



**FLUVANNA COUNTY PLANNING COMMISSION
MEETING AGENDA**

Morris Room, Fluvanna County Administration Building
132 Main St, Palmyra, VA 22963
April 7, 2026

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

WORK SESSION

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

2 – NOISE ORDINANCE

3 – COMPREHENSIVE PLAN (Introduction and Vision Statement)

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 March 10, 2026 – Jenny Cassell Faulkner, Admin. Prog. Specialist

5 – PUBLIC COMMENTS #1 (5 Minutes Each)

6 – PUBLIC HEARING

B NONE

12 – RESOLUTIONS

C ZTA 26:11 Subdivisions

13 – PRESENTATIONS

D None

14 – UNFINISHED BUSINESS

E SUP 25:06 Prater – Jason Overstreet, Senior Planner
STAFF RECOMMEND DEFERRAL

F Planning Commission Bylaws – Todd Fortune, Director of Planning; and Dan Whitten, County Attorney

G Comprehensive Plan Update – Todd Fortune, Director of Planning

15 – NEW BUSINESS

H NONE

16 – PUBLIC COMMENTS #2 (5 minutes each)

17 – ADJOURN

Planning Director Review

Fluvanna County...The heart of central Virginia and your gateway to the future!

*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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Chapter 15.2 NOISE CONTROL¹

Sec. 15.2-1. Purpose and intent.

The Board of Supervisors hereby finds and declares that excessive or unwanted sound is a serious hazard to the public health, safety, welfare, and quality of life, and that the inhabitants of the County have a right to and should be free from an environment of excessive or unwanted sound. Therefore, it is the policy of the County and the purpose and intent of this chapter to prohibit such excessive or unwanted sound as provided herein.

(Ord. of 10-19-2022 (1))

Sec. 15.2-2. Administration and enforcement.

The Sheriff is hereby designated the agent of the Board of Supervisors in the administration and enforcement of this chapter. The Sheriff may be assisted in the enforcement of this chapter by employees of the Department of Zoning, the Department of Engineering and Public Works, and other officers and employees of the County.

(Ord. of 10-19-2022 (1))

Sec. 15.2-3. Applicability.

This chapter shall apply to sound generated within the County, regardless of whether the complainant or the receiving property is within or without the County. This chapter shall be in addition to any sound or noise regulations set forth in the zoning ordinance.

(Ord. of 10-19-2022 (1))

Sec. 15.2-4. Definitions.

The following definitions shall apply to this chapter.

Emergency operation. The term emergency operation means any emergency service provided by any police, sheriff, fire or fire and rescue department, any ambulance service or any other emergency service requiring a prompt response, and any emergency repair of public facilities or public utilities.

Motorcycle. The term motorcycle means any motorized vehicle, whether registered as a motor vehicle or not, designed to travel on not more than three wheels in contact with the ground and any four-wheeled vehicle weighing less than 500 pounds, excepting riding mowers, farm and lawn tractors.

¹Editor's note(s)—See editor's note at Ch. 15.1 for complete history of noise control.

State law reference(s)—General powers of counties, see Code of Va., §§ 15.2-1200, 15.2-980.

Motor vehicle. The term motor vehicle means any self-propelled device or device designed for self-propulsion, upon or by which any person or property is or may be drawn or transported upon a road, except devices moved by human power or used exclusively upon stationary wheels or tracks.

Noise. The term noise means any sound which is excessive, but does not include any sound which is exempt pursuant to Section 15.2-7 of this chapter.

Person. The term person means any natural person, association, partnership, corporation or other legal entity.

Road. The term road means a public or private thoroughfare which affords access to abutting property.
(Ord. of 10-19-2022 (1))

Sec. 15.2-5. Prohibited noise generally.

No person shall permit, operate or cause any source of sound or sound generation that is audible in any other person's residence with the doors and windows to such other person's residence closed.

(Ord. of 10-19-2022 (1))

Sec. 15.2-6. Specifically prohibited acts enumerated.

Except as otherwise provided in this section, the sounds generated by the following, among others, are declared to be plainly audible noise in violation of this chapter, and are specifically prohibited:

- (1) The collection of refuse, waste or recycling within 100 yards of a residence between the hours between the hours of 9:00 p.m. and 6:00 a.m.
- (2) The operation of power lawn or landscaping equipment between the hours of 9:00 p.m. and 7:00 a.m.
- (3) The operation of powered model vehicles outdoors between the hours of 9:00 p.m. and 7:00 a.m.
- (4) The spinning of tires, racing of engines or other noise, or other similar acts, in a motor vehicle or motorcycle, as well as the emission of noise created by the absence of a muffler and/or exhaust system conforming to the provisions of Code of Va., §§ 46.2-1047 and 46.2-1049 on a motor vehicle or motorcycle.
- (5) The use or permitting the use of any instrument, machine or device for the producing or reproducing of sound in such a manner where the sound plainly audible to any person other than the players or operators of the instrument, machine or device and those who are voluntarily listening to the sound; provided, however, that the provisions of this subsection shall not apply to any event sponsored by the County, Commonwealth or federal government.
- (6) The use of any horn or other signaling device/alarm on any motor vehicle, motorcycle, bicycle or other vehicle on any street or public place of the County continuously or intermittently for more than 20 consecutive seconds, except as a danger warning or as otherwise permitted by state law. If such signaling device/alarm continuously for 15 minutes after the arrival of a law enforcement officer, and the owner cannot be located, such officer may arrange for the vehicle to be towed.
- (7) Construction, demolition and/or maintenance activities which produce sound between the hours of 11:00 p.m. and 6:00 a.m. or between 6:00 p.m. and 9:00 a.m. on Saturdays, Sundays and legal holidays.
- (8) The discharge of firearms for target practice, function testing or recreation between the hours of 9:00 p.m. and 7:00 a.m., except as exempted by the provisions of Section 15.2-7.

(Ord. of 10-19-2022 (1))

State law reference(s)—Authorizing counties to regulate the noise of motor vehicles or motorcycles, see Code of Va., § 15.2-919.

Sec. 15.2-7. Exempt sounds.

The sounds generated by the following shall not be prohibited by this chapter:

- (1) *Emergency operations.* The performance of emergency operations including, but not limited to, audible signal devices which are employed as warning or alarm signals in case of fire, collision or imminent danger.
- (2) *Silvicultural or agricultural activities.* Lawful bona fide silvicultural or agricultural activities including, but not limited to, logging activities and sounds caused by livestock.
- (3) *Construction, demolition and/or maintenance activities.* Construction, demolition and/or maintenance activities between 6:00 a.m. and 11:00 p.m. or between 9:00 a.m. and 6 p.m. on Saturdays, Sundays and legal holidays.
- (4) *Transient sounds from transportation.* Transient sounds generated by transportation including, but not limited to, public and private airports (except as otherwise regulated), aircraft, railroads and other means of public transit.
- (5) *School and other athletic contests or practices, and other school activities.* School and other athletic contests or practices, and other school activities, but only if conditions are imposed which regulate the generation of sound including, but not limited to, conditions regulating the hours of the activity and the amplification of sound.
- (6) *Parades, fireworks and similar officially sanctioned events.* Sounds generated from parades, fireworks or other similar events which are officially sanctioned, if required. This exemption shall not apply to private fireworks displays.
- (7) *Yard maintenance activities.* Routine yard maintenance activities including, but not limited to, mowing, trimming, clipping, leaf blowing and snow blowing, except as prohibited by the provisions of Sec. 15.2-6(2).
- (8) *Public facilities.* The operation of a public facility or public use.
- (9) *Warning devices.* A horn or warning device of a vehicle when used as a warning device, including back-up alarms for trucks and other equipment, except as prohibited by Sec. 15.2-6(6).
- (10) *Church bells or chimes.* Bells, chimes or other similar instrument or devices, which are not electronically amplified, from a church or other place of worship.
- (11) *Firearms.* The lawful discharge of a firearm, except as prohibited by the provisions of Sec. 15.2-6(8).
- (12) *Animals.* Sounds generated from animals including, but not limited to, barking dogs.
- (13) *Protected expression.* Any other lawful activity which constitutes protected expression pursuant to the First Amendment of the United States Constitution, but not amplified expression.

(Ord. of 10-19-2022 (1))

Sec. 15.2-8. Complaints of noise.

No person shall be charged with a violation of this chapter unless the complainant appears before a magistrate and requests a summons to be issued. However, when a violation is committed in the presence of the Sheriff, any of his deputies or any other police officer, he shall have the authority to initiate all necessary proceedings.

(Ord. of 10-19-2022 (1))

Sec. 15.2-9. Reserved.**Sec. 15.2-10. Violation and penalty.**

Any person who violates any provision of this chapter may be assessed a civil penalty in accordance with Code of Va., § 15.2-980. The amount of such penalty shall be \$25.00 for the first hour (or part thereof) of continuous violation, plus an additional \$25.00 for each additional hour of continuous violation for the first offense, up to a total of \$250.00; and shall be \$50.00 for the first hour (or part thereof) of continuous violation, plus an additional \$50.00 for each additional hour of continuous violation for each subsequent offense, up to a total of \$500.00.

(Ord. of 10-19-2022 (1))

INTRODUCTION

A. Background, legal authority

The Comprehensive Plan is a guide to the future growth and development of Fluvanna County. It assesses current conditions and reflects the community's vision for its future. It describes, in general terms, proposed land uses, locations of utilities and public facilities, and potential investments. The Comprehensive Plan forms the basis on which ~~zoning and subdivision~~ ordinances, transportation plans, and the capital improvement program are based.

The Comprehensive Plan guides recommendations by the Planning Commission regarding land use and zoning changes. ~~It~~ While it cannot bind the policies of the Board of Supervisors or the recommendations of the Planning Commission, ~~but~~ as a public policy document it reflects public input ~~it~~ and serves as a guide to county policies and fiscal decisions for Fluvanna County.

The Code of Virginia mandates that localities prepare and regularly revise a Comprehensive Plan to guide the physical development of their communities (~~The Code of Virginia, Section 15.2-2223~~), ~~requires that local governments develop their Comprehensive Plan~~. A Comprehensive Plan is ~~a document~~ used for community assessment, identifying current concerns, forecasting future needs, developing policies, and implementing problem solving strategies. ~~A Comprehensive~~ The Plan is developed by the Planning Commission and adopted by the governing body – in this case, the Fluvanna County Board of Supervisors. Section 15.2-2230 of the State Code requires localities to review and update their Comprehensive Plans every five (5) years at a minimum.

As stated in the Code of Virginia:

§ 15.2-2223

Comprehensive Plan to be prepared and adopted; scope and purpose.

The local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction.

In the preparation of a comprehensive plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the territory that will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the inhabitants, including the elderly and persons with disabilities.

Section 15.2-2223 further states that the Comprehensive Plan shall be general in nature in that it shall:

- Designate the general or approximate location, character, and extent of features shown on the plan, including where existing lands or facilities are proposed to be extended, removed or changed;
- Show the long-range recommendations for the general development of the territory and may include such items as the designation of areas for different kinds of public and private land use, a system of transportation facilities, a system of community service facilities, historical areas, and areas for the implementation of groundwater protection measures.

B. Why the Comprehensive Plan is important

In Virginia, the local Comprehensive Plan is a guide for the governing body to follow in making both long-range and day-to-day decisions regarding all aspects of community development. The governing body can exercise discretion in how strictly it interprets and follows the plan. However, the Code provides that the construction, extension or change in use of streets or other public facilities be subject to review and approval by the Planning Commission as to whether the general location, character and extent of the proposed facility is in substantial accord with the adopted Comprehensive Plan. The Plan, therefore, has great control over the construction of public facilities and utilities, as well as private land uses.

A Comprehensive Plan is an important document to a local government since it serves as a guide for community preservation and development. This Plan reflects the interests of citizens, residents, and property owners with the assurance that the community's needs are identified and met accordingly. As a community's character evolves, the Comprehensive Plan adapts through the integration of corresponding public input and assessments accompanied with other data sources.

A Comprehensive Plan is important because every community faces challenges when it comes to planning for the future and managing change. While the physical, social, and other manifestations of change vary from time to time and place to place, perhaps the most reliable constant in life is that change – whether we like it or not – occurs and things will not remain as they are. Fluvanna County is no different. It faces its own unique set of challenges, given its proximity to the Richmond and (especially) Charlottesville metropolitan areas and the Interstate 64 Corridor, plus related development in areas of the County including (and especially) Lake Monticello and Zion Crossroads. The Lake Monticello Community Planning Area (CPA) is approaching full buildout, and the Zion Crossroads CPA has started to see an increase in the pace of development.

