



**FLUVANNA COUNTY PLANNING COMMISSION
MEETING AGENDA**

The Morris Room, Administration Bldg.
132 Main Street, Palmyra, VA 22963
July 7, 2026

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

WORK SESSION

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

- A SUP – Electric Transmission Facilities
- B Camp Grounds (time permitting)

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 June 9, 2026 – Jenny Cassell Faulkner, Admin. Prog. Specialist

5 – PUBLIC COMMENTS #1 (5 Minutes Each)

6 – PUBLIC HEARING

- B **ZTA26:21** – Teen Centers – Jason Overstreet, Senior Planner
- C **SUP26:10** – Teen Center – Flucos Den Center – Jason Overstreet, Senior Planner
- D ~~**SUP 26:09**~~ – Lenherr – Jason Overstreet, Senior Planner
- E **ZTA 26:15** – Board of Zoning Appeals (HB 198) – Todd Fortune, Planning Director
- F **ZTA 26:16** – Off-street Parking Regulations (HB888) – Todd Fortune, Planning Director
- G **ZTA 26:17** – Manufactured Homes Regulation (HB655/SB346 and HB1463) – Todd Fortune, Plan. Dir.
- H **ZTA 26:18** – Solar Regulation (HB891/SB443 and HB711/SB347) – Todd Fortune, Director of Planning
- I **Comprehensive Plan Addendum** – Todd Fortune, Director of Planning

7 – RESOLUTIONS

- J **ZTA 26:22** – R3 Zoning – Todd Fortune, Planning Dir., and Dan Whitten, County Attorney
- K **ZTA 26:23** – Electric Transmission Facilities – Todd Fortune, Planning Dir., and Dan Whitten, Co. Atty

8 – PRESENTATIONS

- L None

9 – UNFINISHED BUSINESS

- M Comprehensive Plan – Todd Fortune, Planning Director

10 – NEW BUSINESS

- N None

11 – PUBLIC COMMENTS #2 (5 minutes each)

12 – 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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ZTA 26:??

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 22-4-2.2, 22-11-2.2, 22-12-2.2, AND 22-22-1 AND ENACTING §§ 22-29-1 THROUGH 22-29-23 TO DEFINE AND REGULATE ELECTRONIC TRANSMISSION FACILITIES

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

- (1) *That the Code of the County of Fluvanna, Virginia is amended by amending §§ 22-4-2.2, 22-11-2.2, 22-12-2.2, and 22-22-1 and enacting §§ 22-29-1 through 22-29-23:*

CHAPTER 22 – ZONING

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

Sec. 22-4-2.2. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Agricultural Uses

- Agricultural enterprise
- Agricultural sales, wholesale
- Livestock feed lots, commercial
- Livestock sales yards, commercial

Civic Uses

- Amusements, public
- Correctional facilities
- Cultural services
- Educational facilities
- Public assembly
- Public recreation assembly
- Religious assembly
- Sheltered care facilities

Commercial Uses

- Adult retirement communities
- Amusements, commercial
- Assisted living facilities
- Automobile repair service establishments
- Bed and breakfasts

Boarding houses
Butcher shops
Campgrounds
Camps
Car washes
Cemeteries, commercial
Child day centers
Communications service
Dance halls
Daycare centers
Event facilities
Flea markets
Funeral homes
Garden center
Gas stations
Greenhouses, commercial
Hotels
Kennels, commercial
Landscaping materials supply
Lodges
Machinery sales and service
Medical clinics
Microbreweries
Outdoor entertainment
Outdoor recreation facilities
Restaurants, small
Retail stores, neighborhood convenience
Retail stores, specialty
Shooting ranges, indoor
Shooting ranges, outdoor
Small home industries
Studios, fine arts
Taxidermists

Veterinary offices

Industrial Uses

Railroad facilities

Resource extraction

Solid waste collection facilities

Miscellaneous Uses

Aviation facilities

Electric transmission facilities

Outdoor gatherings

Solar photovoltaic projects

Telecommunication facilities

Utilities, major

Residential Uses

Dormitories

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

Sec. 22-11-2.2. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Commercial Uses

Amusements, commercial

Auction houses

Manufactured home sales

Outdoor entertainment

Outdoor recreation facilities

Restaurants, fast food

Shooting ranges, outdoor

Industrial Uses

Data centers

Manufacturing, medium

Sanitary landfills

Sawmills, permanent

Solid waste material recovery facilities

Truck terminals

Miscellaneous Uses

Aviation facilities

Electric transmission facilities

Outdoor gatherings

Solar photovoltaic projects

Telecommunication facilities

Utilities, major

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

Sec. 22-12-2.2. Uses permitted by special use permit.

The following uses shall be permitted by special use permit only:

Commercial Uses

Manufactured home sales

Medical clinics

Offices

Shooting ranges, indoor

Shooting ranges, outdoor

Industrial Uses

Data centers

Manufacturing, heavy

Petroleum distribution facilities

Resource extraction

Salvage and scrap yards

Sanitary landfills

Slaughterhouses

Solid waste material recovery facilities

Miscellaneous Uses

Aviation facilities

Electric transmission facilities

Solar photovoltaic projects

Telecommunication facilities

ARTICLE 22. DEFINITIONS

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

Electric transmission facility: A facility, equipment, or structure that supports electric transmission lines, including, but not limited to, electrical substations, switching stations, and related infrastructure.

Utility, major: Facilities for the distribution, collection, treatment, production, transmission and generation of public, private and central utilities including, but not limited to, transmission lines, production plants, ~~electrical substations,~~ pumping stations, treatment facilities, information and communication facilities.

ARTICLE 29. REGULATION OF ELECTRIC TRANSMISSION FACILITIES

Sec. 22-29-1. Statement of intent.

The purpose of this Article is to protect the public health, safety, and welfare by regulating the placement, conditions, and impact of electric transmission facilities. The intent of this Article is to:

- (A) **Provide for the orderly and compatible siting of electric transmission facilities;**
- (B) **Minimize adverse impacts on residential areas, agricultural lands, sites of historical and cultural significance, and the County's rural character;**
- (C) **Protect public infrastructure;**
- (D) **Establish reasonable conditions regulating the construction and operation of electric transmission facilities; and**
- (E) **Ensure compliance with federal and state regulations.**

Sec. 22-29-2. Applicability.

- (A) **Subject to the limitation in subsection (C), this Article shall apply to:**
 - (1) **New electric transmission facilities; and**
 - (2) **Expansions or modifications of existing electric transmission facilities that materially increase the facility's capacity or footprint**
- (B) **Electric transmission facilities existing or permitted prior to the adoption of this article shall be subject to the provisions of Article 16, Nonconforming Uses, of this Chapter.**
- (C) **This Article shall apply to all electric transmission facilities, except where explicitly preempted under Virginia Code § 56-265.2(A)(2).**

Sec. 22-29-3. General requirements and considerations.

