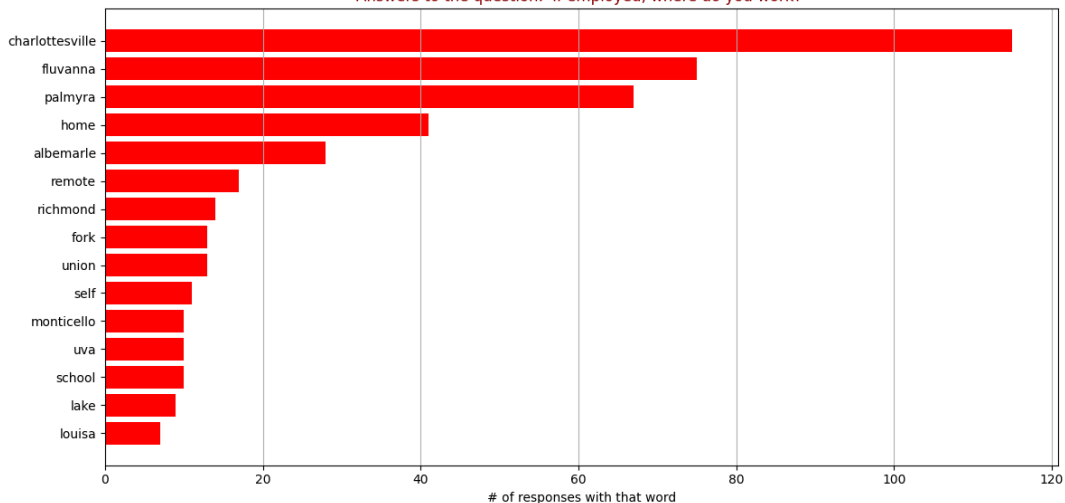


Largest plurality was full-time workers.

Many respondents reported multiple categories.

Q10b - If employed, where?

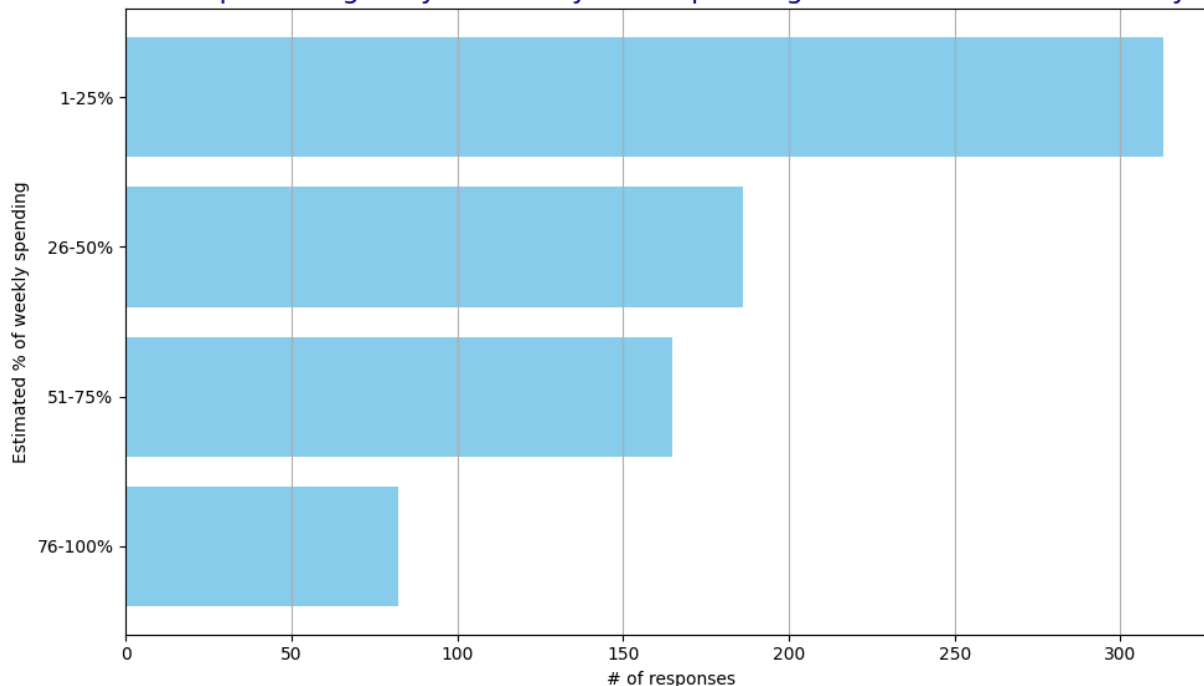
Answers to the question: 'If employed, where do you work?'



Largest number of responses indicated work in Charlottesville. A number of respondents work in Fluvanna County as well.

Q11 - Percent of Weekly Spending

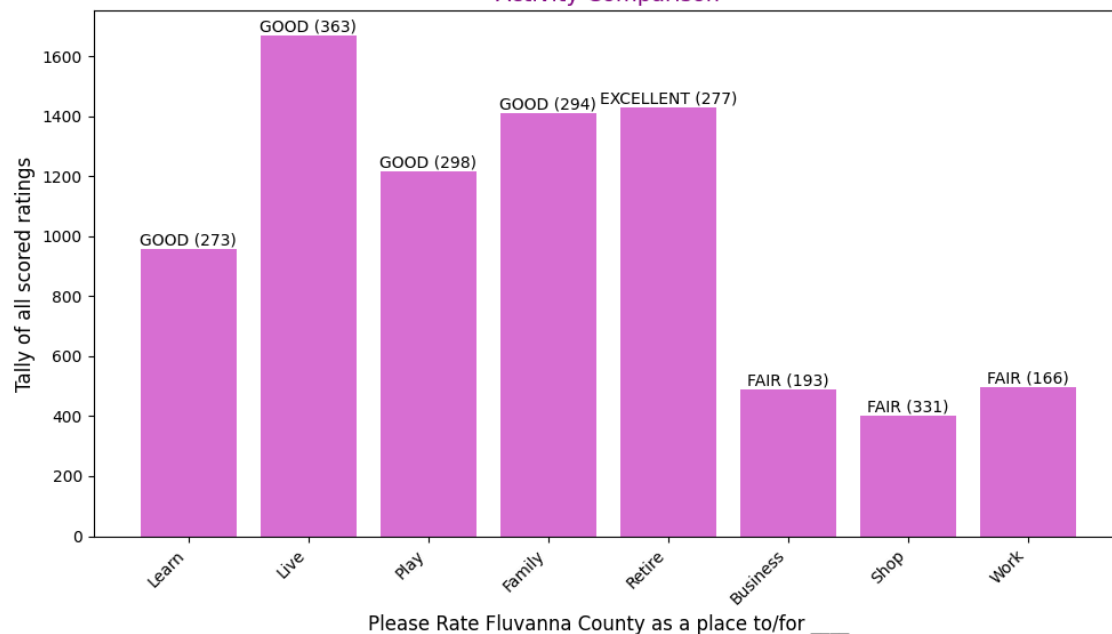
What percentage of your weekly retail spending is done in Fluvanna County?



A clear majority of respondents report less than half of their weekly spending is done in Fluvanna County.

Q12 - Rate Fluvanna as a place for...