The desire of county residents to live in less congested areas, along with ~~a the desire and~~ need for housing that is ~~less expensive than what is available in the metropolitan areas~~ affordable, has

placed ~~development~~ pressures on Fluvanna County and its rural character. This plan aims to balance the need for economic ~~development~~development -with the ~~importance~~public benefits of preserving the County's rich historic character and rural setting, which can provide opportunities ~~to~~for revenue growth ~~the local economy~~ without significant residential development.

C. Developing a new plan

Fluvanna County's most recent plan was written in 2015, and updated in 2024 with changes to selected sections. The most recent update was started in 2020 but was disrupted by the COVID-19 pandemic; therefore, what was created was a "quick update" to keep the County in compliance with Code of Virginia requirements. This was done with the understanding that the next update of the Comprehensive Plan will be a full, comprehensive update to address changes and trends that have occurred over the last few years as well as expected changes going forward. Accordingly, the County's focus going forward will still need to include (but not be limited to):

- Maintaining Fluvanna County's rural and historic character;
- Diversifying the tax base through economic development; and
- Investing wisely in infrastructure which can facilitate desirable growth, safety and resilience.

In 2022, during the last Plan Update, the Planning Commission appointed members of the community to two advisory groups: The Historic Preservation Advisory Group and the Rural Preservation Advisory Group. These groups met throughout 2022, and presented recommendations to the Planning Commission in the Fall of 2022. For the new Plan update, the Planning Commission decided to keep those groups and create two additional advisory groups to aid in the development of a new Plan: An Economic Development Advisory Group, and a Housing Advisory Group.

Based on a review of past materials and correspondence as well as ~~plus~~ recent ~~trends~~developments, some major issues have emerged. These are not the only issues facing the County, but bear mention here due to the attention they have gotten:

- Residents of Fluvanna County have a deep and abiding desire to maintain the rural character, charm, and agricultural vitality that has long been a hallmark of life in the County. It was equally obvious that balanced development and growth is necessary.
- The benefits of historic preservation need to be recognized. In addition to providing valuable information about the County's proud history, preservation of historic sites can create recreational and tourism opportunities for the County which can further spur economic growth opportunities~~development~~.
- ~~An emergence of~~The heightened focus on -solar energy development has placed additional pressures on the County. The Virginia Clean Economy Act (VCEA – previously the Virginia Clean Energy Act) was adopted by the General Assembly in 2020 and requires

a transition to clean energy by 2050. This has in turn spurred a demand for more solar generated power. Fluvanna County went through a process in 2024 to amend its Zoning Ordinance as it relates to solar energy development. The current Plan only partially covers what has become a topic of much importance and urgency to the residents of Fluvanna County. Legislation from the Virginia General Assembly could result in the State forcing localities to loosen regulations currently governing solar installations or taking away local authority related to this issue.

- Another issue that has risen—grown in prominence over the last few years is the emergence of data centers. According to data from the Piedmont Environmental Council (PEC), Virginia is home to the largest and fastest growing data center market in the world. PEC estimates that nearly half of all data centers in the U.S. are based in Virginia. While localities in Northern Virginia house a large portion of such facilities, the trend is moving southward. According to local news reports and a company announcement, data center developer AVAIO Digital reached an agreement in January 2025 with Prince Edward County (roughly an hour south of Palmyra) to locate a data center on a 280-acre site just east of the Town of Farmville. According to a local news report, the company is looking to locate an additional facility west of Farmville in Appomattox County. Growth in data centers is creating a surge in energy demand, leading to a need for increased power generation and higher bills for ratepayers, increased demand for water usage, and among other issues. Per the County Code, data centers are only allowed in I-1 and I-2 industrial zoned areas. The use was previously allowed by right in I-1 and I-2. However, the Fluvanna County Code was amended in late 2025 to remove data centers as a by-right use and require a Special Use Permit for data centers in I-1 and I-2.

These issues, and others, will need to be examined in depth by the Planning Commission and the committees listed above as a new Plan is developed. It is important to keep in mind that the Comprehensive Plan can be viewed as a living document that can and should respond when new pressures are felt in the County.

D. Process for Plan update, methods for identifying issues

This will be a full update of the Comprehensive Plan. The sections from the existing Plan will be updated, with additional discussion of solar energy development included in Section 3 (Infrastructure). As such, the new Plan will include a Vision Statement and the following sections:

- 1) Location and Natural Environment
- 2) Land Use and Community Design
- 3) Rural Preservation
- 4) Infrastructure
- 5) Transportation
- 6) Economic Development
- 7) Historic Preservation
- 8) Parks and Recreation
- 9) Housing

- 10) Human Services
- 11) Education
- 12) Public Safety
- 13) Financial Sustainability
- 14) Community Resiliency
- 15) Implementation Goals and Strategies
- 16) Implementation Plan

Review and analysis of identified issues by the public, the appointed advisory groups, the Planning Commission and Board of Supervisors will provide the basis for establishing the goals and strategies for this Comprehensive Plan.

The major issues outlined in this Plan were identified through the following methods:

1. **Community Meetings**: Fluvanna County staff conducted a series of community meetings in February 2025. These meetings, one held in each election district, allowed residents to offer input on issues facing the County. That input proved useful in developing the survey instrument and updating the Plan. Notices for these meetings ran in the *Fluvanna Review*, in Fluvanna Fan Mail, and on the County's web site.
2. **Citizen Opinion Survey**: Fluvanna County staff assisted the Planning Commission with the development and distribution of the survey instrument. Surveys were made available at government offices and businesses throughout the County, and an online survey instrument was made available on the County's web site and Facebook page. Additionally, flyers were posted through the County with a QR code for citizens to complete the survey using cell phones. Surveys were distributed in April 2025, and residents were given six weeks to complete and return surveys.
3. **Research and Analysis of Available Data**: Fluvanna County staff collected and analyzed data on a range of aspects on the County. These elements included land use patterns, environmental features, transportation conditions, population growth trends and capital facility needs. Much of the information is contained in this Plan and has helped to further enhance the understanding of many of the issues identified by local citizens and by other efforts as outlined in this section.
4. **Meetings with the Planning Commission**: Fluvanna County staff worked with the Planning Commission to develop the new Plan. Staff presented draft documents for the Commission to review during work sessions and regular Commission meetings. The Commission reviewed the materials along with citizen input, and contributed its own analysis of the issues presented.

5. **Advisory groups**: As referenced above, the Planning Commission appointed four advisory groups to provide recommendations on selected issues – Historic Preservation, Rural Preservation, Economic Development, and Housing. These groups provided valuable input and guidance to help the Planning Commission address these specific issues.

For a more detailed review of all the input received from the issue identification methods, please refer to the Appendix materials.

VISION ~~2035~~2045

Mission:

Fluvanna County is committed to ~~providing-supporting~~ an excellent quality of life for our citizens and businesses through the efficient delivery of core services and programs, ~~while-and to~~ preserving the unique identity and rural character of the county. ~~(Updated August 2022.)~~

Vision Statement:

Fluvanna County...The heart of central Virginia and your gateway to the future. *A great place to live, learn, work, and play.*

Fluvanna County's vision is based on the following key principles, ~~which-that~~ are used as guides for future development, governance, and land use policies for the county:

- That our government should reflect the values and principles of the people,
- That ~~solidarity~~ unity of purpose, collaboration, and prosperity are among the proper means of fostering communities,
- That people forge economies and communities,
- That our rural ~~character-setting~~ and natural and historic resources are part of Fluvanna's unique ~~heritage~~ character, and should be ~~preserved where practical,~~ stewarded wisely as assets for public and private benefit, use, enjoyment, and economic vitality.
- That a comprehensive, accessible, and high-quality education system ~~of education~~ enableing a modern, knowledgeable and highly skilled 21st century workforce and citizenry ~~is to be fostered,~~
- That future development be fiscally prudent while respecting individual property rights,
- That our infrastructure ~~requirements are maintained and first-class~~ is context sensitive and well maintained.
- That our public safety personnel are properly equipped, ~~and compensated,~~ and recognized in a manner and means that respects their sacrifice,
- That Fluvanna's rich community ~~heritage and our~~ history and culture be the cornerstones of our shared identity moving forward ~~to~~ the 21st century.

- That agricultural lands should be preserved for future generations through the use of all available preservation tools.

**FLUVANNA COUNTY PLANNING COMMISSION
MEETING MINUTES
The Morris Room, Fluvanna County Administration Bldg.
132 Main St., Palmyra, VA 22963,
Tuesday, March 10, 2026
Work Session 6:00 pm, and 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
Jason Overstreet, Senior Planner
Eric Dahl, County Administrator
Kelly Harris, Assistant County Administrator
Noble Pearson, Assistant County Attorney
Jenny Cassell Faulkner, Administrative Programs Specialist

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

At 7:00 pm Mr. Bibb, Chair, called the March 10, 2026 Regular Meeting to order, led the Pledge of Allegiance, and conducted a Moment of Silence.

• **Adoption of the Agenda:**

MOTION:	To approve the adoption of the Agenda for the Planning Commission meeting for March 10, 2026 as presented.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Second	Motion		
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

• **Director’s Report:**

○ **Announcements and Updates:**

▪ **Update – Tenaska**

- Three cases related to Tenaska have been considered by the Commission:
- ZTA 25:09, height regulations for power production plants – Commission recommended approval (3-1 with 1 abstention).
- SUP 25:04, Expedition Generation Holdings – Commission recommended denial (5-0).
- SA 25:01, Substantial Accord Review – Commission determined that the project is NOT in substantial accord with the County’s Comprehensive Plan (3-1 with 1 member absent).
 - a. Tenaska has appealed this decision to the Board of Supervisors.
- All three cases are scheduled to be heard by the Board on March 18.

▪ **Update – Village Residential Zoning**

- Staff have been working with representatives from the VCU Grace E. Harris Leadership Institute and the Virginia Chapter of the American Planning Association (APA) about possible assistance with development of concepts for Village Residential Overlays to present to the Planning Commission and the public. A team of UVA students has been put together to assist with this task. A work plan has been developed for this task.
 - a. The next step is for the team to hold community meetings.
 - b. There is a possibility of conducting this work in tandem with an oral history project that is also being undertaken with the help of UVA students.

▪ **Update – Noise Ordinance**

- In February, the Commission discussed possible changes to the Fluvanna County Noise Ordinance (County Code §15.2).

- Since Section 15.2 is outside of the Zoning and Subdivision Ordinance, it is under the purview of the Board of Supervisors.
 - a. Consequently, any change to this section of the Code would need to be initiated by the Board.
 - b. At its regular meeting on February 18, 2026, the Board directed the Commission to review the Noise Ordinance and make recommendations for changes to the Board by June 30, 2026.
- **Cases on tonight’s agenda**
 - There were three public hearings for this meeting:
 - a. SUP 26:08 (Lenherr)
 - b. ZTA 26:10 (Include volunteer fire departments and rescue squads as being exempt from requirements in County Sign Ordinance)
 - c. SUP 25:06 (Prater) – **postponed from February at the request of the applicant**
- **Future Meetings:**

Day	Date	Time	Public Hearings and Public Meetings	Location
Tuesday	Apr. 7, 2026	6pm 7pm	Work Session (TDB) Regular Meeting	Morris Room
Tuesday	May 12, 2026	6pm 7pm	Work Session (TDB) Regular Meeting	Morris Room
Tuesday	June 9, 2026	6pm 7pm	Work Session (TDB) Regular Meeting	Morris Room

* Planning Commission meetings will be held in the Morris Room *
 * (other locations to be considered if larger crowds anticipated) *

• **Minutes:**

MOTION:	Approval of Minutes from September 30, 2025				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:			Motion		Second
VOTE:	Abstain	Aye	Aye	Aye	Aye
RESULT:	4-0 Approved, 1 Abstain				

MOTION:	Approval of Minutes from November 10, 2025				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:			Motion		Second
VOTE:	Abstain	Abstain	Aye	Aye	Aye
RESULT:	3-0 Approved, 2 Abstain				

MOTION:	Approval of Amended Minutes from January 13, 2026				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Second		Motion	
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

MOTION:	Approval of Minutes from February 10, 2026				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:				Second	Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

MOTION:	Approval of Minutes from February 24, 2026				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Second			Motion
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **Public Comments:**

- Mr. Bibb opened the first round of public comments.
 - Vine Hayes, 10 Barefoot Ln., Palmyra, VA 22963, spoke in opposition of the proposed Expedition Gas Power Plant and the Valley Link transmission lines.
- No one else came forward to speak, and Mr. Bibb closed the first round of public comments.