- (A) **In considering an application for this use, the Board shall:**
 - (1) **Take into account the maximum height, size, and location of the electric transmission facility in relation to interconnecting electric transmission lines,**

and shall include measures designed to screen or otherwise minimize the visibility of proposed facilities;

- (2) Take into account the protection of wetlands, floodplains, rivers, steep slopes, and agricultural lands. The views of and vistas from these locations and adjoining properties shall be protected and not be impaired or diminished by the placement of the electric transmission facility;
 - (3) Take into account the impact of the electric transmission facility on residential areas, agricultural lands, scenic byways, historical and cultural sites, and the County's rural character; and
 - (4) Analyze the potential visual and auditory impacts from multiple vantage points in the area of the proposed electric transmission facility, including those at higher elevations, to determine whether the proposed site is compatible with the County's rural character.
- (B) All applications for this use shall demonstrate that the proposed electric transmission facility:
- (1) Is consistent with the comprehensive plan;
 - (2) Minimizes impacts to adjacent properties and surrounding communities;
 - (3) Is designed and located to minimize visual, environmental, and land use impacts to the surrounding area; and
 - (4) Is compatible with existing and planned uses in the surrounding area.
- (C) In addition to the requirements of Article 23, Site Development Plans, the following documents and information shall be provided by an applicant for an electric transmission facility:
- (1) A narrative identifying the applicant, owner, and operator, and describing the proposed project, including an overview of the project and its location, the approximate rated capacity, a description of all ancillary facilities, and a visual rendering of equipment and ancillary facilities;
 - (2) Project site development and landscape plans demonstrating that the project minimizes the impacts on adjoining lands and viewsheds;
 - (3) Potential hazards to adjacent properties, public roadways, and the applicant's plans to protect the County and its citizens from the impact of those hazards;
 - (4) Identification of the party responsible for the long-term maintenance of the facility;
 - (5) A completed independent sound study developed by a third party and paid for by the applicant that demonstrates the sound impact of the proposed electric transmission facility on adjacent properties; and
 - (6) A site plan including the following information and details, in addition to the requirements of Article 23, Site Development Plans:
 - (a) The location and types of off-site electric utility infrastructure upgrades needed to support the electric transmission facility, including the location and routing of any off-site cabling required from the point of interconnection with existing electrical utility cabling and the locations and routing of existing electrical utility

cabling that must be upgraded to support the electric transmission facility;

- (b) The location of fencing and other methods of ensuring public health and safety;
- (c) A visual depiction of required screening and buffering in scaled plan and elevation perspectives; and
- (d) Representative diagrams, ariel photo superposition maps, ground photographs, visual simulations, and other similar renderings showing the current and proposed conditions from adjacent properties.

Sec. 22-29-4. Siting.

- (A) The applicant shall evaluate and document alternative siting options, including:
 - (1) The use of existing transmission corridors;
 - (2) Co-location within existing utility easements; and
 - (3) Alignment along transportation corridors, where feasible.
- (B) In support of the selected siting, the applicant shall demonstrate:
 - (1) Minimization of impacts to residential areas;
 - (2) Avoidance of unnecessary fragmentation of agricultural and forestal lands; and
 - (3) Minimization of impacts on scenic, historic, and cultural resources.

Sec. 22-29-5. Standards and regulations for electric transmission facilities.

An electric transmission facility shall comply with all standards and regulations enumerated within this Article, as well as all requirements for the zone in which the property is located. If any such standards or regulations overlap, the most restrictive standard or regulation shall apply.

Sec. 22-29-6. Minimum setbacks for electric transmission facilities.

The electric transmission facility area, which includes any buildings, structures, equipment, parking, and disturbed areas shall have the following minimum setbacks from the nearest edge of any such buildings, structures, equipment, parking, and disturbed areas:

- (A) 200 feet from the nearest point on the outer wall of existing occupied community buildings and dwellings on nonparticipating properties;
- (B) 100 feet from the outside edge of the roadbed of any road abutting the property;
- (C) 100 feet from the edge, of tidal wetlands or nontidal wetlands, as defined in 9VAC25-830, or from the top of bank of perennial streams, as defined in Virginia Code § 62.1-44.122; and
- (D) Seventy-five (75) feet measured from the nearest shared property line for nonparticipating properties.

Sec. 22-29-7. Landscaping and buffers.

An electric transmission facility shall meet the requirements of Article 24, Landscaping and Tree Protection, of this Chapter.

Sec. 22-29-8. Height.

The Board shall impose height restrictions on a case-by-case basis as a part of the special use permit conditions, taking into consideration the location and specific voltage level of the electric transmission facility.

Sec. 22-29-9. Visual Design.

Electric transmission facilities shall adhere to the following visual design standards:

- (A) Structures shall utilize non-reflective materials;**
- (B) Structure color and finish shall be selected to minimize visual contrast with the surrounding environment; and**
- (C) Project segments shall maintain consistency in structure type and design where feasible.**

Sec. 22-29-10. Sound.

In addition to the sound requirements of Chapter 15.2, Noise Control, the Board shall impose sound restrictions on a case-by-case basis as a part of the special use permit conditions for the electric transmission facility, taking into consideration the use and location, including proximity to nearby residential property.

Sec. 22-29-11. Lighting.

An electric transmission facility shall meet the requirements of Article 25, Outdoor Light Control, of this Chapter.

Sec. 22-29-12. Signage.

No signage shall be allowed on the fencing, structures, or buildings in the project area for an electric transmission facility. One (1) sign shall be allowed at each of the emergency access points which shall list the required warnings, the name of the electric transmission facility, address, and relevant emergency contact information. Any signage required by state or federal law or regulation shall be exempt from this requirement.

Sec. 22-29-13. Fencing.

The electric transmission facility project area must be enclosed by security fencing on the interior of the buffer area at a height of at least eight (8) feet.

Sec. 22-29-14. Erosion and sediment control.

An electric transmission facility shall meet the requirements of Chapter 6, Erosion and Sedimentation Control.

Sec. 22-29-15. Emergency management.

- (A) Prior to completion of construction, the owner, or operator of the facility shall provide the Planning Director with an emergency management plan for the facility.**
- (B) County emergency personnel must be provided a Knox box or code to access the property in case of an on-site emergency.**

Sec. 22-29-16. Environmental and agricultural protection.

- (A) The applicant shall demonstrate efforts to:**
 - (1) Avoid farmland and active agricultural operations;**
 - (2) Minimize soil disturbance and compaction; and**
 - (3) Restore disturbed land to its pre-construction condition or better.**
- (B) The applicant shall comply with all applicable local, state, and federal environmental regulations and permits.**

Sec. 22-29-17. Construction management plan.

The applicant shall submit to the County a detailed Construction Management Plan that includes:

- (A) Construction schedule and phasing;**
- (B) Hours of operation;**
- (C) Traffic management and haul routes including measures for repairing any public roads that are damaged by construction vehicles and equipment during construction;**
- (D) Staging areas and material storage locations;**
- (E) Dust, noise, and lighting control measures; and**
- (F) Worker parking and access provisions.**

Sec. 22-29-18. Roads and infrastructure.