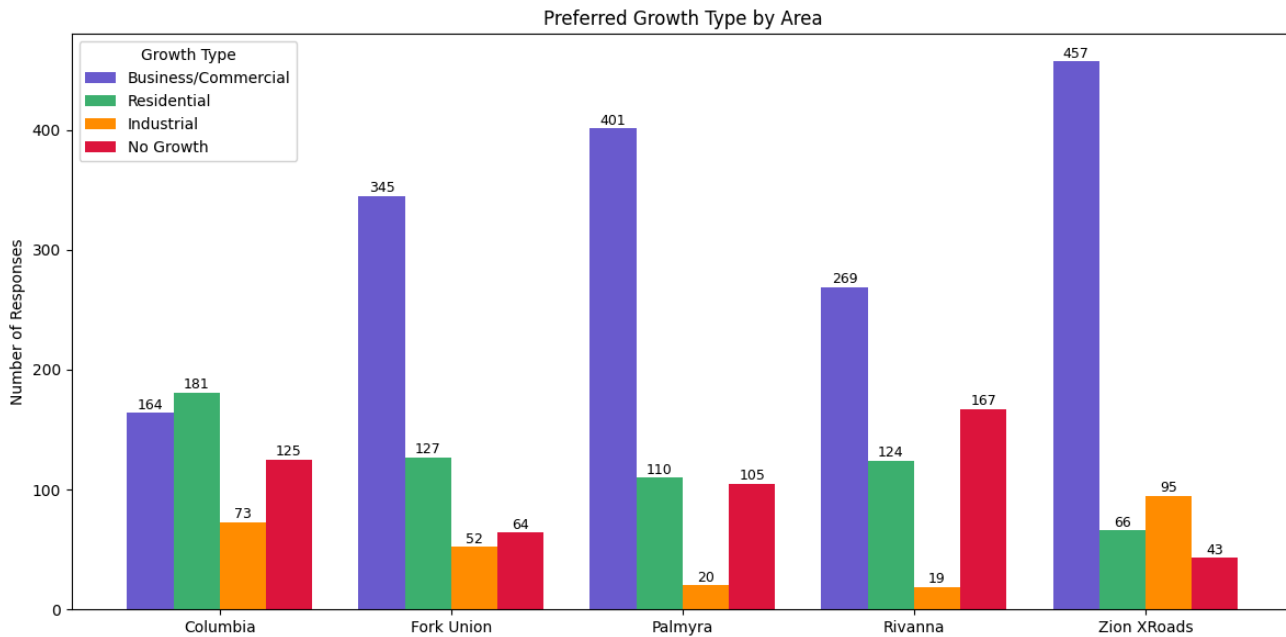
Activity Comparison



Excellent = 3
Good = 2
Fair = 1
No opinion = 0
Poor = (-1)

Column height indicates overall tally of all scores, while column labels indicate the most common rating for that activity, along with its tally. The lack of in-County retail spending and the common rating of Fluvanna shopping as 'POOR' indicate a dissatisfaction with County retail opportunities.

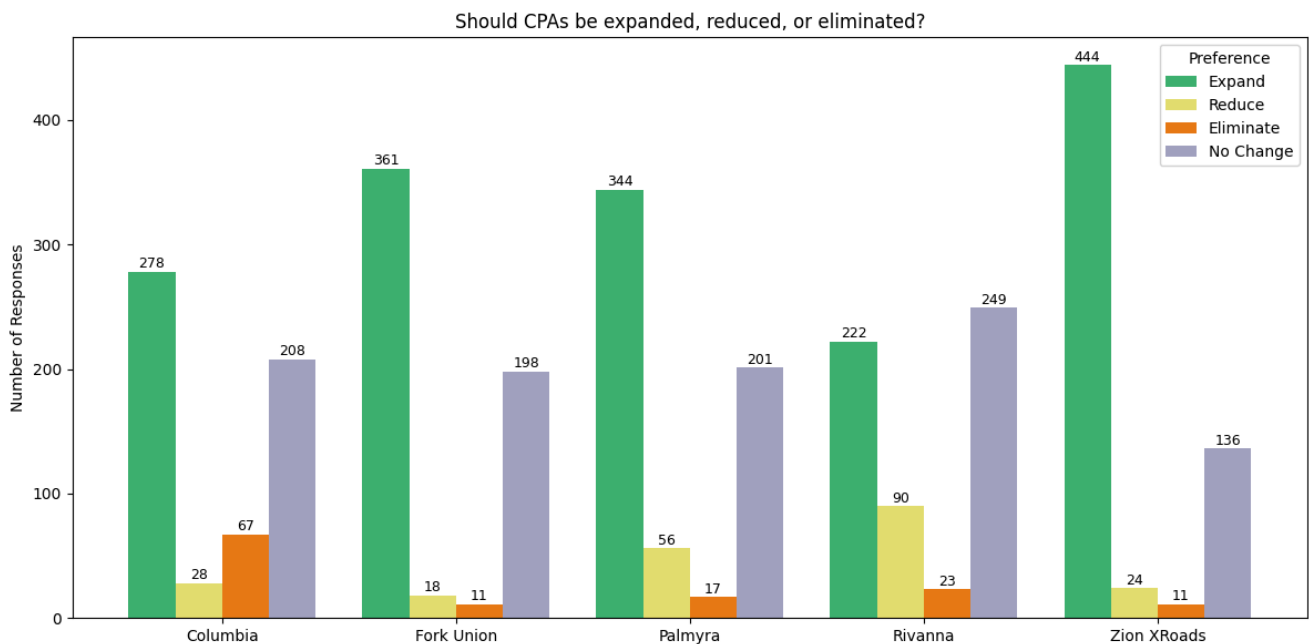
Q13 - Preferred Growth Patterns in CPAs ***