- **Public Hearings:**

- **SUP 26:08 - Lenherr, Jason Overstreet, Senior Planner:**
 - **SUP 26:08 – Lenherr, Specialty Retail Store – A Special Use Permit request in the A-1, Agricultural, General District for a specialty retail store on a 3.1-acre parcel located at 4643 Thomas Jefferson Parkway, Palmyra, Virginia and identified as Tax Map 18-A-4.**
 - The applicant is requesting this Special Use Permit (SUP) in order to allow a retail store to sell pool supplies and equipment.
 - Applicant plans to move his current business to this location if approved.
 - Retail store, specialty: A retail sales establishment of not more than 4,000 square feet that specializes in one type or line of merchandise or service including, but not limited to, antique stores, bookstores, shoe stores, stationary stores, jewelry stores, auto parts stores, and hardware stores.
 - **The Technical Review Committee has reviewed the application and offered the following comments:**
 - Planning staff noted that a Site Development Plan would be required before developing the site.
 - Planning staff advised applicant to consider community engagement.
 - Sheriff’s Office had no public safety concerns.
 - E&SC inquired about the new access easement as it relates to the proposed use.
 - VDH stated that a capacity assessment of the septic system may be required. Noted that this assessment would be required for commercial properties, and they would review the engineer’s report before issuing any approvals. Suggested retaining an engineer for a comprehensive evaluation of the site’s capabilities. Also recommended reviewing the VDH guidelines on safety storage. Inquired if chlorine would be generated on site and if water testing would be conducted. Also inquired if a bathroom was required.
 - Fire Department officials inquired about the quantity of chemicals to be stored. Commented on the access stating that it was good for accessing with emergency vehicles.
 - VDOT inquired about the new access easement on the north/west property boundary. Advised closing off existing access to the adjacent property as it will now be accessed via this new easement. VDOT would need to review trip generation data and turn lane warrants to determine whether additional requirements apply. Noted that a paved commercial entrance already exists.
 - **Analysis:**
 - When evaluating proposed uses for a special use permit, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance.
 - a. **The proposed use should not tend to change the character and established pattern of the area or community.**
 - Due to the specific and limited nature of the goods and services to be provided, the proposed use should have a minimal impact on the existing character of the area if any impact at all. Any potential impact will likely be related to an increased number of vehicles entering and exiting the property. The number of customers and daily vehicles is estimated to be around 10 per day.
 - b. **The proposed use should be compatible with the uses permitted in that zoning district and shall not adversely affect the use/or value of neighboring property.**
 - The retail store is an allowed use with a SUP. The surrounding land use is low density residential and vacant agricultural.
 - **Recommended Conditions:**
 - The SUP shall be deemed abandoned and revoked if the authorized use has been discontinued for a period of two consecutive years.
 - This permit is restricted to a single specialty retail use, with all others prohibited.
 - An approved site development plan shall be required before any additional permits are approved.
 - The store’s hours of operation shall be limited to Monday through Saturday, 9:00 a.m. to 5:00 p.m.

- The site shall be maintained in a neat and orderly manner so that the visual appearance from the road and adjacent properties is acceptable to County officials.
 - The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time.
 - Under Sec. 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.
- Mr. Bibb opened the Public Hearing for comments:
 - Mario Apap, 68 Wright Ct., Palmyra, VA 22963, spoke in opposition of SUP26:08.
 - Christopher Gottschalk, 61 Wright Ct., Palmyra, VA 22963, spoke in opposition of SUP26:08.
 - No one else came forward to speak, and Mr. Bibb closed the hearing for comments.
 - **Discussion by Commissioners**
Commissioners discussed their concerns over keeping the subject property in its current state as far as size, and agricultural and/or residential aesthetic value.

MOTION:	I move that the Planning Commission recommend approval of SUP 26:08, a request in the A-1, Agricultural, General District for a specialty retail store on a 3.1-acre parcel located at 4643 Thomas Jefferson Parkway, Palmyra, Virginia and identified as Tax Map 18-A-4, as presented in the Staff Report, as well as adding the limitation of any new building being up to 2,000 sq ft, limiting sale to only pool supplies and equipment, and limiting storage to indoors.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:			Second	Motion	
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **ZTA 26:10 - Todd Fortune, Planning Director:**
 - **ZTA 26:10** – A request to amend § 22-15-2 of the County Code to include signs for volunteer fire departments and rescue squads as being exempt from requirements in the County Sign Ordinance.
 - Currently, the Code allows for public signs to be exempt.
 - However, Lake Monticello Fire and Rescue (LMVFR) is a volunteer organization not under County jurisdiction. As such, they are not covered under the current exemption.
 - This amendment would allow LMVFR to be included under the exemption.
- Mr. Bibb opened the Public Hearing for comments:
- No one came forward to speak, and Mr. Bibb closed the hearing for comments.
- **Discussion by Commissioners**
Commissioners discussed if they wanted to include other volunteer agencies and non-profits.
 - Vice-Chair Mr. Lagomarsino disclosed his position as Volunteer Chief of Lake Monticello Volunteer Fire and Rescue, Inc. County Attorney Dan Whitten advised Mr. Lagomarsino would still be able to participate in the vote.

MOTION:	I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF ZTA 26:10 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-15-2 TO INCLUDE SIGNS FOR VOLUNTEER FIRE DEPARTMENTS AND RESCUE SQUADS AS BEING EXEMPT FROM REQUIREMENTS IN THE COUNTY SIGN ORDINANCE.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Second	Motion		
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

- **SUP 26:06 - Prater, Jason Overstreet, Senior Planner:**
 - **SUP 26:06 - Prater** – A Special Use Permit request in the A-1, Agricultural, General District to authorize a landscape materials supply use on approximately 8.193 acres of Tax Map 17-A-72 which is located at the intersection of Branch Road and Ruritan Lake Road.

- The applicant is requesting a Special Use Permit (SUP) in order to establish a landscaping material supply business.
- The business will offer landscaping materials such as dirt, sand, and stone to residents and contractors.
- **Landscaping materials supply:** A business used primarily for the bulk storage and sale of landscaping supplies, such as soil, gravel, potting mix, mulch, sand, stone, and the like, either wholesale or at retail, necessitating the frequent use of heavy equipment. Plants and supplemental items used in planting and landscaping, such as plant containers, yard ornaments, hand tools, and the like, may be sold on-site as secondary or incidental items.
- **The Technical Review Committee has reviewed the application and offered the following comments:**
 - Fluvanna Building Official – the building as proposed on the sketch plan would require bathrooms.
 - VDOT – require trip generations and turn lane warrants for Branch and Ruritan Lake Roads as part of the site plan submittal. Entrances will need to meet VDOT design standards and the existing entrance onto Rte. 761/Branch Rd. will need to be closed, if proposed Rte. 761 entrance is approved. Only allow for two (2) entrances on site.
 - VDH - suggested engaging a soil scientist for sighting a sanitary sewer if required and that the Virginia Department of Health’s Office of Drinking Water regulates commercial wells if one is installed. Permits would be required for both.
 - Department of Forestry - stated that it would be highly beneficial to consider the use of native plant and tree species for any required buffering.
 - Fire Department - advised leaving defensible space around any buildings and any flammable materials such as mulch or fertilizers. Advised to store mulch and other flammable material fifty feet away from buildings.
- **Analysis:**
 - When evaluating proposed uses for a special use permit, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance.
 - a. **The proposed use should not tend to change the character and established pattern of the area or community.**
 - b. **The proposed use should be compatible with the uses permitted in that zoning district and shall not adversely affect the use or value of neighboring property.**
 - The surrounding land use is low density residential and agricultural uses including a winery. Screening along both public roads as required by the site development plan will help preserve and enhance the rural nature of the area.
 - The proposed use is compatible with permitted uses in the A-1 district and should have little impact on the adjacent and surrounding properties’ use or value.
- **Recommended Conditions:**
 - The SUP shall be deemed abandoned and revoked if the authorized use has been discontinued for a period of two consecutive years.
 - Prior to proposed development of the site, a site development plan that meets the requirements of the Fluvanna County Zoning Ordinance must be submitted for review and approval.
 - Comply with all VDOT, VDH, VDEQ, and all other state and federal regulatory requirements.
 - Any lighting will not be directed toward adjacent properties and will be limited in nature.
 - Outside storage of materials and machinery shall be screened from the public rights-of-way with either architectural or vegetative screening as approved by the County.
 - Retail business hours of operation shall be limited to Monday – Sunday, 7:00 a.m. to 6:00 p.m.
 - The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time.
 - The use of a greenhouse for commercial purposes shall not be allowed, except if a Special Use Permit for such use is granted. Non-commercial greenhouses are currently allowed by-right in A-1 Zoning.

- Mr. Bibb opened the Public Hearing for comments:
 - Sara Hernandez, 3872 Branch Rd., Scottsville, VA 24590, spoke about her concerns over possible pollutants in regard to SUP26:06.
 - Mitchell Pace, 3818 Branch Rd., Scottsville, VA 24590, spoke about his concerns over possible pollutants in regard to SUP26:06.
 - Shelby Pace, 3761 Branch Rd., Scottsville, VA 24590, spoke about his concerns over possible pollutants in regard to SUP26:06.
- No one else came forward to speak, and Mr. Bibb closed the hearing for comments.
- **Discussion by Commissioners**

MOTION:	I move that the Planning Commission recommend deferral of SUP 25:06, a Special Use Permit request in the A-1, Agricultural, General District to authorize a landscape materials supply use on Tax Map 17-A-72, subject to receiving further information and in consideration of some concerns with water contamination, until April 7, 2026.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Second	Motion		
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Deferred				

- **Resolutions:**
 - None
- **Site Development Plans:**
 - None
- **Subdivisions:**
 - None
- **Unfinished Business:**
 - **Comprehensive Plan Update - Todd Fortune, Director of Planning**
 - Work is proceeding on individual sections of the Plan update.
 - The advisory groups are reviewing documents related to the Comp Plan.
 - There may or may not be one more meeting for each group, depending on comments from their respective reviews.
 - Among the issues for the Planning Commission to resolve are:
 - Whether to keep three Planning Areas or reduce it to two.
 - Whether to expand or eliminate certain Community Planning Areas.
 - We hope to start bringing documents before the Planning Commission in April, depending on how quickly the Advisory Groups wrap up their work.
 - Some things for the Commission to consider as they work through reviewing the draft Plan:
 - a. Whether to review documents during regular work sessions or schedule separate work sessions.
 - b. Having at least one joint work session with each of the Advisory Groups.
 - c. Having at least one joint work session with the Board of Supervisors.
 - **Revised schedule for Plan completion:**
 - April 2026 – August 2026 – Planning Commission reviews draft Plan sections.
 - Consider at least one joint work session with each Advisory Group.
 - September/October 2026 – At least one joint work session with the Board of Supervisors.
 - October/November 2026 – Advertise Plan for public hearing.
 - November/December 2026 – Planning Commission Public Hearing/ recommendation.
 - December 2026/January 2027 – Board of Supervisors Public Hearing/ adoption.
 - **Planning Commission Proposed Bylaws Amendment, Todd Fortune, Director of Planning**
 - These changes were presented to the Commission for review and discussion. The changes will be brought back to the Commission in April for further review and/or action.
- **New Business:**
 - None

- **Public Comments #2:**
 - Mr. Bibb opened the second round of public comments.
 - Ron Barche, 204 Panorama Ct., spoke in favor of Project Expedition, and suggested an energy advisory group.
 - No one else came forward to speak, and Mr. Bibb closed the second public comment period.
- **ADJOURNMENT:**
 - Chair Bibb called for a motion to adjourn the March 10, 2026 Planning Commission meeting at 8:42 pm.

MOTION:	Motion to adjourn the March 10, 2026 Planning Commission meeting at 8:42 pm.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion	Second		
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

Minutes were recorded by Jenny Cassell Faulkner, Administrative Programs Specialist.

Barry Bibb, Chair
Fluvanna County Planning Commission

DRAFT



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commissioners
From: Dan Whitten, County Attorney; and Todd Fortune, Director of Planning
Case Number: ZTA 26-11
District: Countywide Amendment

General Information: This is a request for a public hearing to be held on Tuesday, May 12, 2026 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, 19-3-3, 19-3-6.2, 19-8-1, AND 22-23-8 and enacting § 19-3-1.1 to clarify and improve requirements for subdivisions, private roads, and site development plans.