- (A) Electric transmission facilities may only be located on Virginia Department of Transportation-maintained public roads that have a minimum paved width of twenty (20) feet along the entire length of travel to the nearest primary road.**
- (B) The applicant shall conduct a pre-construction survey for public roads and driveways impacted by facility construction.**
- (C) The applicant shall repair or replace any damaged roads or infrastructure to restore it to the condition it was in before construction or better.**
- (D) The Board may require evidence of a Virginia Department of Transportation Bond or other financial assurance in the form of a road and/or infrastructure bond on a case-by-case basis as a part of the special use permit conditions to guarantee repairs to County roads and infrastructure.**

Sec. 22-29-19. Property owner coordination.

- (A) **The applicant shall provide an advance notice to adjacent property owners regarding construction timing, access requirements, and potential disruptions prior to the commencement of construction.**
- (B) **The applicant shall designate a local point of contact for the resolution of complaints made by adjacent property owners.**

Sec. 22-29-20. Cessation of operation.

- (A) **Within six (6) months of the cessation of operation of the electric transmission facility for its designed purpose, all facilities, equipment, and structures shall be removed from the property and the land shall be restored to its prior condition or better.**
- (B) **The Board may, on a case-by-case basis as a part of the special use permit conditions, require a decommissioning plan and/or decommissioning bond or other financial assurance to ensure restoration of the property.**

Sec. 22-29-21. Special use permit conditions.

Nothing in this Section shall be construed to restrict the ability of the Board to require additional or more stringent conditions as a part of the special use permit.

Sec. 22-29-22. Waivers and modification.

The Board may modify or waive specific requirements of this Section where the applicant demonstrates that:

- (A) **Compliance is not feasible due to engineering, safety, or regulatory constraints; and/or**
- (B) **Such modification is necessary to comply with requirements imposed by the Virginia State Corporation Commission or other state or federal governing body.**

Sec. 22-29-23. Compliance with other regulations.

Nothing in this Section shall be construed to conflict with or supersede the authority of the Virginia State Corporation Commission, the Federal Energy Regulatory Commission, or any applicable state or federal law.

Chapter 22 – ZONING

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

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

The following uses shall be permitted by right:

Agricultural Uses

- Agriculture
- Agritourism activity
- Conservation areas
- Equestrian facilities
- Farm sales
- Hunt clubs
- Hunting preserves

Civic Uses

- Public parks and recreational areas
- Public uses

Commercial Uses

- Family daycare homes/Family day homes
- Home occupations
- Studios, fine arts

Campsites

Industrial Uses

- Sawmills, temporary

Miscellaneous Uses

- Accessory uses
- Cemeteries, non-commercial
- Greenhouses, non-commercial
- Kennels, private
- Marinas, private non-commercial
- Mobile food unit
- Shooting, private recreational
- Small scale solar generation facility
- Utilities, minor

Wood storage, temporary

Residential Uses

Dwellings, accessory

Dwellings, two-family

Farm tenant housing

Group homes

Manufactured homes

Mobile homes, as defined in Section 22-4-2.3

Single-family detached dwellings, including family subdivisions and conventional minor subdivisions, but excluding conventional major subdivisions recorded after April 5, 2004

Short-term rental of a residential dwelling

Sec. 22-17-15. Special exception for placement of manufactured home.

The Zoning Administrator may approve placement of a manufactured home **or extended lodging in a recreational vehicle** in the event that a residence is destroyed or made unlivable by fire, flood, wind, or other natural causes, provided that **such** placement **of a manufactured home or recreational vehicle** shall be for a period not longer than twelve (12) months from the date of occurrence of the event, and also provided that written approval is obtained from the respective property owners association, if any.

Sec. 22-17-22. Recreational vehicle standards.

(A) A recreational vehicle may not be used as a dwelling and may only be used as a temporary living quarters for a maximum of thirty (30) days, unless a special exception has been approved by the Zoning Administrator pursuant to Section 22-17-15.

(B) No recreational vehicle may be used for any short-term rental, unless the recreational vehicles is located in a campground approved by special use permit.

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

Campground: **An area used for transient occupancy including tourist camps, travel trailer camps, recreation camps, family campgrounds, camping resorts, camping communities, hipcamps, dry camps, or any other area, place, parcel, or tract of land, by whatever name called, on which three (3) or more campsites are occupied or intended for transient occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites or facilities is granted gratuitously, by a rental fee, by lease, by conditional sale, or by covenants, restrictions, and easements. Such definition does not include summer**

camps. An area to be used for transient occupaney by camping in tents, camp trailers, travel trailers, motor homes, or similar transportable or temporary sleeping quarters of any kind. For purposes of this definition, transient **occupancy** shall be for no more than ~~120~~ **30** days.

Camping unit: Tents, tent trailers, travel trailers, recreational vehicles, camping trailers, pick-up campers, motor homes, yurts, cabins, or any other device or vehicular-type structure as may be developed, marketed, and used by the camping trade for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel.

Campsite: Any plot of ground within a campground used or intended for the exclusive occupation by a camping unit. Any area, place, parcel, or tract of land with three (3) or more campsites shall be considered a campground.

FLUVANNA COUNTY PLANNING COMMISSION - MEETING MINUTES
The Morris Room, Fluvanna County Administration Bldg.
132 Main St., Palmyra, VA 22963
Tuesday, June 9, 2026 - Work Session 6:00 pm, Regular Meeting 7:00 pm

MEMBERS PRESENT:

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

STAFF PRESENT:

Todd Fortune, Director of Planning
 Dan Whitten, County Attorney
 Kelly Harris, Assistant County Administrator
 Noble Pearson, Assistant County Attorney
 Jenny Cassell Faulkner, Administrative Programs Specialist

PLANNING COMMISSION WORK SESSION CALL TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:

At 6:00 pm Mr. Bibb, Chair, called the June 9, 2026, Work Session to order, led the Pledge of Allegiance, and conducted a Moment of Silence.

▪ **Work Session Items:**

- **SUP – Electric Transmission Facilities**
 - A draft amendment to Chapter 86 of Louisa County’s Ordinance, Land Development Regulations, regarding Conditional Use Permits for Electric Transmission Facilities, and a similar ordinance adopted by Rappahannock County in March 2026 regarding standards for electrical substations were reviewed for feedback, and the feasibility of making a similar change to Fluvanna County’s Ordinance was discussed. The Commission directed staff to draft regulations for electric transmission facilities to be reviewed the following month.
- **Entrance Corridor Overlays**
 - Example Entrance Corridor Overlay regulations from nearby localities were reviewed for Commission feedback regarding the possibility of creating an Entrance Corridor overlay for Fluvanna County. Commissioners discussed County entrance corridors and directed staff to come up with ideas for basic regulations for the identified County entrance corridors.

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

At 7:03 pm Mr. Bibb, Chair, called June 9, 2026, Regular Meeting to order, led the Pledge of Allegiance, and conducted a Moment of Silence.

▪ **Adoption of the Agenda:**

MOTION:	I move that the Planning Commission approve the adoption of the agenda for the Planning Commission meeting for June 9, 2026, with all public hearings stricken.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:			Motion	Second	
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

▪ **Director’s Report:**

- **Announcements and Updates:**
 - The Planner/GIS Technician position has been advertised, and applications are being accepted.
 - There were seven public hearings scheduled for June 9, 2026, that were not able to be heard due to an issue affecting the *Fluvanna Review’s* ability to publish legal notices and public notices. The public hearings will need to be readvertised in a newspaper meeting the legal requirements for public notice and rescheduled for July 7, 2026.