* Question was multiple choice rather than multiple check boxes

*** Question mistakenly omitted Scottsville CPA in its analysis

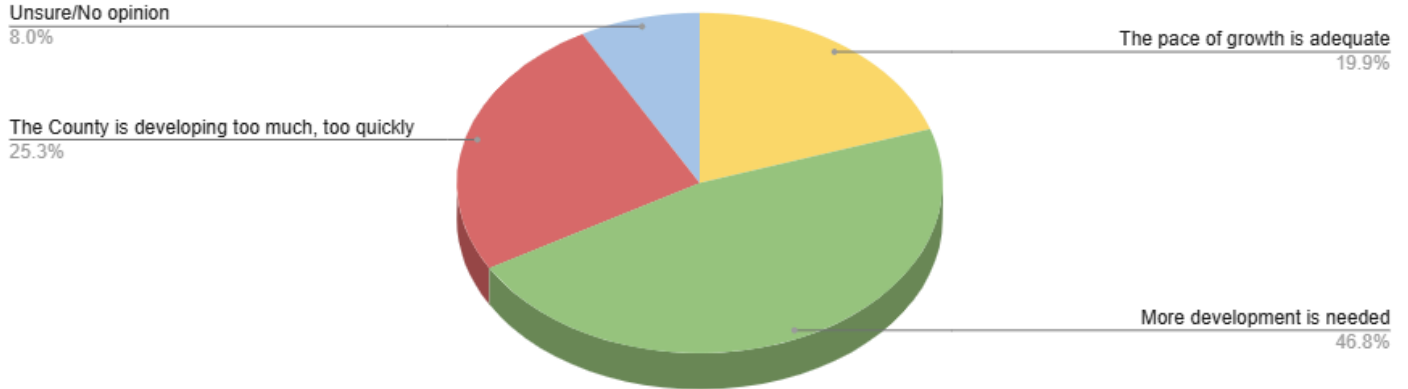
Q14 - CPA Expansion/Reduction



*** Question mistakenly omitted Scottsville in its analysis

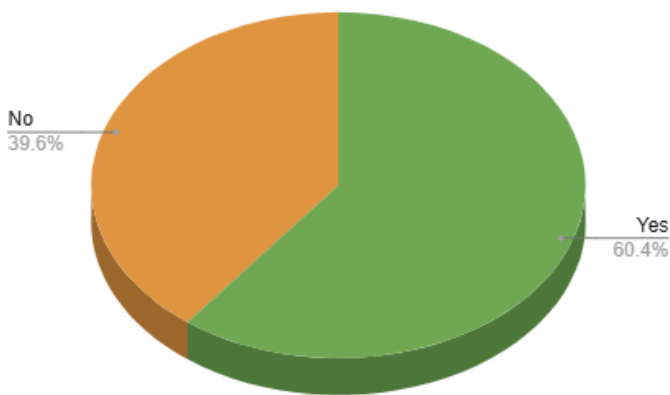
Q15 - Opinion on County Development

Opinions on Development in Fluvanna County



Q16 - Does the County need to add trails/pedestrian bike paths?

Building Trails/Pedestrian Paths



Locations Submitted:

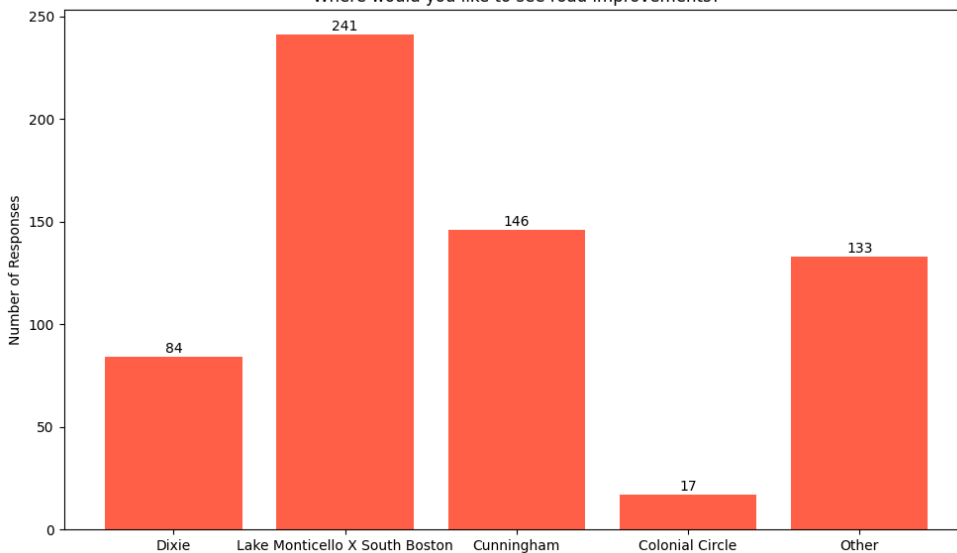
Rts 15, 53, 250

Jefferson, Lake Monticello Rd

lake	
monticello	park
grove	area
pleasant	road
palmyra	everywhere
river	safe
union	path
fork	sidewalk
trail	zion
rivanna	rail
anywhere	columbia

Q17 - Needed Road Improvements

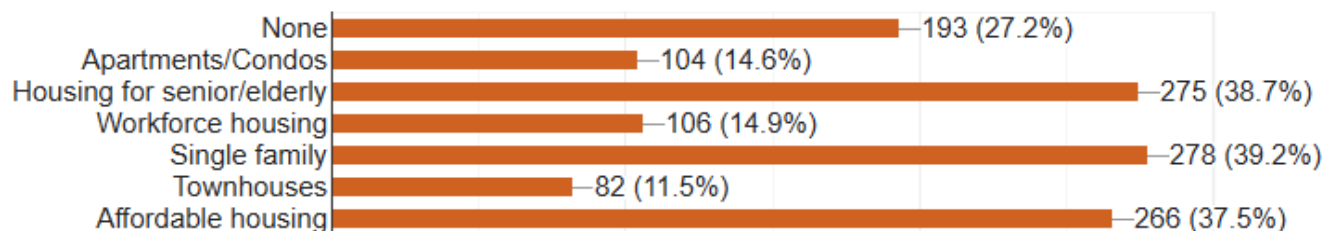
Where would you like to see road improvements?



Other roads mentioned often included:

53
15
609
618
250
659
619 X 53
River Ridge Rd
Rolling Rd
Turkeysag
Union Mills X South Boston

Q18 - Residential Development Preferences



Q19 - Commercial Development Preferences

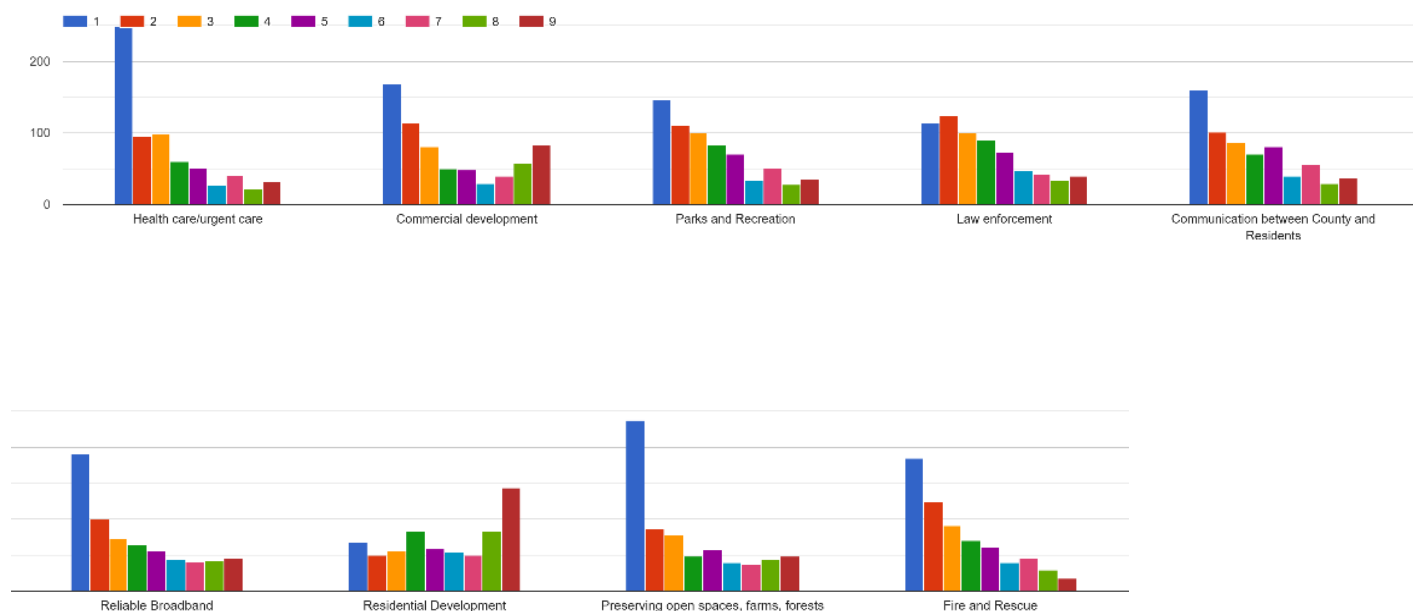
Development Type	Number of Selections	% of Responses
Grocery Stores	550	76.8
Restaurants	495	69.1
Retail	386	53.9
Medical	367	51.3
Repair Shops	239	33.4
Specialty Shops	225	31.4
Boutique Shops	202	28.2
Business Incubator	188	26.3
Professional Services	174	24.3
Banks	127	17.7
None	25	3.5