Background Information: A review of these sections of the County Code has found some issues that need to be addressed. Some of the issues are related to restrictions in regarding lot access for private roads NOT built to VDOT standards. Other issues are related to the definition and certain requirements for family subdivisions. Additionally, this proposed ZTA seeks to address the following:

- Clarification of language involving:
 - Parent tract subdivision
 - Sketch Plans (19-3-2)
 - Administrative review timelines to fit Virginia Code 15.2-2259 (19-3-6.2)
 - Major Site Plan language (22-23-8)
- The addition of:
 - Trusts/Trust beneficiaries to the family subdivision section, as allowed by Virginia Code Sec. 15.2-2244.2
 - Subdivision lot size and residue requirements

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION (APPROVE/ DENY / DEFER) THE RESOLUTION TO ADVERTISE A PUBLIC HEARING ON MAY 12, 2026 TO CONSIDER ZTA 26: – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 19-2-1, 19-3-2, 19-3-3, 19-3-6.2, 19-8-1, AND 22-23-8 AND ENACTING § 19-3-1.1 TO CLARIFY AND IMPROVE REQUIREMENTS FOR SUBDIVISIONS, PRIVATE ROADS, AND SITE DEVELOPMENT PLANS.

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 19-2-1, 19-3-2, 19-3-3, 19-3-6.2, 19-8-1, AND 22-23-8 AND ENACTING § 19-3-1.1 TO CLARIFY AND IMPROVE REQUIREMENTS FOR SUBDIVISIONS, PRIVATE ROADS, AND SITE DEVELOPMENT PLANS

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, 19-3-3, 19-3-6.2, 19-8-1, and 22-23-8 and by enacting § 19-3-1.1 as follows:*

CHAPTER 19 – SUBDIVISIONS

ARTICLE 2. – DEFINITIONS

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

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., **including the beneficiary of a trust as provided in Code of Virginia, § 15.2-2244.2.**

Parent tract: A separate lot, tract, or parcel of land conveyed by deed, devised by will, or passing pursuant to the laws of descent and distribution, the boundaries of which are shown by a plat or described by metes and bounds, and recorded in the Clerk's office of Fluvanna County, Virginia on or before April 16, 2025; for purposes of this definition, the Fluvanna County tax map may be used to identify parent tracts. If a parcel is divided into lots, **any division that splits the parcel and creates a lot or lots which are less than** ~~parcels or tracts all of which are greater than or equal to sixty (60) acres in area or all of which have~~ **less than** ~~greater than or equal to~~ 1,500 feet of frontage on a highway maintained by the Virginia Department of Transportation **shall be considered the first lot division of a parent tract for the purpose of subdivision.** ~~‡The date for determining the parent tract shall be the date of the recordation of that plat.~~

ARTICLE 3. – PROCESS

Sec. 19-3-1.1. Subdivision Lot Size and Residue Requirements.

Any subdivision shall comply with the following lot size and residue requirements:

- (A) All subdivisions within rural preservation areas shall result in no lot of less than ten (10) acres.**
- (B) All subdivisions within rural residential areas shall meet the minimum lot size for the underlying zoning district and shall leave a residue lot of no less than five (5) acres.**
- (C) All subdivisions within community planning areas shall meet the minimum lot size for the underlying zoning district.**

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 three (3) copies of the sketch plan and any revisions to the Subdivision Agent.
- (C) ~~The Subdivision Agent shall review and provide comments within forty five (45) days of the date of the meeting the sketch plan was submitted.~~ If no comments are 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 Subdivision Agent.

Sec. 19-3-3. Family subdivisions.

Any family subdivision shall comply with the following standards:

- (A) All lots created shall comply with Chapter 22 of this Code.
- (B) The property owner requesting a family subdivision shall have held fee simple title to the property to be subdivided for a period of three (3) years prior to the filing of the family subdivision application.**
- ~~(C)~~ All lots must have a permanent access easement to a public road, not less than ~~twenty (20)~~ **fifty (50)** feet in width. Where practicable, all lots must use the same easement for access, and shall not have separate driveway entrances on the public road.
- (D) Structures must comply with the setback and frontage requirements of the underlying zoning district as measured from the edge of the permanent access easement.**
- ~~(E)~~ Only one (1) lot shall be created and conveyed to each eligible family member, as defined in Section 19-2-1. Prior to approval of the final plat, the subdivider shall provide to the Subdivision Agent an executed deed of conveyance to an eligible family member for each lot created. Included in such deed shall be a restriction preventing sale of such lot after dedication for a period of not less than three (3) years. The lot may be transferred prior to the conclusion of the three (3) year period, if the Subdivision Agent shall determine that there is a compelling need to convey such parcel and that the conveyance of such parcel shall not be for purposes of circumventing the review provisions of this chapter. *Compelling need* shall include, but

shall not necessarily be limited to, (1) removal of the residence of the owner of such lot from the County when such lot is the residence of such owner; (2) sale by or at the request of a bona fide creditor pursuant to a deed of trust, action of trustee in bankruptcy or the order of a court of competent jurisdiction; and (3) death or physical or mental disability of the owner.

~~(D)~~ No lot created under this section shall be for the purpose of circumventing the minor or major subdivision provisions of this chapter.

(G) Property held by a trust may be divided as a family subdivision only if it meets the following requirements:

(1) The trust shall have held fee simple title to the property to be subdivided for a period of three (3) years prior to the filing of the family subdivision application;

(2) All trust beneficiaries must be eligible family members, as defined in Section 19-2-1;

(3) All trust beneficiaries must agree that the property should be subdivided;

(4) All purchasers or giftees of subdivided lots or parcels must be eligible family members of beneficiaries of the trust;

(5) All trust beneficiaries must agree to place a restrictive covenant on the subdivided property that prohibits a transfer of the property to a nonmember of the eligible family members for a period of fifteen (15) years;

(6) The subdivision shall comply with all other family subdivision requirements.

Sec. 19-3-6.2. Administrative review.

(A) The Subdivision Agent shall act on the any final plat within forty (40) 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 thirty (30) ~~forty (40)~~ days.

ARTICLE 8. – REQUIRED IMPROVEMENTS

Sec. 19-8-1. Streets.

An adequate system of streets shall be constructed to provide access from all lots to the state highway system.

- (A) In any major subdivision, as defined herein, all streets shall be designed and constructed in conformance with the Virginia Department of Transportation's subdivision street requirements. Preliminary plans for all such streets shall have been approved by the Virginia Department of Transportation prior to approval of the preliminary plat.
- (B) Proposed street names shall be shown on the preliminary plat, and may be changed by the Subdivision Agent. Names of new streets shall not duplicate names of existing streets, irrespective of suffixes. Any street that is a continuation of an existing street shall bear the name of the existing street. The governing body may institute a fee in order to acquire and install all street identification signs. Where a street is planned for future extension, and a stub street serving three or more (≥ 3) lots is proposed for construction as part of a subdivision, a temporary turnaround shall be provided on such stub street. Such turnaround shall be of adequate location, size and design as determined by the Subdivision Agent. All stub streets shall be marked with a metal sign clearly providing public notice that the street is subject to future extension.
- (C) Any private road in a subdivision which will not be constructed to Virginia Department of Transportation standards, **including a family subdivision**, shall be located in a right-of-way or easement at least **fifty (50)** feet in width and shall be so designed and built as to provide adequate access by ordinary passenger vehicles in all weather, in accordance with the provisions of this section as set forth hereinafter. All lots that are within a subdivision which is served by any private road shall be prohibited from direct vehicular access from an existing public road by deed restriction or other means. Except in the case of lots intended, designed and used for attached single-family, two-family or multi-family dwellings or for commercial or industrial uses; ~~no lot served by a private road may be less than ten acres in area, and~~ **(1) no such private road shall serve more than five lots; (2) within rural preservation areas, no lot served by a private road may be less than ten (10) acres in area; (3) within rural residential areas, lots served by a private road shall meet the minimum zoned lot size for the underlying zoning district and leave a residue lot of no less than five (5) acres from the new subdivision; (4) and within community planning areas, lots served by a private road shall meet the minimum zoned lot size for the underlying zoning district.** The plat, and each deed, shall clearly state that the County and Commonwealth are not responsible for the maintenance of the roads. **For any newly established subdivision, including a family subdivision, a** road maintenance agreement, approved by the County Attorney and the Subdivision Agent, shall be filed with the deeds of all lots to be served by such private road. **For any preexisting subdivision that does not have an approved road maintenance agreement, if a new lot is created so that three (3) or more lots are served by the private road, a road maintenance agreement, approved by the County Attorney and the Subdivision Agent, shall then be filed with the deeds of all lots to be served by such private road.** Such agreement shall require the landowners, jointly and severally, to cooperate in and pay for the maintenance of the road such that emergency vehicles and other necessary traffic can reach all of the lots with reasonable ease. Each plat showing any such private road shall contain a certification from a registered surveyor or engineer in substantially the following form: "The private road shown on this plat will provide reasonable access to all lots served by such road by emergency vehicles and ordinary

passenger vehicles as required by Section 19-8-1 of the Fluvanna County Code."
Private roads shall conform to the following minimum specific construction standards:

Number of Lots	Right-of-Way Width	Minimum Width of Travelway	Surface Treatment	Minimum Ditchline	Maximum Grade
1-5	50 feet	20 14 feet	Gravel (#25 or #26), 3 inches in depth over suitable base	4 feet in width, with a minimum of 4% slope from the travelway and ditches a minimum of 18 inches in depth	9%

CHAPTER 22 – ZONING

ARTICLE 23. – SITE DEVELOPMENT PLANS

Sec. 22-23-8. Procedure.

Generally:

- (1) Sufficient copies of the proposed site plan, as required by the Director of Planning, shall be submitted to the Director of Planning.
- (2) 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.
- (3) An applicant must submit a sketch plan for review and comment prior to filing a preliminary site plan.
- (4) 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.
- (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.
- (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.
- (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 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.
- (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 **Director of Planning** ~~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.
- (4) After the Director of Planning ~~Subdivision Agent~~ has deemed the application to be complete, he shall have forty (40) days to circulate the plan to the relevant

County departments for written comments. At the end of the forty (40) 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) period, the site plan shall be deemed approved.

- (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.*



PLANNING COMMISSION

County of Fluvanna

Palmyra, Virginia

RESOLUTION No. 2026-11

A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING §§ 19-2-1, 19-3-2, 19-3-3, 19-3-6.2, 19-8-1, AND 22-23-8 AND ENACTING § 19-3-1.1 TO CLARIFY AND IMPROVE REQUIREMENTS FOR SUBDIVISIONS, PRIVATE ROADS, AND SITE DEVELOPMENT PLANS

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 both the Subdivision Code by amending §§ 19-2-1, 19-3-2, 19-3-3, 19-3-6.2, 19-8-1 and enacting § 19-3-1.1 and an amendment to the Zoning Code by amending § 22-23-8 to clarify and improve requirements for subdivisions, private roads, and site development plans; 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 both the Subdivision Code by amending §§ 19-2-1, 19-3-2, 19-3-3, 19-3-6.2, 19-8-1 and enacting § 19-3-1.1 and an amendment to the Zoning Code by amending § 22-23-8 to clarify and improve requirements for subdivisions, private roads, and site development plans; and

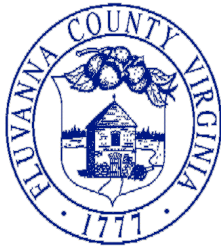
BE IT FURTHER RESOLVED, the Planning Commission authorizes the Director of Planning to advertise the proposed amendment for a public hearing on May 12, 2026; and

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Planning Commission at a meeting of the Commission held on the 7th day of April, 2026:

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Barry Bibb, Cunningham District						
Loretta Johnson-Morgan, Columbia District						
Kathleen Kilpatrick, Fork Union District						
Howard Lagomarsino, Palmyra District						
Robert Dorsey, Rivanna District						

Attest:

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
www.fluvannacounty.org

PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commission
Case: SUP 25:06 Prater
Tax Map: 17-A-72

From: Jason Overstreet
District: Cunningham Election

General Information: This request is to be considered by the Planning Commission on Tuesday, April 7, 2026 at 7:00 pm at the County Administration Building's Morris Room. The Commission held a public hearing on this request at its March 10, 2026 meeting and deferred action until April 7, 2026.

Applicant: Burlin Prater, Jr.

Owner: Burlin Prater, Jr.

Requested Action: **SUP 25:06 Prater** – Approval of a Special Use Permit request in the A-1, Agricultural, General District to authorize a landscape materials supply use on approximately 8.193 acres of Tax Map 17-A-72.

Existing Zoning: A-1, Agricultural, Limited

Existing Land Use: Residential, single-family dwelling

Planning Area: Rural Residential Planning Area

Adjacent Zoning: The surrounding parcels are zoned A-1, Agricultural, General.