▪ **Future Meetings:**

Day	Date	Time	Public Hearings and Public Meetings	Location
Tuesday	July 7, 2026	6pm 7pm	Work Session (TDB) Regular Meeting	Morris Room
Tuesday	August 11, 2026	6pm 7pm	Work Session (TDB) Regular Meeting	Morris Room
Tuesday	September 8, 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:	I move that the Planning Commission approve the minutes from May 12, 2026.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Motion			Second
VOTE:	Aye	Aye	Aye	Abstain	Aye
RESULT:	4-0 Approved, 1 Abstain				

▪ **Public Comments:**

- Mr. Bibb opened the first round of public comments.
- No one came forward to speak, and Mr. Bibb closed the first round of public comments.

▪ **Public Hearings:**

- None

▪ **Resolutions:**

- None

▪ **Unfinished Business:**

- **Comprehensive Plan – Todd Fortune, Director of Planning**
 - A new date needs to be set for the follow-up joint work session with the Rural Preservation Advisory Group.
 - This work session was initially scheduled for May 26 had to be postponed.
 - After feedback from the Commission, Staff is planning to set a makeup date for early July.
 - The estimated completion date for the finishing the Comprehensive Plan update is being pushed back due to waiting for the results of the ongoing Thomas Jefferson PFC Regional Housing Study, which is scheduled to be completed during the first quarter of 2027. Completion of the Comprehensive Plan update is estimated to be delayed by four to six months, with Staff planning to provide a revised schedule later in the summer. Other sections of the Plan will continue to be reviewed while the Housing Section is finalized.

▪ **New Business:**

- **Noise Ordinance**
 - At its regular meeting on February 18, 2026, the Board directed the Commission to review the Noise Ordinance (Fluvanna County Code in § 15.2 – Noise Control) and make recommendations for changes to the Board by June 30, 2026.
 - Subsequently, the Commission reviewed the Noise Ordinance and discussed possible changes. The changes were presented to the Commission for review.

MOTION:	I move that the Planning Commission recommend changes to Chapter 15.2 of “the Code of the County of Fluvanna, Virginia” as presented to the Board of Supervisors for consideration.				
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 second round of public comments.
- No one came forward to speak, and Mr. Bibb closed the second round of public comments.

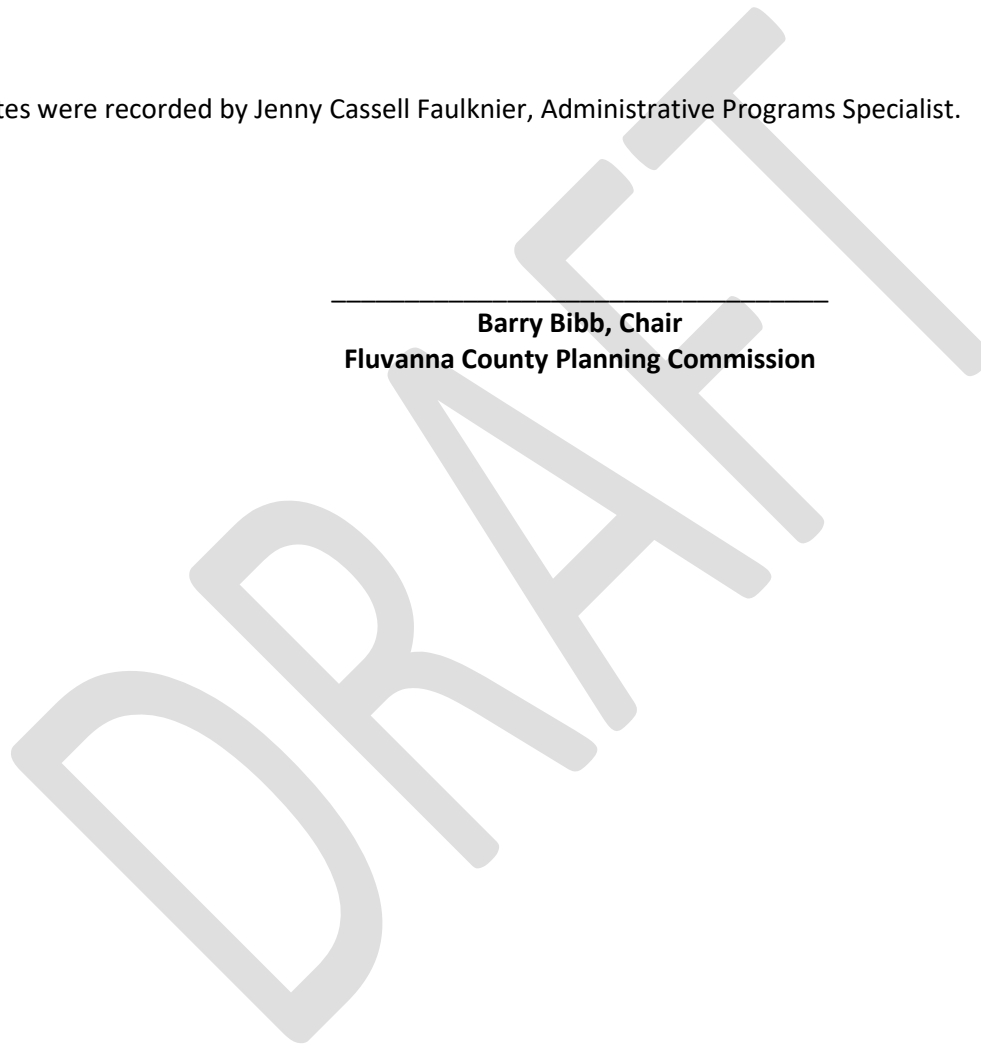
▪ **ADJOURNMENT:**

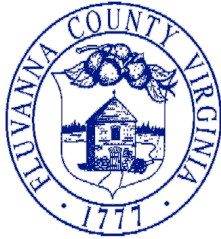
- Chair Bibb called for a motion to adjourn the June 9, 2026, Planning Commission meeting at 7:21 pm.

MOTION:	I move that the Planning Commission adjourn the June 9, 2026, Planning Commission meeting at 7:21pm.				
MEMBER:	Bibb	Kilpatrick	Dorsey	Lagomarsino	Morgan
ACTION:		Second	Motion		
VOTE:	Aye	Aye	Aye	Aye	Aye
RESULT:	5-0 Approved				

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

**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 Commissioners

From: Dan Whitten, County Attorney; and Jason Overstreet, Senior Planner

Case Number: ZTA 26:21

District: Countywide Amendment

General Information: This public hearing is to be held on Tuesday, July 7, 2026, at 7:00 pm by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra, VA 22963.

Requested Action: Recommend approval of an amendment to the Fluvanna County Code by amending §§ 22-10-4 and 22-22-1 to add Teen Centers as a use allowed by SUP only in properties zoned B-C, Business, Convenience and adding a definition for "Teen Center."