Q20 - Industrial Development Preferences

Development Type	Number of Selections	% of Responses
None	165	25.1
Manufacturing - Wood Products	203	30.9
Manufacturing - Packaging Supplies	223	33.9
Data Center	230	35
Call Center	212	32.2
Distribution Center	258	39.2
Food and Beverage Processing Center	211	32.1
Utility-scale Solar	184	28

Q21 - County Priorities

21. What should the County's priorities be for improving quality of life? Rank in order from 1 (most important) to 9 (least important).

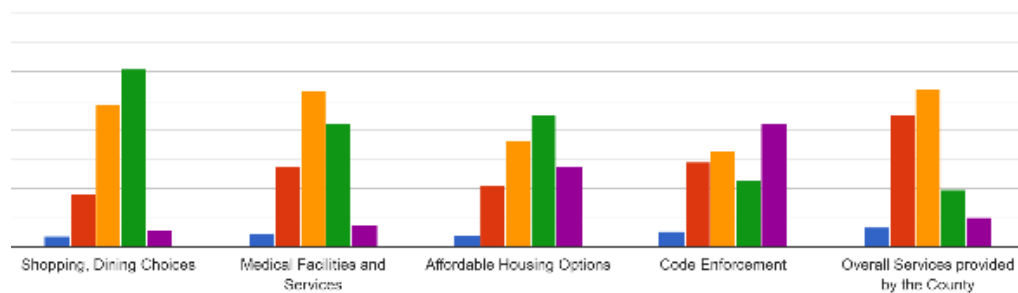
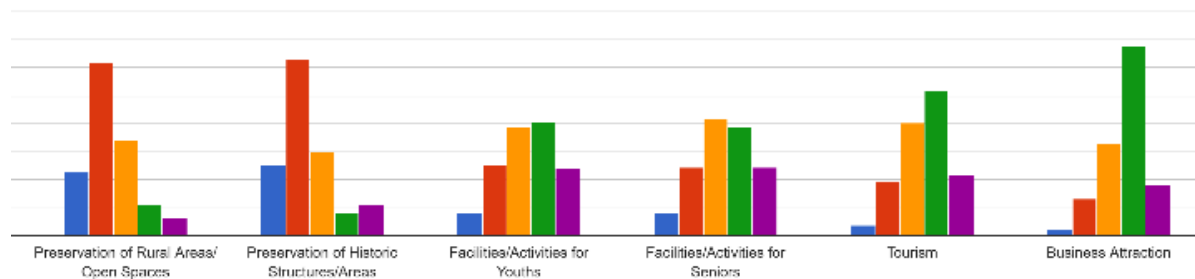
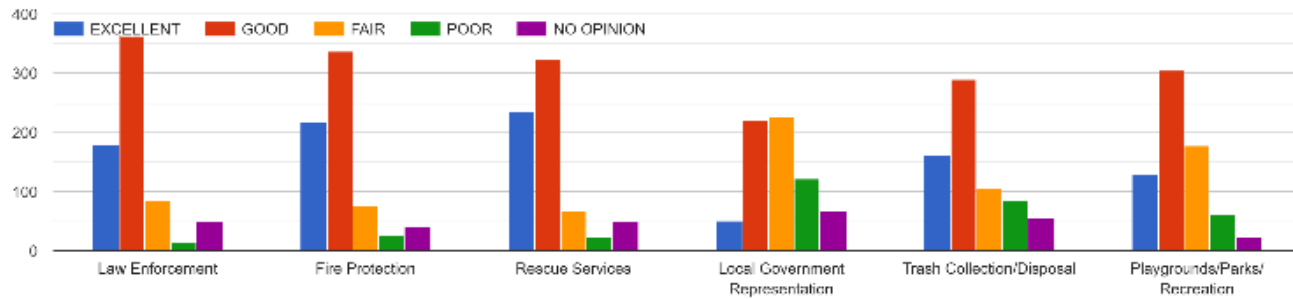


Q24 - Reasons Respondents might choose to leave Fluvanna County

Reason	# of Selections	Percent of Responses
Tax rates	411	59.1
Lack of businesses	286	41.2
Inadequate public services	202	29.1
Inadequate access to medical care	182	26.2
Moving Closer to Family	162	23.3
Lack of broadband internet service	130	18.7
Lack of facilities for youth/seniors	128	17.4
Lack of job opportunities	100	14.4
Lack of educational opportunities	78	11.2
Lack of recreational opportunities	76	10.9

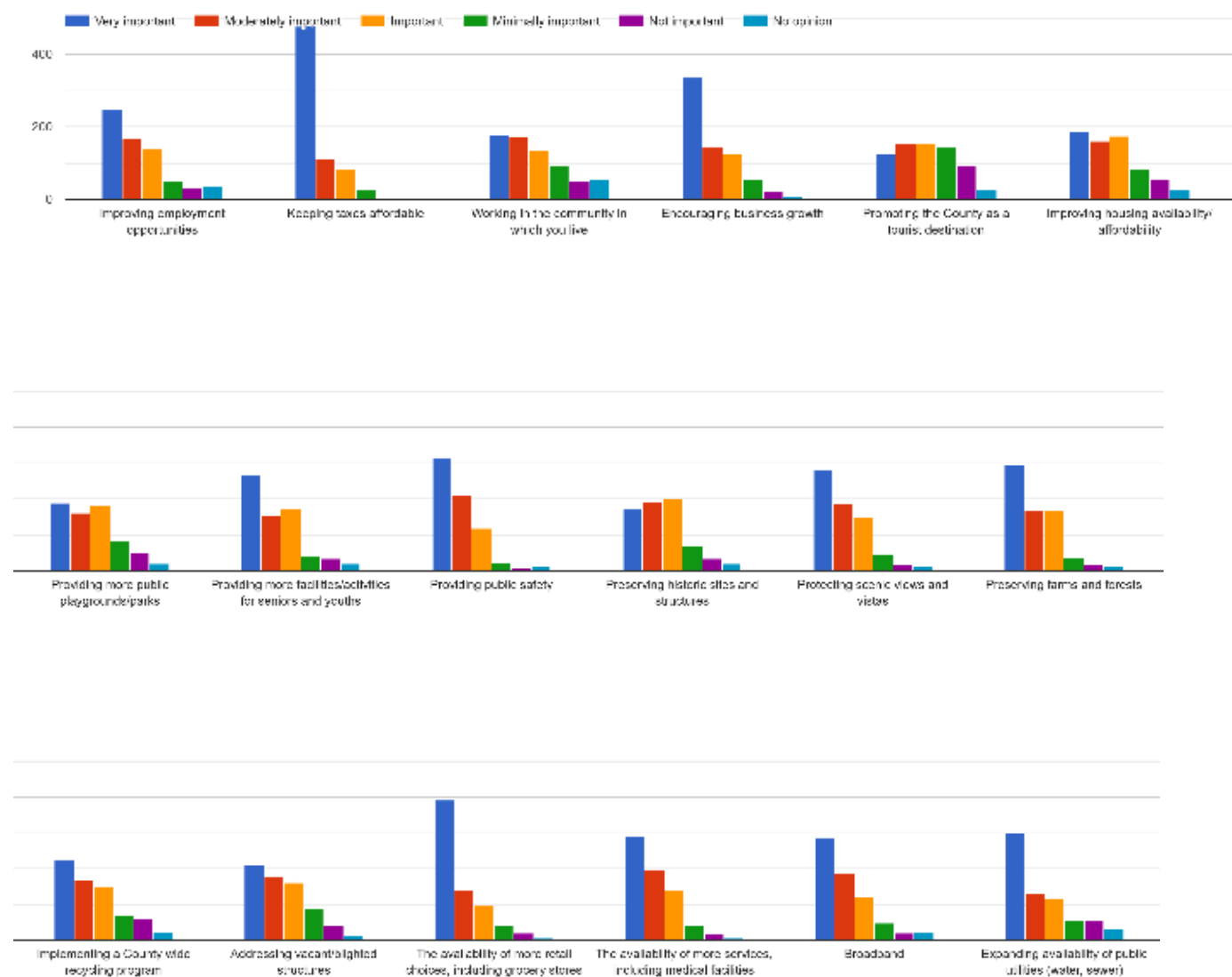
Q22 - How are we doing?