Zoning History: None

Summary:

The applicant is requesting a Special Use Permit (SUP) in order to establish a landscape materials supply business for the sale and storage of fill dirt and topsoil. There would be no onsite retail and dirt would be delivered. This commercial use is only permitted by special use permit in the A-1 zoning district.

Landscaping materials supply: A business used primarily for the bulk storage and sale of landscaping supplies, such as soil, gravel, potting mix, mulch, sand, stone, and the like, either wholesale or at retail, necessitating the frequent use of heavy equipment. Plants and supplemental items used in planting and landscaping, such as plant containers, yard ornaments, hand tools, and the like, may be sold on-site as secondary or incidental items.

Comprehensive Plan:

Chapter 2- Land Use and Community Design:

The Comprehensive Plan designates this property as being within the Rural Residential Planning Area. This land-use designation seeks to limit growth and preserve the rural character of the county. However, “Some additional commercial services for the convenience of those living out in the country are appropriate and may be considered if these uses are designed and arranged to complement the rural character of the area and its surrounding uses”. This proposed use can help sustain the rural character of the county as well as strengthen and expand the tax base.

Chapter 5 - Economic Development:

Chapter 5 of the Comprehensive Plan establishes the goal of protecting rural areas through economic development, and it lists supporting the development of locally owned businesses, particularly those that require little provision of infrastructure as a key strategy for achieving this goal. This proposed business should have a minimal impact if any on local infrastructure and services.

Technical Review Committee:

The Technical Review Committee has reviewed the proposed SUP and offered the following comments:

- Fluvanna Building Official – the building as proposed on the sketch plan would require bathrooms.
- VDOT – require trip generations and turn lane warrants for Branch and Ruritan Lake Roads as part of the site plan submittal. Entrances will need to meet VDOT design standards and the existing entrance onto Rte. 761/Branch Rd will need to be closed, if proposed Rte. 761 entrance is approved. Only allow for two (2) entrances on site.
- VDH - suggested engaging a soil scientist for sighting a sanitary sewer if required and that the Virginia Department of Health’s Office of Drinking Water regulates commercial wells if one is installed. Permits would be required for both.

- Department of Forestry - stated that it would be highly beneficial to consider the use of native plant and tree species for any required buffering.
- Fire Department - advised leaving defensible space around any buildings and any flammable materials such as mulch or fertilizers. Advised to store mulch and other flammable material fifty feet away from buildings.

Analysis:

The applicant is requesting a special use permit in order to establish a landscaping materials supply business on his property located at the intersection of Branch Road and Ruritan Lake Road. The business would limit materials sold to fill dirt and topsoil. There will be no onsite retail sales. Several dwellings and a commercial vineyard are adjacent to the property.

Cunningham Creek Winery and Brewery is adjacent to the subject parcel and considered a commercial use in the A-1 district. Screening will be required along both state roads as required by the site development plan regulations. This will help preserve the rural nature of the area.

When evaluating proposed uses for a special use permit, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance. When permitted, special use permits may be authorized by the governing body upon the governing body's finding that the proposed use will not be detrimental to the character and development of the adjacent area.

- 1) **The proposed use should not tend to change the character and established pattern of the area or community.**

The surrounding land use is low density residential and agricultural uses including a winery. Screening along both public roads as required by the site development plan will help preserve and enhance the rural nature of the area.

- 2) **The proposed use should be compatible with the uses permitted in that zoning district and shall not adversely affect the use/or value of neighboring property.**

The proposed use is compatible with permitted uses in the A-1 district and should have little impact on the adjacent and surrounding properties' use or value.

Recommendation:

This Special Use Permit request appears to meet the intent of the Comprehensive Plan in that the proposed use is compatible with existing uses in the area and meets the intent of the Rural Residential Community Planning Area to permit smaller scale commercial uses.

The Planning Commission should consider any potential adverse impacts to the surrounding community, such as the increase in traffic entering and exiting the property, noise, or potential visual impacts to adjacent properties.

Conditions:

- 1) The SUP shall be deemed abandoned and revoked if the authorized use has been discontinued for a consecutive period of two years.
- 2) Prior to proposed development of the site, a site development plan that meets the requirements of the Fluvanna County Zoning Ordinance, must be submitted for review and approval;
- 3) Comply with all VDOT, VDH, VDEQ, and all other local, state, and federal regulatory requirements;
- 4) No retail on-site customers are permitted;
- 5) Any lighting will not be directed toward adjacent properties and will be limited in nature;
- 6) Outside storage of materials and machinery shall be screened from the public rights-of-way with either architectural or vegetative screening as approved by the County;
- 7) Retail business hours of operation shall be limited to: 7AM-6PM, Monday-Sunday;
- 8) The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time;
- 9) The use of a greenhouse for commercial purposes shall not be allowed, except if a Special Use Permit for such use is granted. Non-commercial greenhouses are currently allowed by-right in A-1 Zoning.

Planning Commission Action:

The Commission heard this request and held a public hearing at its March 10th meeting. The request was deferred. The following information was requested:

- Amount of soil storage proposed and how will it be stored
 - 2,500 cubic yards of fill and 2,500 cubic yards of topsoil
 - Stored in mounds
 - Land disturbance will require permitting
- Amount of heavy equipment proposed
 - One skid-steer, one backhoe or trackhoe, one standard dump truck
- Number of trips to be generated
 - Approximately 15-20 trips per day
- What is the source of the soil and is it tested
 - Sources vary and are generally construction sites
 - DEQ requires testing of soil removed from sites; only clean fill (uncontaminated) can generally be moved off-site.
 - Regulations for removing dirt (soil) from a site in Virginia are governed by the Virginia Department of Environmental Quality (**DEQ**) and local Erosion and Sediment Control (ESC) programs. The regulations focus on erosion control during transport, proper disposal to prevent environmental harm, and characterization of the soil to determine if it is clean, special, or hazardous waste.
- Will runoff contaminate groundwater
 - An erosion and sediment control plan will be required to prevent runoff.
- A revised sketch plan indicating distances to property lines from storage areas and existing powerline easements was requested.

Suggested Motions:

Staff requests a deferral in order to conduct additional research regarding conditions that may impact the recommendation made by the Planning Commission.

I move that the Planning Commission recommend (approval / denial / deferral) of SUP 25:06, a Special Use Permit request in the A-1, Agricultural, General District to authorize a landscape materials supply use on approximately 8.193 acres of Tax Map 17-A-72. subject to the eight (8) conditions listed in this staff report.

Attachments:

- A – Application
- B – Site Sketch Plan



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA

Application for Special Use Permit (SUP)

Owner of Record: BURLIN PRATER JR Applicant of Record: BURLIN PRATER JR

Address: 3899 BRANCH RD SCOTTSVILLE, VA. 24590 Address: 141 FAIR OAK DRIVE SCOTTSVILLE VA. 24590

Phone: [Redacted] Fax: [Redacted] Phone: [Redacted] Fax: [Redacted]

Email: [Redacted] Email: [Redacted]

Representative: BURLIN PRATER JR

Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Address: 141 FAIR OAK DRIVE SCOTTSVILLE, VA. 24590

Phone: [Redacted] Fax: [Redacted]

Email: [Redacted]

If property is in an Agricultural Forestal District, or Conservation Easement, please list information here:

Tax Map and Parcel(s) 1771 12

Acreage 8.193 Zoning A-1

Deed Book and Page: 809

Location of Parcel: ON THE CORNER OF LAKERD + BRUNN RD.

If any Deed Restrictions, please attach a copy

Request for an SUP for the purpose of: BUYING AND SELLING LANDSCAPE MATERIALS & SUPPLIES & SCREEN TOPSOIL

*Ten copies of a sketch plan (8.5x11 inches or 11x17 inches) must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

Date: 12/10/25 Signature of Owner/Applicant: Burlin Prater Jr.

Subscribed and sworn to before me this 10th day of December, 2025

Notary Public: Mackenzie Fleming Register # 8067186

My commission expires: 08/31/2027

Certification: Date: 12/10/2025



Office Use Only			
Date Received:	Pre-Application Meeting:	PH Sign Deposit Received:	Application #: SUP _____
\$800.00 fee paid:			
Amendment of Condition: \$400.00 fee paid:			
Telecommunications Tower fee plus mailing costs paid:		Telecom Consultant Review fee paid:	
Election District:		Planning Area:	
Planning Commission		Board of Supervisors	
Advertisement Dates:		Advertisement Dates:	
APO Notification:		APO Notification:	
Date of Hearing:		Date of Hearing:	
Decision:		Decision:	



**Commonwealth of Virginia
County of Fluvanna
Public Hearing Sign Deposit**

Name: BURUW PRATER JR

Address: 141 FAIR OAKS DR

City: SCOTTSVILLE, VA. 24590

State: VIRGINIA Zip Code: 24590

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.

Buraw Prater Jr
Applicant Signature

12/7/25
Date

*Number of signs depends on number of roadways property adjoins. **2**

OFFICE USE ONLY	
Application #: BZA _____ :	CPA _____ :
SUP _____ :	ZMP _____ :
ZTA _____ :	
\$50 deposit paid per sign*:	Approximate date to be returned:

Describe briefly the **improvements** proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

OFFICE & RETAIL BUILDING
SMALL PARKING AREA
LAYOUT YARD FOR MATERIALS
AREA TO STOCKPILE & SALE MATERIALS
AREA TO STOCKPILE & SCREEN TOPSOIL FOR SALE

NECESSITY OF USE: Describe the reason for the requested change.

TO BUY & SELL LANDSCAPE MATERIALS & SUPPLIES
AND SCREEN TOPSOIL FOR SALE
BUY & SELL DECORATIVE STONES
SCREEN FILL DIRT FOR SALE
CHIP BRUSH FOR RE-SALE
SALE OF FIREWOOD

PROTECTION OF ADJOINING PROPERTY: Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

(TREE)
WOOD BUFFER WILL BE LEFT IN PLACE AND A 40' GRASS BUFFER
AND ITS ON THE CORNER OF 2 ROADS. RURITAN LAKE RD & BRANCH ROAD
WITHIN WILL ALSO HAVE A 40' GRASS BUFFER

ENHANCEMENT OF COUNTY: Why does the applicant believe that this requested change would be advantageous to the County of Fluvanna? (Please substantiate with facts.)

- LOCAL BUSINESS ADDED EMPLOYMENT
- TAX REVENUE
- MORE OPTIONS FOR LOCAL RESIDENTS
- FAMILY RUN BUSINESS. LIVED IN THE COUNTY OVER 40 YEARS

PLAN: Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings on the site, roadways, walks, off-street parking and loading space, landscaping, etc. Architect's sketches showing elevations of proposed buildings and complete plans are desirable and may be required with the application.
Remarks:

[Empty box for Remarks]

Commonwealth of Virginia
County of Fluvanna
Special Use Permit Checklist

The following information shall be submitted with the application and is to be provided by the applicant for the processing of the application:

Applicant must supply	Staff Checklist
Completed Special Use Permit signed by the current owner(s) or lessee or written confirmation from the current owner or lessee granting the right to submit the application	
Ten (10) copies of a Site Plan for any expansion or new construction Include: <ul style="list-style-type: none"> • Plot plan or survey plat at an appropriate scale • Location and dimension of existing conditions and proposed development • <i>Commercial and Industrial Development:</i> parking, loading, signs, lighting, buffers and screening • Copy of the Tax Map showing the site (preferred) • General Location Map (preferred) 	
Supporting graphics are not required, but suggested for site illustration & visualization	

All maps and plans submitted are to be either 8.5"x 11" or 11"x 17". One original of any size may be for staff use at the public hearing.

Staff Only	Staff Checklist
Preliminary review by planning staff for completeness and content: <ul style="list-style-type: none"> • Technical Review Committee review and comment • Determine all adjacent property owners • Placed as a Public Hearing on the next available agenda of the Planning Commission. 	
Notification of the scheduled Public Hearing to the following: <ul style="list-style-type: none"> • Applicant • All adjacent property owners • Local Newspaper advertisement 	
Staff Report to include, but not be limited to: <ul style="list-style-type: none"> • General information regarding the application • Any information concerning utilities or transportation • Consistency with good planning practices • Consistency with the comprehensive plan • Consistency with adjacent land use • Any detriments to the health, safety and welfare of the community. 	

The Special Use Permit application fee is made payable to the **County of Fluvanna**.

Meetings for the processing of the application

Applications must be submitted by the first working day of the month to have the process start that month. Applications received after the first working day will have the process start the following month.