Applicant: Tiffany Smith

Background Information:

This change has been requested by the applicant to allow for the placement of a teen center on the parcel identified as Tax Map 18B-5-4. The parcel is zoned B-C, Business, Convenience. The County Code currently does not define the proposed use or allow it in any of the County's zoning districts. This proposed change would define the use and allow for the applicant to open a teen center on the subject parcel with an approved SUP.

Proposed Definition:

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

Teen Center: A privately-operated facility that provides a dedicated supervised space for recreational, educational, and/or social activities to two (2) or more teenagers aged 17 and under outside of school hours.

Recommended Motion:

FINDING THAT THE PROPOSED ZONING ORDINANCE AMENDMENTS (ARE/ ARE NOT) APPROPRIATE FOR THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE AND (ARE/ ARE NOT) GOOD ZONING PRACTICE, I MOVE THAT THE PLANNING COMMISSION RECOMMEND (APPROVAL/ DENIAL) OF ZTA 26:21 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 22-10-4 AND 22-22-1 TO ADD TEEN CENTERS AS A USE ALLOWED BY SUP ONLY IN PROPERTIES ZONED B-C, BUSINESS, CONVENIENCE AND ADDING A DEFINITION FOR TEEN CENTERS.

Sec. 22-10-4. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Civic Uses

Educational facilities
Religious assembly
Sheltered care facilities

Commercial Uses

Amusements, commercial
Auction houses
Automobile repair service establishments
Car washes
Communications service
Dance halls
Guidance services
Hotels
Kennels, commercial
Landscaping materials supply
Laundromats
Laundries
Lodges
Microbreweries
Personal improvement services
Professional schools
Teen centers
Self-storage facilities
Veterinary offices

Miscellaneous Uses

Outdoor gatherings
Minor scale solar generation facility
Telecommunication facilities
Utilities, major

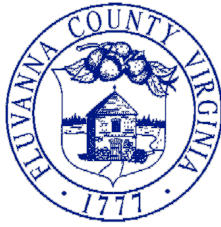
Utility scale solar generation facility

Residential Uses

Dormitories

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

Teen Center: A privately-operated facility that provides a dedicated supervised space for recreational, educational, and/or social activities to two (2) or more teenagers aged 17 and under outside of school hours.



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PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commission
Case: SUP 26:10 Flucos Den Center
Tax Map 18B-5-4

From: Jason Overstreet
Election District: Rivanna

General Information: This Special Use Permit (SUP) request is to be heard by the Planning Commission on Tuesday, July 7, 2026, at 7:00 pm in the County Administration Building's, Morris Room.

Applicant: Tiffany Smith

Requested Action: **SUP 26:10** – A special use permit request in the B-C, Business, Convenience District to operate a teen center on a parcel totaling approximately 1.6 acres, Tax Map 18B-5-4. The parcel is located in the Rivanna Community Planning Area and Palmyra Election District.

Existing Zoning: B-C, Business, Convenience

Existing Land Use: Commercial

Planning Area: Rivanna Community Planning Area

Adjacent Land Use: The neighboring parcels are zoned B-1, Business General, B-C, Business Convenience, and R-4, Residential Limited

Zoning History: ZMP 03:05 rezoned the parcel from R-1, Residential Limited to B-C, Business Convenience, and BZA 03:12 permitted a variance to the front setback. VDOT required the direct entrance onto RT618 to be closed and a shared service road across the adjacent parcel on the west to be used.

Applicant Summary:

The applicant is requesting a Special Use Permit (SUP) in order to allow the operation of a teen center in the existing two-story building located on the property. An accompanying Zoning Text Amendment, ZTA 26:21, to add Teen Center as a use allowed by SUP within the B-C zoning

district and to add a definition for Teen Center is also on the agenda for this meeting. Teen center is defined in ZTA 26:21 as:

Teen center: A privately-operated facility that provides a dedicated supervised space for recreational, educational, and/or social activities to two (2) or more teenagers aged 17 and under outside of school hours.

Comprehensive Plan:

The Comprehensive Plan designates this property as within the Rivanna Community Planning Area, which makes up approximately 40 percent of the county's population and consists mainly of the Lake Monticello community. This planning area contains a mixture of residential and commercial uses. Based on the community planning area's neighborhood residential design elements, the subject site is located within a neighborhood mixed use development area. The requested use aligns with the designated neighborhood residential classification. According to the development standards, "In some cases, small commercial and institutional uses may be incorporated into the neighborhood residential community element."

Technical Review Committee:

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

1. Planning staff noted that a Site Development Plan may be required if any exterior improvements are made.
2. The Sheriff's Office had no public safety concerns.
3. The Building Department determined that this building is already setup as a Group E occupancy for daycare, less than 50 occupancy and that this older age group falls in the same category. Also, with the limited occupancy, the Building Code does not require a fire alarm system or sprinkler protection. The Building Department noted that it is not a bad idea to make sure there are working smoke detectors and, also, that all fire extinguishers and emergency egress plans are up to date.
4. Fire Department officials inquired about the building and whether it is protected with a fire alarm system (smoke detectors and/or heat detectors) that is monitored 24 hours a day by a "central station", or tied directly to 911 dispatch center. They asked whether the building has sprinkler protection.
5. VDOT advised that a VDOT Land Use Permit will be required for any work being proposed within VDOT right-of-way. They also advised that they reserve the right to comment if impacts to VDOT right-of-way, drainage structures or other resources are shown on subsequent plans.

Planning Analysis:

The property is located on the north side of Lake Monticello Road approximately one tenth of a mile from its intersection with South Boston Road and has a site address of 3739 Lake Monticello Road. This 1.6-acre parcel is zoned B-C, Business, Convenience and is located

within the Rivanna Community Planning Area. There is an existing two-story commercial structure located on the property that will be used for the proposed teen center. The applicant has previously operated a child day center at this location.

The parcel is accessed through a 50 ft easement on the adjacent western parcel that appears to have a low-volume commercial entrance onto Lake Monticello Road. Direct access to the parcel was revoked by VDOT when it was rezoned to B-C. VDOT has not yet commented on access for this proposed use, however, the entrance been used since direct access was removed from the subject property.

Water and sewer utilities will be provided by the private utility Aqua Virginia, which also maintains an easement across the southeastern part of the lot.

This proposed use should not affect the current character of the area and appears to be in accord with the Comprehensive Plan. This type of resource for teens does not currently exist in Fluvanna and, if approved, it may provide a valuable service to the community.

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.

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

There should be no change to the character or established pattern of the area, as this proposed use will not increase traffic to levels associated with other by-right uses.

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 several by-right uses permitted in the B-C zoning district, such as child day centers, childcare centers, medical clinics, and offices.

Recommendation:

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

If this request is approved, staff recommend the following 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. The center will serve no more than 25 teens at one time.
3. An approved site development plan shall be required if any exterior improvements are made to the property.

4. The center's hours of operation shall be limited to operate Monday through Friday, 8:00 a.m. to 8:00 p.m.
5. The facility will have working smoke detectors, a fire extinguisher, and an up-to-date emergency response plan.
6. 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.
7. The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time.
8. 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.