22. Please rate Fluvanna County on each of the following community aspects:



Q23 - Important issues

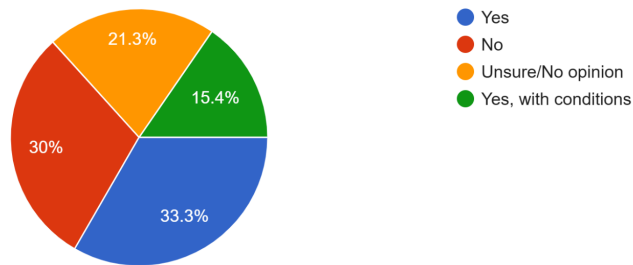
23. With respect to the future growth and development of the County, how important to you are the following issues?



Q25 - Solar

25. Are you in favor of additional solar development in Fluvanna County?

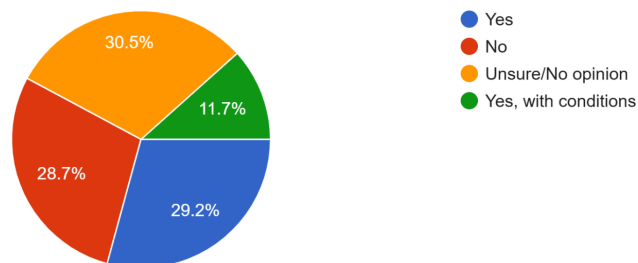
714 responses



Q26 - Data Centers

26. Are you in favor of the placement of data centers in Fluvanna County?

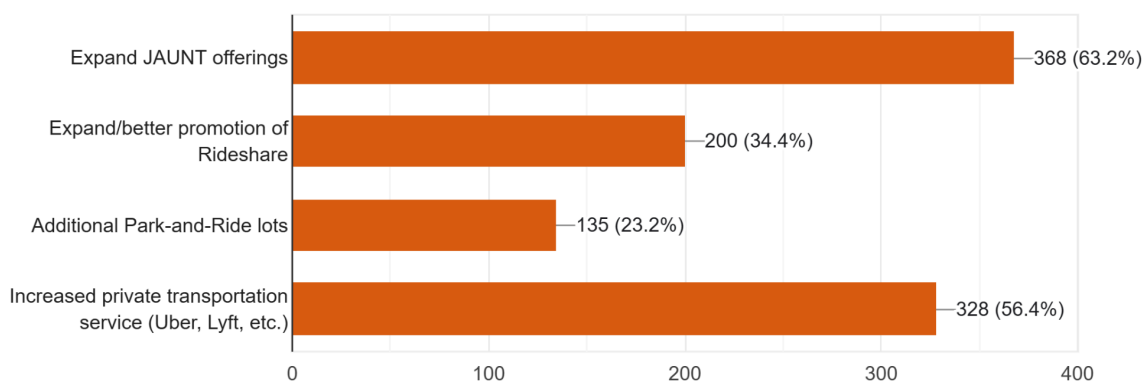
712 responses



Q27 - Transit Options

27. What transportation/transit options would you like to see in Fluvanna County?

582 responses



The following pages contain excerpts from Planning Commission meetings in 2023 where Community Meetings were discussed. Many of the minute excerpts simply noted that a meeting was scheduled or held.

In particular, there was a more involved discussion about Community Meetings during the June 2023 Commission meeting. Mr. Goad asked about how the process is handled if the applicant facilitates the meeting without the help of County staff. The response was that it is handled "however they choose to set it up."

FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES

Carysbrook Performing Arts Center
8880 James Madison Highway
Fork Union, VA 23055

Work Session 6:00 pm

Tuesday, March 7, 2023
Regular Meeting 7:00 pm

MEMBERS PRESENT:

Barry Bibb, Chair
Howard Lagomarsino, Vice Chair
Mike Goad
Bree Key
Loretta Johnson-Morgan
Patricia Eager, Board of Supervisors

ABSENT:

None

STAFF PRESENT:

Eric Dahl, County Administrator
Fred Payne, County Attorney
Douglas Miles, Community Development Director
Jason Overstreet, Senior Planner
Valencia Porter-Henderson, Administrative Programs Specialist

A. CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:

At 6:00 pm, Chair Bibb, called to order the Work Session of March 7, 2023. After the recitation of the Pledge of Allegiance, a Moment of Silence was observed during this time.

B. 2040 Comprehensive Plan Land Use Work Session

Mr. Miles provided a 2040 Comprehensive Plan summary to the Planning Commissioners on the most recent Planning & GIS Staff analysis that was conducted relative to the vacant B-1, General Business, I-1, Limited Industrial Zoning and I-2, General Industrial Zoning, located within the Fork Union and Zion Crossroads areas.

Chair Bibb closed the Work Session at 6:45 pm until the Regular Meeting at 7:00 pm.

1. CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:

At 7:00 pm, Chair Bibb, called the March 7, 2023 Regular Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

2. DIRECTOR'S REPORT – Douglas Miles, AICP, CZA, Community Development Director

Thursday, March 9th Technical Review Committee meeting

ZMP 23:01 B-C Business Convenience Conditional Rezoning Request

Applicant owns former dentist office building from R-4/A-1 to B-C to permit daycare center, medical and dental offices, and small retail.

SDP 23:03 Ballenger Creek nature Preserve Site Development Plan

Minor Site Plan to construct a nature trails parking lot and access road for private, conservation easement area along Ballenger Creek.

SUP 23:02 Hardware Hills Vineyard Event Facility

At 5199 West River Road (Route 6) for an Agricultural Enterprise and Event Facility use.

Thursday, March 23rd at 6:00 pm Solar Community Meeting

Pine Gate Renewables Solar from Asheville, NC is proposing to build a 16 Megwatt utility-scale solar energy facility located off of Bremono Road and west of Walkers Lane. We have been working

with Pine Gate Solar for the past two years, as they have been preparing wetland analysis studies, and have been developing other solar projects within Virginia.