Process:

1. Placed on next available Technical Review Committee (TRC) agenda.
2. Placed as a Public Hearing on agenda of the Planning Commission (PC) the month following TRC meeting. Staff Report and Planning Commission recommendation forwarded to the Board of Supervisors.
3. Placed as a Public Hearing on agenda of the Board of Supervisors the month following PC meeting.

Applicant or a representative must appear at the scheduled hearings.

The Technical Review Committee provides a professional critique of the application and plans. The Planning Commission may recommend to the Board of Supervisors: approval; approval subject to resubmittal or correction; or denial of the special use permit.

Board Actions

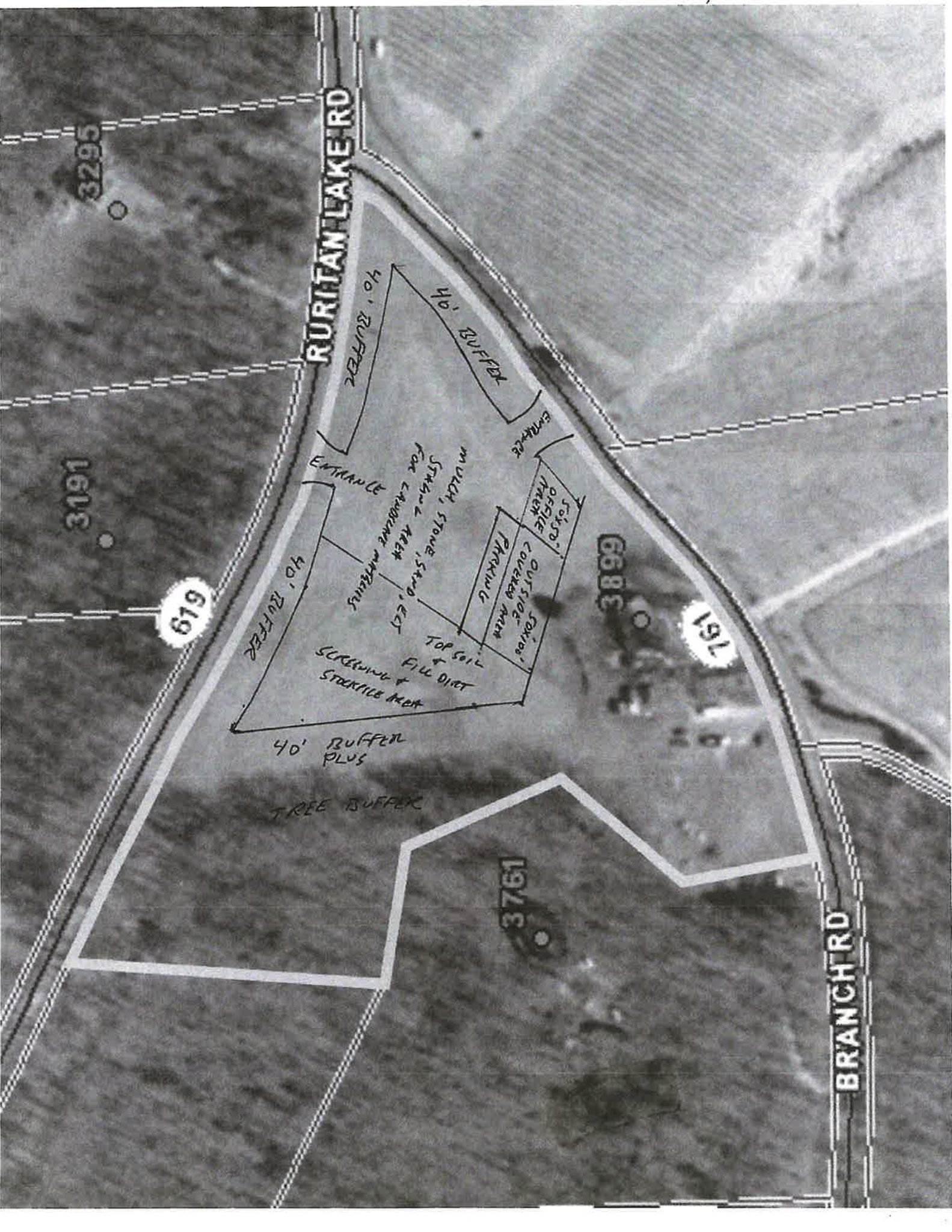
After considering all relevant information from the applicant and the public, the Board will deliberate on points addressed in the Staff Report.

The Board may approve; deny; or defer the request pending further consideration; or remand the case back to the Planning Commission for further consideration.

With **approval**, the development may proceed.

If **denied**, an appeal to the Courts may be prescribed by law

No similar request for a Special Use Permit for the same use at the same site may be made within one year after the denial.



RURITAN LAKE RD

BRANCH RD

3295

3191

679

3899

761

3761

40' BUFFER

40' BUFFER

40' BUFFER

40' BUFFER PLUS

TREE BUFFER

ENTRANCE

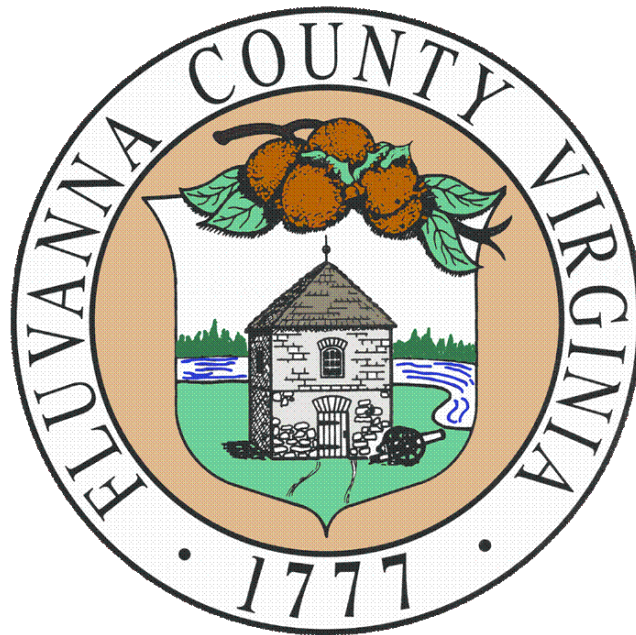
ENTRANCE

MULCH, STONE, SAND, ETC.
STORAGE AREA
FOR LANDSCAPE MATERIALS

TOP SOIL + FILL DIRT
SCREENING + STOCKPILE MAT

50x30'
OUTSIDE COVERED AREA
STORAGE

FLUVANNA COUNTY PLANNING COMMISSION



2026 BYLAWS AND RULES OF PRACTICE & PROCEDURES

Adopted

~~February 10, 2026~~ [April 7, 2026](#)

TABLE OF CONTENTS

SECTION	TOPIC	PAGE
I	Creation	3
II	Principal Address	3
III	Rules	3
IV	Construction	3
V	Definitions	3
VI	Commission Chair	5
VII	Commission Vice Chair	6
VIII	Commission Members	6
IX	Director of Planning	6
X	County Attorney	6
XI	Parliamentary Procedure	7
XII	Quorum for the Exercise of Commission Business	7
XIII	Meetings	7
XIV	Agenda Item Submission	8
XV	Agenda Preparation	9
XVI	Order of Business	10
XVII	Conduct of Business	10
XVIII	Order and Decorum	13
XIX	Motions	14
XX	Voting	15
XXI	Recording of Meetings	15
XXII	Ad Hoc Committees	16
XXIII	Policy for Remote Participation of Members of the Fluvanna County Planning Commission at Meetings of the Commission	16

Fluvanna County Planning Commission

BYLAWS AND RULES OF PRACTICE AND PROCEDURES

I. CREATION. The Fluvanna County Planning Commission, hereinafter called the “Commission”, is an appointed body provided by the Code of Virginia, Section 15.2-2210, or as amended. The Commission consists of five (5) members, one (1) appointed from each election district and one (1) representative of the Board of Supervisors. The Board of Supervisors representative does not vote by directive of the Board of Supervisors.

II. PRINCIPAL ADDRESS. 132 Main Street, Palmyra, Virginia 22963; Mailing Address: P.O. Box 540, Palmyra, Virginia 22963.

III. RULES

A. These Bylaws and Rules of Practice and Procedures (“Rules”) are adopted and shall apply to the Planning Commission of Fluvanna County. These Rules are intended to expedite transaction of the business of the Commission in an orderly fashion. The Bylaws and Rules are deemed to be procedural only. The failure strictly to observe application of the Rules shall not affect the jurisdiction of the Commission or invalidate any action taken at a meeting that is otherwise held in conformity with law.

B. 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. A decision of the Chair with respect to the interpretation, applicability, or enforcement of these Rules may be overruled by a majority vote of the members present and voting.

C. Except as otherwise provided by law, any rule of the Commission may be suspended temporarily, upon approval of the majority of the Commission members present and voting. The temporary suspension shall apply only to the matter under immediate consideration and, in no case, shall it extend beyond an adjournment.

D. No rule of the Commission shall be adopted or amended except by majority vote of the Commission.

IV. CONSTRUCTION. As used in these Rules, the masculine shall include the feminine and the singular the plural unless otherwise specified herein. The word "shall" is mandatory and not discretionary; the word “may” is permissive and discretionary. The word "approve" shall be considered to be followed by the words "or disapprove".

V. DEFINITIONS. As used in these Rules, the following terms are defined:

A. Action of Record. An action taken or decision made by the Commission recorded in the Minutes of the Meetings. Except as otherwise required by law, an Action of Record may take the following forms:

1. Motions and seconds with the recorded votes of the members.
2. Consensus agreement of the Commission without vote by the Commission.

3. Directive of the Chair in the exercise of that office during the conduct of an official meeting of the Commission.

B. Commission. The Fluvanna County Planning Commission.

C. County Code. The Code of Fluvanna County.

D. Directive. An exercise of discretionary authority granted to the Chair ~~—~~from the Commission in conformity with Section XVIII empowering the Chair as follows:

1. To enforce the protocols of these Rules for the conduct of business and discourse before the Commission to ensure proper decorum, civility, fairness, and order.

2. To cause the removal of any person or persons ~~without charge of civil or criminal offense~~ for misconduct, disruption, or disturbance of a meeting of the Planning Commission consistent with ~~—~~adopted policies and procedures of the Commission.

~~3. To charge any person or persons with civil or criminal offenses pursuant to federal, state, or local laws for the misconduct, disruption, or disturbance of a meeting of the Commission.~~

E. Item of Business. A matter to be presented before the Commission at an official meeting, specified on the Meeting Agenda or modification thereof, and which may be subject to an Action of Record.

F. Meeting or Official Meeting. Any Annual Organizational, Regular, or Special Meeting of the Planning Commission. The following terms may also be used to further define and specify purposes for meetings. Meetings as defined herein are not exclusive of each other and may be concurrently conducted.

1. Joint Meeting: A Joint Meeting may be conducted simultaneously with one or more public bodies for the purpose of review, inquiry, and discussion of matters of mutual interest or in the interest of expedient disposition of public business matters. Action of record may be taken at said meeting, and a quorum of both the Commission and other body(ies) is required to Call to Order and conduct a Joint Special Meeting.

2. **Public Hearing:** A public hearing shall be conducted at said meeting and the Commission may take Action of Record on such matters as may arise from the Public Hearing. A quorum of the Commission is required to Call to Order and conduct a Public Hearing.

3. **Recessed Meeting:** A meeting conducted at a date, place and time set by the Planning Commission as a continuation of a previously held meeting. A Recessed Meeting shall be scheduled no later than the date of the next Regular Meeting.

4. **Rescheduled Meeting:** A Rescheduled Meeting shall be for the purpose of conducting a meeting of the Commission where, by virtue of necessity or at the discretion of the Commission, the originally scheduled meeting cannot be conducted on its prescribed date or time or at its prescribed location pursuant to these Rules. Action of Record may be taken on any Item of Business presented at a Rescheduled Meeting, and a quorum of the Planning Commission is required to Call to Order and conduct a Rescheduled Meeting.

5. **Work Session Meeting:** A Work Session Meeting shall be for the purpose of in-depth review, inquiry, and discussion of specified Items of Business where Action of Record may be taken by the Commission. A quorum of the Commission is required to Call to Order and conduct said meeting. Work Session Meetings may also be called and scheduled for the purposes of presentations to the Planning Commission for educational and informational purposes.

G. **Primary Motion.** The first motion presented following informal discussion of any Item of Business at a Commission meeting.

H. **Substitute Motion.** A motion presented succeeding and in lieu of a primary motion on any Item of Business at a Commission meeting.

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

VI. COMMISSION CHAIR

A. At the first regular meeting of the year, the Commission selects one of its members to serve as Chair. The Chair is a voting member and serves for one (1) year, or until his successor shall be elected and qualify as such.