Suggested Motion:

I move that the Planning Commission recommend (approval / denial) of SUP 26:10, a request in the B-C, Business, Convenience District to operate a teen center on a 1.6-acre parcel identified as Tax Map 18B-5-4.

Attachments:

- A – Application
- B – Site Sketch Plan



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for Special Use Permit (SUP)

Owner of Record: Montague Miller **Applicant of Record:** Tiffany Smith
 Address: 500 Westfield Rd Charlottesville va Address: 3739 Lake Monticello Rd.
 Phone: [Redacted] Fax: U/K Phone: [Redacted] Fax: None
 Email: [Redacted] Email: [Redacted]

Representative: Darcy Montague
 Address: same
 Phone: same Fax: same
 Email: same

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.

Tax Map and Parcel(s) 18B-5-4 (4)
Acres 1.61 **Zoning** B-C
Location of Parcel: Lake Monticello Rd.

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

Deed Book and Page: _____
If any Deed Restrictions, please attach a copy

Request for an SUP for the purpose of: Attached paper work.

*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: 5/22/26 **Signature of Owner/Applicant:** [Signature]
 Subscribed and sworn to before me this 22nd day of May, 2026
 Notary Public: [Signature] Register # 366712
 My commission expires: 1/31/2028
 Certification: Date: _____



Office Use Only			
Date Received: <u>5/22/26</u>	Pre-Application Meeting:	PH Sign Deposit Received:	Application #: SUP <u>26</u> : <u>0010</u>
\$800.00 fee paid: <u>5/22/26</u>			
Amendment of Condition: \$400.00 fee paid:			
Telecommunications Tower fee plus mailing costs paid:		Telecom Consultant Review fee paid:	
Election District: <u>Palmyra</u>		Planning Area: <u>Rivanna Community</u>	
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: Tiffany Smith
Address: 3739 Lake Monticello Rd.
City: Palmyra
State: VA Zip Code: 22903

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.

Tiffany Smith 5/17/26
Applicant Signature Date

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

OFFICE USE ONLY	
Application #: BZA _____ : CPA _____ : SUP <u>26</u> : <u>10</u> ZMP _____ : ZTA <u>26</u> : <u>21</u>	
\$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.

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

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?

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

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:

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.

**SPECIAL USE PERMIT NARRATIVE

1. Reason for the Request

Flucos Den Center is requesting approval to operate a supervised youth center for teens ages 13–17 at 3739 Lake Monticello Road. The building has previously operated as a licensed childcare center, and this proposed use is a natural extension of the services already provided to families in the community. As many of the children who once attended the daycare have grown older, there is a clear need for a safe, structured environment specifically designed for teens.

This program is also deeply meaningful to me on a personal level. In 2025, my stepson died by suicide after experiencing overwhelming challenges and feeling like he had no safe place to turn. That loss made it clear how important it is for young people to have supportive adults, a safe environment, and a space where they can talk, decompress, and feel seen. Flucos Den Teen Center is designed to provide support for teens in our community, so they never feel alone or without resources.

2. Description of the Proposed Use

Flucos Den Teen Center will serve as a **supervised after-school and summer program** for teens ages 13–17. The center will provide:

- Academic support and homework help
- Recreational and enrichment activities
- Life-skills and leadership programs
- Social-emotional support and mentorship
- Community service opportunities
- A safe alternative to unsupervised time

The center will serve **no more than 25 teens at one time**, supported by **five regular staff members** to maintain a safe and appropriate supervision ratio. *Daily but would like have 40. due to parents.*

Parents will use an **online attendance system** to sign their teens up for specific days. This ensures proper staffing, prevents overcrowding, and maintains a safe, predictable environment.

3. Transportation & Daily Flow

During the school year, most teens ages 13–15 will arrive directly from the school bus, which drops off along Lake Monticello Road. This reduces parent traffic during peak hours and ensures safe, supervised arrival.

Parents will pick up their teens at the end of the program day using a designated pick-up area to maintain safety and prevent congestion.

Teens are **not permitted to come and go freely**. Once a teen signs out and leaves the center for the day, they may not re-enter. This policy ensures consistent supervision and prevents unsupervised movement in and out of the facility.

Parents will receive **automatic notifications** through the center's app when their teen signs in and signs out.

4. Safety & Security Measures

To ensure the highest level of safety, the center will be equipped with:

- A full **security system**
- **Interior and exterior cameras**
- Controlled entry and monitored access points.
- Staff trained in CPR, First Aid, emergency procedures, and mandatory reporting.
- Strict sign-in/sign-out procedures
- No reentry once a teen leaves for the day

These measures ensure a secure environment that supports teen well-being and community safety.

5. Hours of Operation

School Year (September–June): Monday–Friday: 3:00 PM – 8:00 PM

Summer & School Breaks: Monday–Friday: 12:00 PM – 8:00 PM

Sometimes we have event earlier.
Special events may occur occasionally with advance notice.

Kids will Be free

6. Community Benefit

Flucos Den Teen Center will provide a safe, positive, and developmentally appropriate environment for teens during critical after-school hours. The center will:

- Reduce unsupervised youth activity.
- Support working families.
- Provide mentorship and emotional support.
- Offer structured programs that build confidence and leadership.
- Strengthening community safety and well-being
- Continue the long-standing mission of the property to serve children and families.

This program fills a gap in services for older youth in Fluvanna County and provides a safe, supportive space where teens can grow, learn, and connect.

7. Compliance Statement

Flucos Den Teen Center will comply with:

- Fluvanna County Zoning Ordinance
- Building and fire codes
- Health and safety regulations
- ADA accessibility requirements
- All conditions imposed by the Board of Supervisors

1. Property Overview

The subject property, located at **3739 Lake Monticello Road (Route 618)**, consists of **1.61 acres** within the **B-C (Business Commercial)** zoning district. The parcel includes an existing **1,824 sq ft commercial building** previously used as a licensed childcare center. The proposed teen center will operate within the existing structure with no exterior building modifications.

2. Building Location

The building is positioned **near the front of the parcel**, facing Lake Monticello Road. Key placement details:

- The structure sits close to the road frontage.
- The building has **two levels**: an **upper level** with the main entrance and playground, and a **lower level** with additional parking.
- The building orientation and footprint remain unchanged from prior licensed childcare operations.

3. Fenced Playground Area

A **fenced playground** is located **directly in front of the building** on the upper level. Features include:

- Fencing across the front and partially along both sides of the building
- Secure, supervised outdoor activity space
- Previously approved and used for childcare operations

This area will continue to be used for structured, supervised outdoor activities for teens.

4. Parking Areas

Upper-Level Parking

- Located beside and slightly behind the fenced playground
- Accessible from the main driveway
- Used for staff parking and parent pick-up

Lower-Level Parking

- Located on **both sides** of the building
- Provides additional parking capacity
- Accessible via the sloped driveway that wraps around the building

Parking is adequate for:

- **5 staff members**
- Parent pick-up and drop-off
- Occasional visitors

5. Driveway & Traffic Circulation

- A single driveway entrance connects directly to Lake Monticello Road.
- Vehicles may proceed to the **upper parking area** or continue down to the **lower parking areas**.
- Traffic flow is one-way around the building for safety and visibility.
- During the school year, teens ages 13–15 may arrive via **school bus drop-off** along Lake Monticello Road and walk directly to the supervised entrance.