Fluvanna Community Center at 5725 James Madison Highway with a brief presentation at 6:00 pm and available until 7:30 pm. Please contact Lorraine Bergman lbergman@pgrenewables.com

Day	Date	Time	2040 Comprehensive Plan Work Session Events	Location
TUES	MAR 7	6:00 PM	Planning Commission Comp Plan Work Session	Performing Arts Center
FRIDAY	MAR 24	ALL DAY	TJ PDC Regional Housing Summit – Charlottesville	Omni Hotel
TUES	APR 11	6:00 PM	Planning Commission Comp Plan Work Session	Performing Arts Center
TUES	MAY 9	6:00 PM	Planning Commission Comp Plan Work Session	Performing Arts Center

3. **PUBLIC COMMENTS #1**

Chair Bibb opened up the Public Comments at 7:29 pm by giving each Public speaker a limit of five (5) minutes to speak and asked that they state their name and their address for the record. With no one wishing to speak in person or online, Chair Bibb closed the first round of Public Comments at 7:29 pm.

4. **MINUTES:**

MOTION:	To approve the minutes of the Planning Commission of February 7, 2023.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion		Second	
VOTE:	Aye	Aye	Aye	Aye	Abstain
RESULT:	4-0-1 Approved, as presented				

5. **PUBLIC HEARINGS:**

None

6. **PRESENTATIONS:**

None

7. **SITE DEVELOPMENT PLANS:**

None

8. **SUBDIVISIONS:**

None

9. **UNFINISHED BUSINESS:**

None

10. **NEW BUSINESS:**

None

11. **PUBLIC COMMENTS #2:**

Chair Bibb opened up the Public Comments at 7:30 pm by giving each speaker a limit of five (5) minutes to speak and asked that they state their full name and property address for the record. With no one coming forward wishing to speak in person or online, Chair Bibb closed the Public Comments period at 7:30 pm.

12. **ADJOURNMENT:**

Chair Bibb adjourned the Planning Commission meeting on March 7, 2023 at 7:31 pm.

Minutes recorded by Valencia Porter-Henderson, Administrative Programs Specialist.

Barry A. Bibb, Chair

Fluvanna County Planning Commission

1. **CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**

At 7:00 pm, Chair Bibb, called the May 9, 2023 Regular Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

2. **DIRECTOR’S REPORT – Douglas Miles, AICP, CZA, Community Development Director**

Thursday, May 11th Technical Review Committee meeting

Reventon Farms Camp, Central Water and Sewer and Event Facility SUP case requests

Camp and Outdoor Recreational uses proposed on about 745 acres, 300 in Fluvanna and 445 in Albemarle, with 250 cabins, with biking, hiking, birding, and an adventure forest and equestrian center on property with access in Fluvanna County on Rolling Rd S and Briery Creek Roads.

Sun Reventon Farm LLC filed on May 1st four Special Use Permit (SUP) requests; 1) Camp use 2) Central Water 3) Central Sewer and 4) Event Facility use. This Camp use would only permit the Cabin structures not Recreational vehicles which is a Campground land use for temporary uses.

Wednesday, May 10th at 6:00 pm Solar Community meeting

Pine Gate Renewables Solar – from Asheville, NC is at **Fluvanna Community Center** – 5725 James Madison Highway with a brief presentation at 6:00 pm and answering questions until 7:00 pm. Contact Lorraine Bergman at lbergman@pgrenewables.com for follow-up meeting information.

Day	Date	Time	2040 Comprehensive Plan Work Session Events	Location
TUES	JUNE 13	6:00 PM	Planning Commission Comp Plan Work Session	Performing Arts Center
TUES	JULY 11	6:00 PM	Planning Commission Comp Plan Work Session	Performing Arts Center
TUES	AUG 8	6:00 PM	Planning Commission Comp Plan Work Session	Performing Arts Center

3. **PUBLIC COMMENTS #1**

Chair Bibb opened Public Comments #1 at 7:11 pm by giving each Public speaker a limit of five (5) minutes to speak and he asked that they state their name and their address for the record. With no one wishing to speak in person or online, Chair Bibb closed the first round of Public Comments at 7:12 pm.

4. **DRAFT MINUTES:**

MOTION:	To approve the minutes of the Planning Commission of April 11, 2023.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved, as presented				

5. **PUBLIC HEARING:**

ZMP 23:02 Renaud Consulting – A rezoning request to conditionally rezone from A-1, Agricultural, General and I-1, Industrial, Limited to the B-1, Business, General Zoning District with respect to 4.7 +/- acres of Tax Map 5 Section A Parcels 48, 51, part of 52 and part of 53; Tax Map 5A Section 1 Parcel L2 and Tax Map 5A Section 2 Parcels L1 and L1A. The subject properties are located in the southwest quadrant of Richmond Road (Route 250) and James Madison Highway (Route 15) in the Zion Crossroads Community Planning Area and the Columbia Election District.

Douglas Miles provided his Powerpoint presentation by indicating that this conditional rezoning case request is in compliance with the Comprehensive Plan and Zion Crossroads Gateway goals.

Ann Neil Cosby, Land Use Attorney, provided her Powerpoint presentation relative to the site developer’s design of the proposed Wawa convenience store use and by working in conjunction with Fluvanna County staff they have been able to present a very good site design for the Zion Crossroads gateway area and along with the suggested changes during the staff consultations.

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES**

**Fluvanna County Library
214 Commons Blvd
Palmyra, VA 22963**

**Tuesday, June 13, 2023
Regular Meeting 7:00 pm**

MEMBERS PRESENT:

Barry Bibb, Chair
Howard Lagomarsino, Vice Chair
Mike Goad, Commissioner
Lorretta Johnson-Morgan, Commissioner
Patricia Eager, Board of Supervisors member

ABSENT:

Bree Key, Commissioner

STAFF PRESENT:

Eric Dahl, County Administrator
Fred Payne, County Attorney
Dan Whitten, County Attorney
Kelly Harris, Assistant County Administrator
Douglas Miles, Community Development Director
Jason Overstreet, Senior Planner
Valencia Porter-Henderson, Administrative Programs Specialist

1. CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:

At 7:00 pm, Chair Bibb, called the June 13, 2023 Regular Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

Fred Payne, County Attorney indicated that this would be his last Planning Commission meeting at Fluvanna County. He introduced Dan Whitten, new County Attorney who would be observing during tonight’s meeting and he was recently hired full-time on June 5th at Fluvanna County.

2. DIRECTOR’S REPORT – Douglas Miles, AICP, CZA, Community Development Director

Thursday, June 8th Technical Review Committee meeting

Fluvanna Louisa Housing Foundation is proposing Mountain Hill Rural Cluster Subdivision of up to 10 lots for senior housing units proposed behind the Fluvanna Community Holiness Church.

Caroline and Christopher Minsky are proposing to amend ZMP 19:02 2428 Richmond Road LLC conditional rezoning case that was approved on June 17, 2020 and they are proposing to permit a general retail furniture store land use.

ZMP 23:03 Caroline and Christopher Minsky Amendment

The applicants, are proposing a Community Meeting to discuss the amendment of a Conditional Zoning case to permit retail sales use on Thursday, June 22nd at 6:00 pm.