B. The Chair, when present, shall preside at all meetings of the Commission and shall take the Chair at the hour appointed for every Commission meeting and shall immediately call the members to order and, except in the absence of a quorum, shall proceed with the business of the Commission in the manner prescribed by these Rules. The Chair shall preserve order and decorum and shall decide all questions of order.

C. Upon the death, resignation, or other permanent disability of the Chair to fulfill the duties of his office, the Commission shall elect a new Chair at its next regularly scheduled meeting or as soon thereafter as possible.

VII. COMMISSION VICE CHAIR

A. At the first regular meeting of the year, the Commission selects one of its members to serve as Vice Chair. The Vice Chair is a voting member and serves for one (1) year, or until his successor shall be elected and qualify as such.

B. In the absence, or inability to act, of the Chair, the Vice Chair shall have and exercise all the powers and duties of the Chair.

VIII. COMMISSION MEMBERS

A. Notification of Absence. If any Commission member is unable to attend a meeting, all reasonable effort shall be made to notify the Chair and the Director of Planning as soon as possible to ensure there are sufficient members present and voting to consider all agenda items. The Director of Planning shall continue an agenda item if there will not be a sufficient number of Commission members present and voting at the meeting to approve the item.

B. Conflicts of Interest. At such times a Commission member may find himself with a conflict of interest as set forth in the Code of Virginia, Section 2.2-3100 et seq., the Commission member shall state the nature of the conflict of interest prior to an issue being heard and shall remove himself from the meeting. The member shall not vote or in any manner act on behalf of the Commission with respect to the issue for which a conflict has been declared, until such time as the issue has been decided. The member shall not attend any portion of a closed meeting authorized by the Virginia Freedom of Information Act when the issue is discussed; and will not discuss the issue with other governmental officers or employees in their official capacity at any time.

C. By resolution adopted by the Fluvanna County Board of Supervisors on April 19, 1995, the Board of Supervisors requires all Fluvanna County Planning Commission members to attend at least one or more of the training courses provided by the Virginia Cooperative Extension, the Virginia Department of Housing and Community Development, the Virginia Citizens Planning Association, or Virginia Tech's Public Service Program within two years of their appointment.

IX. DIRECTOR OF PLANNING. The Director of Planning shall be Clerk to the Commission and his or her general duty is set forth in the Code of Virginia, Section 15.2-2217. He or she shall maintain an office at the same address as the Commission. The Director of Planning, or a designated representative, shall attend each meeting of the Commission and shall provide such information to the Commission as necessary to assist Commission members in their deliberations and decision making.

X. COUNTY ATTORNEY. The County Attorney shall perform the duties set forth in Code Section 15.2-1542. The County Attorney or designated representative shall attend each meeting of the Commission and shall serve as adviser to the Commission on issues of law relating to the

Commission's business. The County Attorney assists the Commission in analyzing the facts; provides advice and action in legal matters and represents the Commission in civil actions.

XI. PARLIAMENTARY PROCEDURE. The County Attorney or designated representative shall serve as the Parliamentarian for the purpose of interpreting these Bylaws and Rules of Practice and Procedures 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 or designated representative is unavailable, the Director of Planning shall serve as the Parliamentarian.

XII. QUORUM FOR THE EXERCISE OF COMMISSION BUSINESS. A majority of the Commission shall constitute a quorum in order to conduct Commission business. A vote of the majority of those present is necessary to take action on an issue.

XIII. MEETINGS

A. Regular Meeting Schedule

1. Meetings are held on the first Tuesday after the first Wednesday of the month at 7:00 p.m. in the Morris Room of the County Administration Building, located at 132 Main Street, Palmyra, VA 22963, unless another location is announced.

2. Meetings will adjourn/recess no later than 11:00 p.m.

3. The Commission, at its pleasure, may continue its meeting beyond the normal adjournment/recess time, by majority vote of the Commission members present and voting.

4. Meetings shall start at the appointed time, and if the Chair is not present, the Vice Chair shall preside.

5. If neither the Chair nor the Vice Chair is present, the Director of Planning shall call the meeting to order and preside for the election of a temporary Chair.

B. Work Sessions Schedule. When needed, Work Sessions are held each month at 6:00 pm, prior to the 7:00 pm Regular Meeting, in the Morris Room of the County Administration Building, located at 132 Main Street, Palmyra, VA 22963, unless another location is announced. Other days/times may be scheduled by majority consent of the Commission.

C. Closed Meetings

1. Closed Meetings will be held as needed, but may only be convened in conformance with Section 2.2-3711 of the Code of Virginia (1950), as amended.

2. No resolution, ordinance, rule, contract, regulation, or motion agreed to in a Closed Meeting shall become effective until the Commission reconvenes in an Open Session and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion which shall have its substance reasonably identified in the open meeting.

3. At the conclusion of a Closed Meeting, the Commission shall reconvene in Open Session immediately thereafter and shall take a roll call vote certifying that to the best of each member's knowledge:

a. Only public business matters lawfully exempted from Open Session requirements were discussed; and

b. Only public business matters identified in the motion convening the Closed Meeting were heard, discussed or considered.

Any member who believes that there was a departure from the above requirements shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place.

4. The failure of the certification to receive the affirmative vote of a majority of the members present and voting during the Closed Meeting shall not affect the validity or confidentiality of the Closed Meeting with respect to matters considered therein in compliance with the Freedom of Information Act.

5. The Commission may permit non-members to attend a Closed Meeting if their presence will reasonably aid the Commission in its consideration of an issue. Except as otherwise directed by the Commission, the County Attorney or designated representative and the Director of Planning shall attend all Closed Meetings.

D. Special Meetings. The Commission may hold Special Meetings as it deems necessary, at such times and places as it finds convenient, and may adjourn such special meetings from time to time as it finds convenient and necessary. Special Meetings shall be called and scheduled per § 15.2-2214.

XIV. AGENDA ITEM SUBMISSION

A. All agenda items are due to the Director of Planning for the Commission by COB Tuesday the week before the Commission meeting, with the exception of presentations. Presentations by applicants presenting on zoning matters are due by COB Tuesday the week before the Commission meeting, and the presentations will be included in the Commission packet. ~~which~~ Staff presentations are due by COB Monday the week of the meeting.

B. Any person, who is not the applicant, making a written or electronic presentation or demonstrating a matter by way of a picture, slides, or a similar document for inclusion in the

record ~~for either~~ the [public comment period or public](#) hearing shall provide the Director of Planning a copy of such item three (3) days prior to the meeting at which such person wishes to make a presentation.

C. Copy all files into the “Library/03-Planning/04- Planning Commission” folder (if you do not have access to the county’s shared drive, email the materials to planning@fluvannacounty.org).

D. Items can be in any file format (e.g., doc, docx, pdf, ppt, pptx, xls, xlsx)

E. NO paper copies of requested Agenda Items are required.

XV. AGENDA PREPARATION

A. The Director of Planning shall prepare the agenda for meetings.

B. The Director of Planning may at his discretion, and individual Commission members may by request to the Director of Planning, place matters of business on the Agenda according to the schedule in paragraph XIV(A) above for discussion, information and/or action by the Commission as are germane to the affairs and interests of the Commission and County. However, this does not prevent the Director of Planning or Commission members, at their discretion, from having items included which are received after the regular cutoff date.

C. The Director of Planning shall allocate time to items on the agenda to suit the convenience of the Commission.

D. If the Director of Planning considers a requested agenda item not appropriate for consideration by the Commission, he shall inform the Commission for a decision. This does not prevent retaining the item on the agenda by majority consent of the Commission.

F. The Director of Planning shall submit the draft agenda to the Chair on the Wednesday in the week before a regularly scheduled meeting for the Chair’s review and approval. Agendas for special or other meetings may have the preparation and approval timeline modified to accommodate the available timeframe.

G. Issues for which actions will be required shall normally have all materials in the Agenda package for advance study.

H. The Commission Agenda and related materials shall be received by each member of the Commission and the County Attorney not later than the Thursday before the scheduled regular meeting. The Director of Planning may request an adjustment to the delivery schedule due to special circumstances.

I. The Director of Planning shall prepare extra copies of the Agenda and shall make the same available to the public and the press in the Office of the County Administrator, the Public Library,

and on the County website. The Director of Planning shall also have at least one hard copy available at each regular meeting.

XVI. ORDER OF BUSINESS. The Order of Business shall be as follows unless the Director of Planning in drawing up the Agenda shall find good cause to change it:

1 – Call to Order
2 – Pledge of Allegiance and Moment of Silence
3 – Adoption of Meeting Agenda
4 – Director of Planning’s Report
5 – Approval of Minutes
6 – Public Comments #1
7 – Public Hearing
8 – Resolutions
9 – Presentations
10 – Unfinished Business
12 – New Business
13 – Public Comments #2
14 – Closed Meeting (as needed)
15 – Adjourn

XVII. CONDUCT OF BUSINESS

A. Basic Principles: The following principles should be observed at all times in the transaction of public business before the Commission.

1. Only one subject may claim the attention of the Commission at one time.
2. Each item presented for consideration is entitled to full and free discussion.
3. Every member has rights equal to every other member except as to procedural matters within the competence of the Chair.
4. The will of the majority must be carried out, and the rights of the minority must be preserved.
5. The personality and desires of each member should be merged into the larger unit of the Fluvanna Planning Commission.

B. The Commission shall adopt an agenda for each meeting by recorded vote of a majority of the Commission members present and voting. The adoption of the agenda shall be the first item for action following the Call to Order, Pledge of Allegiance, and Moment of Silence.

C. Items shall be heard in order of the Agenda, except as the Commission decides when adopting the Agenda and that the Commission may vote to call up any matter at any time.

D. Except as provided in subsection F. of this Section XIX, the Commission shall take no Action of Record on any matter that is not on the Meeting Agenda unless a modification to the Meeting Agenda is requested at the time of Approval of the Agenda. Modification of the Meeting Agenda requires a majority vote of Commission members present and voting.

E. The Commission shall consider all items on the Agenda before taking any other items, unless an unlisted item is brought by majority consent of the Commission members present and voting.

F. Items not on the Agenda shall be heard as the final items of the Commission's business, time permitting, or shall be carried over to the next regular meeting or a special meeting as determined by majority consent of the Commission.

G. Exhibits before the Commission shall become the property of the Commission and shall be filed with the Director of Planning and shall be deemed a part of the record of the meeting at which submitted.

H. Citizens shall not speak at a meeting until they are recognized. Citizens shall request recognition by addressing "Mr. Chair" or "Madam Chair" (as appropriate), stating their name, their address, and awaiting acknowledgment by the Chair. The Chair may permit a dialogue without individual recognition between members of the Commission or between a member and a citizen if such dialogue is orderly and contributes to the expeditious conduct of business.

I. Should it be desired by the Chair, any member, or by the Director of Planning, the member making a resolution shall reduce the same to writing and deliver it to the Director of Planning's Office. The Director of Planning shall take down verbal resolutions as accurately as possible to reflect the intent of the Commission.

J. Prior to initiating a public hearing, the Chair shall recount, either verbatim or by reference, the rules under which the hearing shall be operated, but the Commission may amend the rules during the hearing by giving notice of the change to those gathered (e.g., a change to the time limitation for individual speakers).

K. At the beginning of the public hearing, the Chair shall call upon the Director of Planning or the other staff member handling the matter at hand to present a description of the issue placed before the hearing, or the Chair may do so himself.

L. For zoning matters where a public hearing has been advertised, the planning staff shall be called upon by the Chair to introduce the topic. Then the applicant shall be permitted to speak on behalf of his application and may make a presentation. Next the public hearing shall

be opened. At the conclusion of the public hearing, the applicant shall be provided with the opportunity to answer questions or provide additional information for the Commission in response to comments made during the public hearing.

M. For zoning matters where an item has been deferred after a public hearing, the planning staff shall be called upon by the Chair to introduce the topic. Then the Chair will ask the Commission whether it wants to hear updates from the applicant regarding the deferred item. If approved by a majority of the Commission, the applicant shall be permitted to speak on behalf of his application and may make a presentation. The applicant shall then be provided with the opportunity to answer questions or provide additional information for the Commission.

N.L. Subject to revocation or extension by the majority of the Commission assembled, the Chair may in all matters establish a maximum time for consideration of any matter, and/or limit the amount of time available to each speaker, including Commission members, on a matter and/or limit the number of times each speaker may address the Commission on a matter. Regardless, every Commission member is entitled to speak on every matter before the Commission and the call for the question shall not be entertained until all members who wish to exercise this right shall have done so at least once.