6. Access & Pedestrian Safety

- Staff will supervise arrival and dismissal times.
- Walkways provide safe access from parking areas to the building.
- Controlled entry ensures only authorized individuals enter the facility.
- Teens are **not permitted to leave and re-enter** the center once signed out.

7. Shed Location

A **storage shed** is located on the **side of the building**, adjacent to the upper parking area. It is used for storing outdoor equipment and supplies.

8. Lighting & Security

The site includes:

- Exterior lighting at all entry points
- Motion-activated lighting covering parking areas and walkways
- A monitored **security system**
- **Interior and exterior cameras** covering all common areas, entrances, and outdoor spaces

These measures ensure a safe, controlled environment for teens and staff.

9. Outdoor Activity Areas

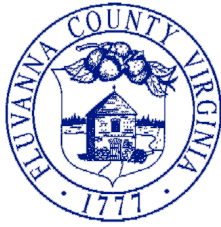
- The fenced playground serves as the primary outdoor activity space.
- Additional open space behind the building may be used for supervised activities.
- Outdoor areas are used only during daylight hours or when adequate lighting is available.

10. Accessibility

- ADA-compliant parking is available on the upper level.
- Accessible walkways connect parking areas to the main entrance.
- The building remains compliant with accessibility requirements.

11. Summary

This site plan demonstrates that the property is fully suitable for the proposed teen center use. The existing building, parking layout, fenced playground, shed, and circulation patterns remain unchanged from the previous licensed childcare operation. The site provides safe access, adequate parking, secure outdoor space, and appropriate supervision areas to support the operation of **Flucos Den Teen Center**.



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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 26:15

District: Countywide Amendment

General Information: This public hearing is to be held on Tuesday, July 7, 2026, at 7:00 pm by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra, VA 22963.

Requested Action: Recommend approval of an amendment to the Fluvanna County Zoning Ordinance by amending § 22-18-1 through § 22-18-7 and repealing § 22-18-7.1 to reflect changes in the Virginia Code regarding the powers and proceedings of the Board of Zoning Appeals.

Background Information: This recommended change (see Exhibit A) is being presented pursuant to **House Bill 198** (see Exhibit B), which was passed by the Virginia General Assembly, approved on April 22, 2026, and will become effective on July 1, 2026.

The proposed amendment makes various changes and clarifications to the procedures following the filing of a petition in a circuit court by a party aggrieved by a decision of the Board of Zoning Appeals. The bill clarifies that the petition shall be served upon the secretary or chair of the Board of Zoning Appeals within 30 days after the petition is filed with the Clerk of the Circuit Court and that, within 21 days of being served with the petition, the secretary of the Board of Zoning Appeals shall file the record of the proceedings at issue in the petition. The bill also updates other procedures, such as the time requirements for the filing of responsive pleadings, to be consistent with the various changes and clarifications throughout the bill.

Recommended Motion:

FINDING THAT THE PROPOSED ZONING ORDINANCE AMENDMENTS (ARE/ ARE NOT) APPROPRIATE FOR THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE AND (ARE/ ARE NOT) GOOD ZONING PRACTICE, I MOVE THAT THE PLANNING COMMISSION RECOMMEND (APPROVAL/ DENIAL) OF ZTA 26:15 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-18-1 THROUGH § 22-18-7 AND REPEALING § 22-18-7.1 TO REFLECT CHANGES IN THE VIRGINIA CODE REGARDING THE POWERS AND PROCEEDINGS OF THE BOARD OF ZONING APPEALS.

ZTA 26:15

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 22-18-1 THROUGH 22-18-7 AND REPEALING § 22-18-7.1 TO REFLECT CHANGES IN THE VIRGINIA CODE REGARDING THE POWERS AND PROCEEDINGS OF THE BOARD OF ZONING APPEALS

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

- (1) *That the Code of the County of Fluvanna, Virginia is amended by amending §§ 22-18-1 through 22-18-7 and repealing § 22-18-7.1 as follows:*

CHAPTER 22- ZONING

ARTICLE 18. ~~PROVISIONS FOR APPEAL AND VARIANCE~~ BOARD OF ZONING APPEALS

Sec. 22-18-1. Board of Zoning Appeals.

- (A) A ~~the~~ Board of Zoning Appeals consisting of five members shall be appointed by the Circuit Court of Fluvanna County. Members of the ~~the~~ Board of Zoning Appeals shall be residents of Fluvanna County. Members of the ~~the~~ Board of Zoning Appeals may receive such compensation as may be authorized by the ~~governing body~~ Board of Supervisors. Members shall be removable for cause by the appointing court after ~~a~~ hearing is held after at least 15 days' notice. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
- (B) The term of office shall be for five years, except that of the first five members appointed, one shall serve for five years, one for four years, one for three years, one for two years and one for one year. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until his successor is appointed and qualifies. Members of the ~~the~~ Board of Zoning Appeals shall hold no other public office in the County, except that one of the five appointed members may be an active member of the Planning Commission, any member may be appointed to serve as an officer of election as defined in Code of Va., § 24.2-101, and any member may serve as an elected official of the Town of Scottsville.
- (C) Any member of the ~~the~~ Board of Zoning Appeals shall be disqualified to act upon a matter before the ~~the~~ Board of Zoning Appeals with respect to property in which the member has a legal interest.
- (D) The ~~the~~ Board of Zoning Appeals shall choose annually its own chairman and vice chairman who shall act in the absence of the chairman. The ~~the~~ Board of Zoning Appeals may elect as its secretary either one of its members or a qualified individual who is not a member of the ~~the~~ Board of Zoning Appeals. A secretary who is not a member of the ~~the~~ Board of Zoning Appeals shall not be entitled to vote on matters before the ~~the~~ Board of Zoning Appeals.

Sec. 22-18-1.1. Ex parte communications and proceedings.

- (A) The non-legal staff of the ~~governing body~~ **Board of Supervisors** may have ex parte communications with a member of the ~~the~~ **Board of Zoning Appeals** prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner or his agent or attorney may have ex parte communications with a member of the ~~the~~ **Board of Zoning Appeals** prior to the hearing but may not discuss the facts or law relative to a particular case. If any ex parte discussion of facts or law does occur, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication and the identity of the individuals involved in the communication. For the purposes of this section, regardless of whether all parties participate, ex parte communication shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which staff of the ~~governing body~~ **Board of Supervisors**, the applicant, landowner or his agent or attorney are all invited.
- (B) Any materials relating to a particular case, including a staff recommendation or report furnished to a member of the ~~the~~ **Board of Zoning Appeals**, shall be made available without cost to such applicant, appellant or other person aggrieved under section 15.2-2314 of the Code of Virginia, as soon as practicable thereafter, but no more than three (3) business days after providing such materials to a member of the ~~the~~ **Board of Zoning Appeals**. If the applicant, appellant or other person aggrieved under section 15.2-2314 of the Code of Virginia requests additional documents or materials be provided by the ~~locality~~ **County** other than those materials provided to the ~~the~~ **Board of Zoning Appeals**, such request shall be made in accordance with the FOIA requirements in section 2.2-3704 of the Code of Virginia. Any such materials furnished to a member of the ~~the~~ **Board of Zoning Appeals** shall also be made available for public inspection as required by section 2.2-3707(~~FG~~) of the Code of Virginia.
- (C) For the purposes of this section, "non-legal staff of the ~~governing body~~ **Board of Supervisors**" means any staff who is not in the office of the County Attorney, or for the ~~the~~ **Board of Zoning Appeals**, or who is appointed by special law. Nothing in this section shall preclude the ~~the~~ **Board of Zoning Appeals** from having ex parte communications with any attorney or staff or any attorney where such communication is protected by attorney-client privilege or other similar privilege or the protection of confidentiality.
- (D) This section shall not apply to cases where an application for a special exception has been filed pursuant to this chapter.