SUP 23:03 Sun Reventon Farm LLC – Camp Land Use

Reventon Farms Camp Applications have been filed in Fluvanna and Albemarle County and the applicant is hosting this meeting on Thursday, June 29th at 6:00 pm.

Mr. Goad: stated that Pinegate Renewables Solar has indicated that they will be conducting a Community Meeting on Thursday, June 27th at 6:00 pm.

Ms. Morgan: stated that the meeting would be at West Bottom Baptist Church for the residents of the West Bottom Road and Bremono Road area.

Mr. Payne: stated that Commissioners when they attend community meetings should mainly listen and avoid being at a community meeting with more than two Planning Commissioners.

3. **PUBLIC COMMENTS #1**

Chair Bibb opened Public Comments #1 at 7:22 pm by giving each Public speaker a limit of five (5) minutes to speak and he asked that they state their name and their address for the record. With no one wishing to speak in person or online, Chair Bibb closed the first round of Public Comments at 7:22 pm.

4. **DRAFT MINUTES:**

MOTION:	To approve the minutes of the Planning Commission of May 9, 2023.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:				Motion	Second
VOTE:	Aye	Aye	Absent	Aye	Aye
RESULT:	4-0-1 Approved, as presented				

5. **PUBLIC HEARING:**

None

6. **PRESENTATIONS:**

Jason Overstreet, Senior Planner, provided an overview of the current Agricultural Forestall District activity in the County and a summary of the 2020 Fluvanna Census demographics.

Douglas Miles, Community Development Director, provided an overview of Utility-Scale Solar Energy activity in the County and a summary of the Recommended SUP Solar Case Conditions.

Chair Bibb asked if there were any questions or comments from the Planning Commissioners.

Mr. Goad and Ms. Morgan asked questions about the Utility Scale solar community meetings and about the utility scale solar review process. Mr. Payne indicated that when attending the solar community meetings that as Commissioners you should listen and not ask questions.

7. **SITE DEVELOPMENT PLANS:**

None

8. **SUBDIVISIONS:**

None

9. **UNFINISHED BUSINESS:**

None

10. **NEW BUSINESS:**

None

11. **PUBLIC COMMENTS #2:**

Chair Bibb opened Public Comments #2 at 9:04 pm by giving each speaker a limit of five (5) minutes to speak and asked that they state their full name and property address for the record.

With no one coming forward wishing to speak in person or online, Chair Bibb closed the Public Comments period at 9:05 pm.

12. **ADJOURNMENT:**

Chair Bibb adjourned the Planning Commission meeting on June 13, 2023 at 9:05 pm.

Minutes recorded by Valencia Porter-Henderson, Administrative Programs Specialist.

Barry A. Bibb, Chair
Fluvanna County Planning Commission

1. **CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**

At 7:00 pm, Vice Chair Lagomarsino, called the July 11, 2023 Regular Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

2. **DIRECTOR’S REPORT – Douglas Miles, AICP, CZA, Community Development Director**
Thursday, July 13th Technical Review Committee meeting

Zion Station Industrial Park Lot 1 – proposed 5,000 square foot office / fabrication building is being proposed at the industrial park entrance. Site landscaping and signage would be installed at the intersection of Zion Station Road and Richmond Road (US 250) for this new business use.

SUP 23:03 Sun Reventon Farm LLC – Camp Land Use

Reventon Farm Camp applications have been filed in Fluvanna and Albemarle County. The applicant conducted a Community meeting on Thursday, June 29th at Water’s Edge Barn.

Name changed to Briery Creek Farm and they do not plan on permitting RVs and Camper Trailers but discussed the 250 cabin structures and other amenity related service buildings.

Day	Date	Time	2040 Comprehensive Plan Work Session Events	Location
TUES	AUG 8	6:00 pm	Planning Commission Work Session and Meeting	Carysbrook Theatre
TUES	SEPT 12	6:00 PM	Planning Commission Work Session and Meeting	Carysbrook Theatre
TUES	OCT 10	6:00 PM	Planning Commission Work Session and Meeting	Carysbrook Theatre
WEDS	NOV 8	6:00 PM	Planning Commission Work Session and Meeting	Carysbrook Theatre

3. **PUBLIC COMMENTS #1**

Vice - Chair Lagomarsino opened the Public Comments at 7:07 pm by giving each Public speaker a limit of five minutes to speak and asked they state their name and their address for the record.

- Frank Hopkins of Hodson Energy in Richmond spoke about VA solar energy projects.
- Kyle West of Vega Renewables in Charlottesville spoke about solar energy projects.
- Nadine Armstrong of 2979 Bremono Road spoke in opposition to Pinegate Renewables.
Note: A Special Use Permit (SUP) has not been filed by Pinegate Renewables Solar.
- Harry Kingery of CEP Solar in Richmond spoke about White Oak Solar in the County.
- Skyler Zunk of Energy Right in Richmond spoke about Virginia solar energy projects.
- R.T. “Torrey” Williams of Craig Williams spoke on solar energy within the region and stated was an attorney from Louisa County and solar energy is one of his legal areas.

With no one else wishing to speak in person or online, Vice Chair Lagomarsino closed the first round of Public Comments at 7:27 pm.

4. **DRAFT MINUTES:**

MOTION:	To approve the minutes of the Planning Commission of July 11, 2023.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Absent	Aye	Abstain	Aye	Aye
RESULT:	3-0-1 Approved, as presented				

5. **PUBLIC HEARING:**

ZMP 23:03 Caroline and Christopher Minsky:

An ordinance to amend proffers of ZMP 19:02 with respect to 7.5 acres of Tax Map 4 Section A front portion of Parcel 27 which is zoned I-1. This amendment would permit previously proffered out commercial uses such as a retail store. There is a retail furniture store with warehouse space that would like to occupy this existing building. The front portion of the property is known as 2428 Richmond Road and is in the Zion Crossroads Community Planning Area and the Palmyra Election District.

Douglas Miles, Community Development Director provided a background presentation on the existing ZMP 19:02 2428 Richmond Road LLC conditional zoning case that was approved by the Board of Supervisors on June 17, 2020. This existing case limited most retail store land uses and he explained how the applicants were interested in relocating a retail home furnishings store.

Public Safety and Natural Disasters:

Are the goals and policies of the Comprehensive Plan related to those of the FEMA / DCR Local Hazard Mitigation Plan?

Is Public Safety explicitly included in the plan's growth and development policies? What can be done to make that better?

Does the monitoring and implementation section of the Plan cover safe growth objectives and include Public safety goals?

Environmental Management:

Are environmental systems that protect development from hazards identified and mapped? Are there proper buffers?

Do environmental policies maintain and restore protective ecosystems? Or is that only provided for in state planning?

Do environmental policies provide incentives to development located outside of protective ecosystems or natural areas?

Fluvanna County Subdivision Ordinance:

Do the subdivision regulations restrict the subdivision of land within or adjacent to natural hazards areas? What can be added?

Do the regulations provide for conservation subdivisions or cluster subdivisions in order to conserve environmental areas?

How can cluster subdivisions work better to protect these areas and not just be a way to yield residential lots for new homes?

Fluvanna County Zoning Ordinance:

Does the zoning ordinance conform to the comprehensive plan in terms of discouraging development or redevelopment within natural hazard areas? Can this be enhanced in the plan?