O.M. All members or citizens shall limit their comments before and to the Commission. The Chair may prohibit questions from citizens until a speaker has finished his presentation.

P.N. The Planning Commission has set forth the following rules for time limits for various agenda items or comments from the public, unless modified by majority consent of the Commission:

1. Individual presentations placed on the Commission's agenda shall be limited to ten (10) minutes in duration.
2. Individual presentations listed under the agenda item "Public Comments" shall be limited to five (5) minutes in duration.
3. Statements from the public during the "Public Hearing" on individual agenda items shall be limited to five (5) minutes.
4. Complete presentations on Commission action items shall be limited to not more than ten (10) minutes.

Q.Q. Once a notice for Public Hearing has been advertised (regardless of the nature), the Public Hearing will be conducted, unless the Commission formally defers the matter to a future meeting. The postponement or cancellation of a public hearing shall be as follows:

1. Any public hearing scheduled for a Commission meeting that has been publicly advertised shall not be postponed based on a request from a non-County government entity or person absent extreme mitigating circumstances. The Chair, with concurrence of the Director of Planning, will determine when such circumstances exist. If mitigating circumstances exist, the petitioner will bear any cost incurred by the County in providing public notification of the change and for the cost of advertising the new date of the hearing.

2. The Chair, with the concurrence of the Director of Planning shall have the authority to postpone a public hearing based on the weather or other extraordinary circumstances.

3. In all cases, County staff will ensure all Commission members are provided timely notification of schedule changes. Further, staff will ensure the public and general news media are notified of changes to schedules which have been announced in public. The public hearing shall be rescheduled, if appropriate, and advertised as required by law.

XVIII. ORDER AND DECORUM

A. It shall be the duty of the Chair to maintain order and decorum at meetings. The Chair ~~shall speak to points of order in preference to all other members~~ **when presiding at a meeting of the Commission, without vacating the chair, shall refer any point of order to the Parliamentarian.**

B. In maintaining decorum and propriety of conduct, the Chair shall not be challenged and no debate shall be allowed until after the Chair 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 majority vote of the Commission members present and voting.

C. All comments by members of the public during any Public Hearing must be germane to the purpose of that Public Hearing. All comments by members of the public during any Public Comment period must be germane to the services or policies of the County. When providing comments, members of the public are not permitted to campaign for public office and shall not promote private businesses or address pending litigation.

~~C.~~ **D. All comments and presentations by applicants speaking on a zoning matter must be germane to the purpose of the specific item that is pending before the Commission.**

~~D.~~ **DE.** No member or citizen shall be allowed to use of any profane, vulgar, obscene, abusive, defamatory, disruptive, or threatening speech, and doing so may result in removal from the meeting. No member or citizen shall use language of a personal nature which insults or demeans any person or which, when directed at a public official or County staff, is not related to his or her official duties.

~~E.~~ EF. All speakers shall be respectful of other opinions and viewpoints expressed at the meeting, and the audience shall not make audible expressions of support (i.e. applause) or of opposition (i.e. booing) during meetings.

~~F.~~ FG. Speakers should strive to avoid repetitive comments. Simple statements of endorsement of previous speakers are appropriate.

~~G.~~ GH. Speakers should address all comments to the Planning Commission and not the audience.

~~H.~~ HI. The Chair shall be the judge of all breaches of order and decorum; however, the Commission may by majority vote of the Commission members present and voting opt to overrule the judgement of the Chair.

J. When any person engages in such breaches, the Chair may order that person to stand silent, to be removed from the building, or to be removed from County property.

XIX. MOTIONS

A. Motions by Commission members shall require a second.

Exceptions. The following do not require a second:

- To Raise a Question of Privilege
- Questions of Order
- Objection to the Consideration of a Question
- Call up Motion to Reconsider
- Nominations
- Leave to Withdraw a Motion
- Inquiries of any kind

B. Motions shall not be formally discussed prior to being duly seconded.

C. After a motion is properly made and seconded, the Chair shall restate the motion and open the floor to discussion.

D. The Chair shall routinely refrain from making or seconding motions in order to fairly and impartially preside over the Commission deliberations and discussion. In any case, the Chair shall not make or second a motion without first temporarily surrendering the chair to the Vice Chair, if present and willing to temporarily accept the gavel, or to another member present and willing to temporarily accept the gavel. In such event, he should not resume the chair until the motion is decided.

E. A maker of a motion may not speak against his motion.

F. The Chair shall call for and cause the vote to be recorded after the motion is properly made before the Commission, has been seconded, and has been duly discussed. Any member believing a motion has been duly discussed may move or call for the previous question. Such motion shall not be debatable. However, if any member objects, the Chair shall call for a vote on the motion calling for the previous question. If that motion carries, the Chair shall proceed to call for the vote on the motion before the Commission. If the motion calling for the previous question is defeated, the debate on the main motion shall continue.

G. A substitute motion may be made by any member to any motion properly on the floor. Once seconded, the substitute motion shall take precedence and all debate or action on the existing motion shall cease until the substitute motion is decided. Debate on a substitute motion is permissible. If the substitute motion is passed by a majority vote of the members then present and voting, the original motion is supplanted by the substitute motion. A second substitute motion can be made only after the first substitute motion is decided by vote of the Commission.

H. When a motion is made and then cannot obtain a second, the motion will die for lack of a second and does not require a vote. However, in the event that a motion which is not seconded is nevertheless voted on by the Commission and passes by a majority of the members present and voting, the failure of a second shall not invalidate the adoption of such motion.

I. Defeated Motions

1. Same Meeting: A defeated motion can be brought back for consideration at the same meeting if the members present agree to do so by a majority vote. Only a member who voted on the prevailing side may make the motion to reconsider the issue. The rule restricting renewal of a motion in the same session does not apply to a motion that died for lack of a second.

2. Subsequent Meeting: Except as otherwise provided by law, a defeated motion that is still applicable can be re-introduced at a subsequent meeting as new business (under the normal process for new business).

XX. VOTING

A. All Actions of Record must be approved by vote unless there is unanimous consent.

B. When the question is called and there is no dispute, the Chair shall call for the vote.

C. Whenever any member wishes to abstain from voting on any question, he shall so state and, if because of a conflict, shall indicate in accordance with the Virginia Conflict of Interests Act, Virginia Code § 2.2-3100 et seq., and his abstention shall be announced by the Chair and recorded by the Director of Planning.

D. The Chair’s vote on all issues before the Commission shall be recorded with the prevailing side, unless the Chair clearly votes otherwise.

E. The Director of Planning shall record the name of each member voting and how he voted.

F. A tie vote fails. The Commission does not designate a tiebreaker.

G. Except as otherwise provided by law, motions shall be carried by a majority of the members present and voting in the affirmative.

XXI. RECORDING OF MEETINGS. The Clerk of the Commission or another person acting in that capacity shall electronically record each regular meeting. These recordings are the property of Fluvanna County and are public records as provided by the Virginia Freedom of Information Act. Interested persons may listen to the recordings on the County website or may obtain copies of the recording by making appropriate arrangements with the Director of Planning’s office. Costs will be borne by the person making the request.

XXII. AD HOC COMMITTEES. There will be no standing committees. Ad hoc committees will be appointed by the Chair, as needed. Constitutional Officers may be appointed to committees.

XXIII. 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 strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code § 2.2-3700 et seq.

3. Any reference to a specific provision of federal, state, or local law referenced in this policy shall mean such provision of law, as amended from time to time, or as set forth in any successor provision dealing with substantially the same subject.

B. DEFINITIONS

1. “Caregiver” means a caregiver as defined by Va. Code § 2.2-3701.

2. "Member" means any member of the Planning Commission.

3. "Remote participation" means participation by an individual member of the Commission by electronic communication means in a public meeting where a quorum of the Commission is physically assembled, as defined by Va. Code § 2.2-3701. For purposes of determining whether a quorum is physically assembled, an individual member who is a person with a disability as defined in Va. Code § 51.5-40.1 or is a caregiver as defined in Va. Code § 2.2-3701 and uses remote participation counts toward the quorum as if the individual was physically present.

4. "Meeting" means a meeting as defined by Va. Code § 2.2-3701.

5. "Notify" or "notifies," for purposes of this policy, means verbal or written notice that is reasonable under the circumstances, with written notice, such as by email or letter, being the preferred means of notice. Notwithstanding the foregoing, notice does not include text messages or communications via social media.

6. "VFOIA" means the Virginia Freedom of Information Act, Va. Code § 2.2-3700, et seq.

C. MANDATORY REQUIREMENTS

Regardless of the reasons why the member is participating in a meeting from a remote location by electronic communication means, the following conditions must be met for the member to participate remotely:

1. A quorum of the Commission must be physically assembled at the primary or central meeting location; and

2. Arrangements have been made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the remotely participating member is no longer able to be heard by all persons at the meeting location, the remotely participating member shall no longer be permitted to participate remotely.

3. For purposes of determining whether a quorum is physically assembled, an individual member who is a person with a disability as defined in Va. Code § 51.5-40.1 or is a caregiver and uses remote participation counts toward the quorum as if the individual was physically present.

D. PROCESS TO REQUEST REMOTE PARTICIPATION

1. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the Commission Chair (or the Vice-Chair if the requesting member is the Chair) that such member is physically unable to attend a meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's

physical attendance, (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance, or the member is a caregiver who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance, (iii) such member's principal residence location more than 60 miles from the meeting location, or (iv) a personal matter and identifies with specificity the nature of the personal matter.

2. If the requesting member is unable physically to attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter and that such matter renders the requesting member unable physically to attend. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes listed in (i) - (iii) above.

3. The requesting member is not obligated to provide independent verification regarding the reason for such member's nonattendance, including the temporary or permanent disability or other medical condition or the family member's medical condition that prevents the member's physical attendance at the meeting.

4. The Chair (or the Vice-Chair if the requesting member is the Chair) shall promptly notify the requesting member whether the request is in conformance with this policy, and therefore approved or disapproved.

E. PROCESS TO CONFIRM APPROVAL OR DISAPPROVAL OF PARTICIPATION FROM A REMOTE LOCATION

When a quorum of the Commission has assembled for the meeting, the Commission shall vote to determine whether:

1. The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and

2. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

F. RECORDING IN MINUTES

1. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, or the member is a caregiver who must provide care for a person with a disability, or because the member's principal residence is located more than 60 miles from the meeting location the Commission shall record in its minutes (1) the foregoing circumstance due to which the member is participating remotely; (2) the Commission's

approval of the member's remote participation; and (3) a general description of the remote location from which the member participated.

2. If the member is allowed to participate remotely due to a personal matter, the Commission shall record in its minutes (1) the specific nature of such personal matter that renders the requesting member unable to attend stated by the requesting member; (2) how many times the member has attended remotely due to a personal matter; (3) the Commission's approval of the member's remote participation; and (4) a general description of the remote location from which the member participated.

3. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

G. CLOSED SESSION

If the Commission goes into closed session, the member may continue to participate remotely in the closed session, and shall ensure that no third party is able to hear or otherwise observe the closed meeting.

H. STRICT AND UNIFORM APPLICATION OF THIS POLICY

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. Unless independently received by County staff, the Chair (or Vice-Chair) shall provide County staff with copies of the member's written request to participate remotely and the written response, as applicable, if the request or response is in writing, to be retained by County staff for a period of one year, or other such time required by records retention laws, regulations, and policies.

I. MEETINGS HELD THROUGH ELECTRONIC COMMUNICATION MEANS DURING DECLARED STATES OF EMERGENCY

1. In addition to the foregoing, pursuant to the Code of Virginia Section 2.2-3708.2(A)(2) the Planning Commission may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with the Code of Virginia Section 44-146.17, or Fluvanna County has declared a local state of emergency pursuant to Code of Virginia Section 44-146.21, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency provide for the continuity of operations of the Commission or the discharge of its lawful purposes, duties, and responsibilities. The Planning Commission when convening a meeting in accordance with this subdivision (I) shall:

a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the Planning Commission conducting the meeting;

b. Make arrangements for public access to such meeting through electronic communication means;

c. Provide the public with the opportunity to comment at those meetings of the Commission when public comment is customarily received;

d. Otherwise comply with the provisions of the Code of VFOIA; and

e. State in its minutes the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held.

J. Nothing in this Section XXIV shall be construed to prohibit the use of interactive audio or video means to expand public participation.

XXIV. RULES

A. The bylaws may be suspended at any time by a majority vote of the Commission.

B. The bylaws may be amended by a majority vote of the Commission, but only at the regular meeting next held after the proposed amendment has been announced at a regular meeting.