Does the ordinance contain natural hazard overlay zones that set development conditions for land use within such zones?

FEMA 90 Day FIRM Map Period

Affected property owners would have 90 days to work with County, DCR, and FEMA staff along with their Home or Business insurance provider

Most areas in Fluvanna County will not require an increase in insurance rates, some have been taken out – can still have a flood insurance policy to be safe from flooding.

FEMA Map Service Center web links <https://www.fema.gov/floodmaps> and

<https://msc.fema.gov> or you can call them at 1-877-FEMA MAP/ 1-877-336-2627

Fluvanna County - GIS staff can answer any local questions at 1-434-591-1910 ext. 1060/1061.

C. Adjournment: Chair Bibb closed the Work Session at 6:56 pm.

1. CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:

At 7:00 pm, Chair Bibb, called the August 8, 2023 Regular Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

2. DIRECTOR'S REPORT – Douglas Miles, AICP, CZA, Community Development Director

SUP 23:03 Reventon Farm LLC – Briery Creek Farm Use

The Reventon Farm Camp has been renamed Briery Creek Farm during the Thursday, June 29th Community meeting held at the Water's Edge Barn with the overall community in attendance.

The developer has submitted their Groundwater Management Plan to Albemarle County and VDH and then a revised Traffic Assessment Plan to Fluvanna County and VDOT for comments.

The revised Briery Creek Farm Traffic Assessment routing study resulted in the use of VDOT Tourist- Oriented Directional Signs:

Turn Left at Antioch Road and Rolling Road South main intersection used coming from Lynchburg and other points west.

- Chair Mozell Booker and Vice Chair Patricia Eager
- Chair Barry Bibb and Commissioner Johnson-Morgan
- Debra Kurre, Steve Hurwitz, Suzy Morris and Kathy Swenson Miller
- Fall Work Group Sessions that will be conducted in the Morris Room

Planning Commission and Advisory Group Summary

- The Historic Preservation and Rural Preservation Advisory Groups met continuously through the spring, summer and fall of 2022.
- They provided an end of year report to the Planning Commission and that information was to be considered with the 2040 Comp Plan draft while we completed the ZXR Plan.
- On January 27th the Zion Crossroads Advisory Group conducted a final, all day workshop on the ZXR Design Guidelines with TJ PDC Planning, Fluvanna and Louisa Planning staff.

Day	Date	Time	Public Meetings	Location
WEDS	OCT 18	5:00 pm	Solar Energy Board of Supervisors Session	Carysbrook Theatre
SAT	OCT 21	10:00 AM	Coffee and Conversation Community Event	Maple Room
WEDS	NOV 8	6:00 PM	Planning Commission Work Session and Meeting	Carysbrook Theatre

C. **Adjournment:** Chair Bibb closed the Work Session at 6:43 pm.

1. CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:

At 7:00 pm, Chair Bibb, called the October 10, 2023 Regular Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

1A. UNFINISHED BUSINESS – 2023 Planning Commission By-laws Amendments – Dan Whitten, County Attorney

Fluvanna County Planning Commission
BYLAWS AND RULES OF PRACTICE AND PROCEDURES
October 10, 2023

VII. PARLIAMENTARY PROCEDURE. The County Attorney shall serve as the Parliamentarian for the purpose of interpreting these Bylaws and Rules of Procedure and Robert's Rules of Order as may be directed by the Chair, or as required as a result of a point of order raised by any one or more Commission members. If the County Attorney is unavailable, the Community Development Director shall serve as the Parliamentarian.

IX. PUBLIC SESSIONS.

- A. Except as otherwise directed the regular public meeting of the Commission shall be held on the 1st Tuesday after the 1st Wednesday of the month at 7:00 p.m. The meetings shall generally be held in the County Administration Building in the Carysbrook Performing Arts Center.

X. MEETING AND ATTENDANCE.

- A. All meetings and business shall be conducted in accordance with these Rules, Robert’s Rules of Order Newly Revised, 12th Edition, and the law of Virginia. In the event of conflict, the law of Virginia shall govern.

XI. POLICY FOR REMOTE PARTICIPATION OF MEMBERS OF THE FLUVANNA COUNTY PLANNING COMMISSION AT MEETINGS OF THE COMMISSION

A. Authority and Scope

1. This policy shall govern participation by an individual member of the Planning Commission of Fluvanna County, Virginia, by electronic communication means in public meetings of the Planning Commission of Fluvanna County, Virginia, and any closed session of the Commission held in accordance with applicable law, from and after the date of adoption of this policy.
2. This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to be

- **SUP 23:10** – New Special Use Permit request for a Daycare use that would be for infants up to school age children by providing commercial child care in the Cunningham District.

Date	Time	Observed Holidays and Upcoming Meetings	Location
NOV 10	CLOSED	Veteran’s Day Holiday Observance Day	Countywide
NOV 23-24	CLOSED	Thanksgiving Holiday Observance Days	Countywide
DEC 5	4-7 PM	FEMA Open House Community Meeting	Morris Room
DEC 12	6:00 PM	Regular Planning Commission Meeting	Carysbrook Theatre

3. **PUBLIC COMMENTS #1**

Chair Bibb opened the Public Comments at 7:07 pm by giving each public speaker a limit of five minutes to speak in person, and asked that they state their name and address for the record. With no one else wishing to speak in person, Chair Bibb closed the first round of Public Comments at 7:07 pm.

4. **DRAFT MINUTES:**

MOTION:	To Approve the Regular meeting minutes of the Planning Commission of October 10, 2023.				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Motion		Second	
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved, as presented				

MOTION:	To Approve the minutes of the Planning Commission of October 18, 2023. (Joint Meeting with Board of Supervisors)				
MEMBER:	Bibb	Goad	Key	Lagomarsino	Morgan
ACTION:		Second		Motion	
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved, as presented				

5. **PUBLIC HEARINGS:**

SUP 23:01 White Oak Tree Solar, LLC – A Special Use Permit request in the A-1, Agricultural, General District to permit a Utility-scale, solar generation facility under §22-4-2.2 on 439 +/- acres and known as Tax Map 49 Section A Parcels 1, 5 and 8; Tax Map 48 Section A Parcel 35; Tax Map 48 Section 14 Parcels 4, 5, 6 and 6-A. These parcels are generally located east of Rockfish Run Road (SR 683) and west of Shores Road (SR 640) in the Rural Preservation Area and Fork Union Election District.

Douglas Miles provided a PowerPoint presentation and an overall summary of the Special Use Permit case request for a utility-scale solar generation facility known as White Oak Tree Solar.

Recommended Conditions:

Fluvanna County Staff recommends Approval of the proposed Utility-scale solar generation facility provided that the impact upon the surrounding property owners is minimal. Staff has proposed recommended conditions to ensure that this use complies with all Federal, State and County Code requirements:

1. This Special Use Permit is granted for an up to 38-megawatt utility scale solar generation facility to White Oak Tree Solar, LLC or any successors as the owners or operators of such use on the Property.
2. All site activity required for construction, expansion, and/or operation of the utility scale solar generation facility (the “USSGF”) shall be limited to the following days and times: All pile driving and site deliveries shall be limited to the hours from sunrise to sunset Monday through Saturday. All other site construction and expansion activity may occur Monday through Sunday from sunrise to sunset and be in compliance with the County noise ordinance, as amended.