Sec. 22-18-2. Powers of the Board of Zoning Appeals.

The Board of Zoning Appeals shall have the following powers and duties:

- (A) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this ordinance or of any ordinance adopted pursuant thereto.
 - (1) The decision on such appeal shall be based on the ~~the~~ **Board of Zoning Appeals'** judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct.

(2) At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden to rebut such presumption of correctness by a preponderance of the evidence.

(3) Altering the order of evidence is a reversible error only if the appellant lodges an objection citing this section and the Board of Zoning Appeals subsequently refuses to reorder the hearing.

(34) The **Board of Zoning Appeals** shall consider any applicable ordinances, laws, and regulations in making its decision. For the purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer.

(45) Any appeal of a determination to the **Board of Zoning Appeals** shall be in compliance with this section, notwithstanding any other provision of law, general or special.

(B) Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance as defined by Code of Va., § 15.2-2201. The burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in the Code of Va., § 15.2-2201 and the criteria set out in this section, as follows:

(1) Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability; and

(a) The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;

(b) The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;

(c) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;

(d) The granting of such variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and

(e) The relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance at the time of the filing of the variance application.

(2) Any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state

and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable. If a request for a reasonable modification is made to ~~a locality~~ the County and is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable, such request shall be granted by the ~~locality~~ County unless a variance from the Board of Zoning Appeals under this section is required in order for such request to be granted.

- (3) No such variance shall be considered except after notice and hearing as required by Code of Va., § 15.2-2204, as amended; however, notice of such hearing may be given via first-class mail rather than registered or certified mail pursuant to Code of Va., § 1.2-2309.
 - (4) In granting a variance the ~~the~~ Board of Zoning Appeals may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
- (C) To hear and decide appeals from the decision of the Zoning Administrator. No such appeal shall be heard except after notice and hearing as provided by Code of Va., § 15.2-2204; however, notice of such hearing may be given via first-class mail rather than registered or certified mail pursuant to Code of Va., § 15.2-2309.
 - (D) To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by Code of Va., § 15.2-2204, the ~~the~~ Board of Zoning Appeals may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, notice of such hearing may be given via first-class mail rather than registered or certified mail pursuant to Code of Va., § 15.2-2309. The ~~the~~ Board of Zoning Appeals shall not have the power to change substantially the locations of district boundaries as established by ordinance.
 - (E) No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the ~~governing body~~ Board of Supervisors.

Sec. 22-18-3. Rules and regulations.

- (A) The Board of Zoning Appeals may adopt, alter and rescind such rules and regulations for its procedures, consistent with the ordinances of the County and the general laws of the Commonwealth, as it may consider necessary.
- (B) Meetings of the ~~the~~ Board of Zoning Appeals shall be held at the call of its chairman or at such times a quorum of the ~~the~~ Board of Zoning Appeals may determine.
- (C) The chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
- (D) The ~~the~~ Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall

keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the **Board of Zoning Appeals** and shall be a public record.

- (E) All meetings of the **Board of Zoning Appeals** shall be open to the public.
- (F) A quorum shall be at least three members.
- (G) The concurring vote of a majority of the membership of the **Board of Zoning Appeals** shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the **Board of Zoning Appeals** is required to pass or to effect any variance from the ordinance.

Sec. 22-18-4. Applications for variances, appeals to the Board of Zoning Appeals.

- (A) Applications for variances may be made by any property owner, tenant, government official, department, board or bureau. Such application shall be made to the Zoning Administrator in accordance with rules adopted by the **Board of Zoning Appeals**. The application and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the **Board of Zoning Appeals**, who shall place the matter on the docket to be acted upon by the **Board of Zoning Appeals**. The Zoning Administrator shall also transmit a copy of the application to the local **Planning Commission**, which may send a recommendation to the **Board of Zoning Appeals** or appear as a party at the hearing. Substantially the same application will not be considered by the **Board of Zoning Appeals** within one year after the decision of the **Board of Zoning Appeals**.
- (B) An appeal to the **Board of Zoning Appeals** may be taken by any person aggrieved or by any officer, department, board or bureau of the County affected by any decision of the Zoning Administrator or from any order, requirement, decisions or determination made by any other administrative officer in the administration and enforcement of this article, any ordinance adopted pursuant to this article, or any modification of zoning requirements pursuant to this chapter.
 - (1) Any written notice of a zoning violation or a written order of the Zoning Administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within **thirty (30)** days in accordance with this section, and that the decision shall be final and unappealable if not appealed within **thirty (30)** days. The zoning violation or written order shall include the applicable appeal fee and a reference to where additional information may be obtained regarding the filing of an appeal. The appeal period shall not commence until the statement is given and the Zoning Administrator's written order is sent by registered or certified mail **with proof of delivery** to, or posted at, the last known address or usual place of abode of the property owner or its registered agent, if any. There shall be a rebuttable presumption that the property owner's last known address is that shown on the current real estate tax assessment records, or the address of a registered agent that is shown in the records of the Clerk of the State Corporation Commission.
 - (2) Such appeal shall be taken within **thirty (30)** days after the decision appealed from by filing with the Zoning Administrator, and with the **Board of Zoning Appeals**, a notice of appeal specifying the grounds thereof.

- (3) Upon the filing of the appeal, the Zoning Administrator shall forthwith transmit to the ~~the~~ **Board of Zoning Appeals** all the papers constituting the record upon which the action appealed was taken.
 - (4) A decision by the ~~the~~ **Board of Zoning Appeals** on appeal shall be binding upon the owner of the property ~~which~~ **that** is the subject of such appeal only if the owner of such property has been provided notice of the zoning violation or written order of the Zoning Administrator. The owner's actual notice of such notice of zoning violation or written order or active participation in the appeal hearing shall waive the owner's right to challenge the validity of the ~~the~~ **Board of Zoning Appeals'** decision due to failure of the owner to receive the notice of zoning violation or written order.
 - (5) An appeal shall stay all proceedings in furtherance of the action appealed ~~from~~ unless the Zoning Administrator certifies to the ~~the~~ **Board of Zoning Appeals** that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the ~~the~~ **Board of Zoning Appeals** or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.
 - (6) In no event shall a written order, requirement, decision or determination made by the Zoning Administrator or other administrative officer be subject to change, modification or reversal by any Zoning Administrator or other administrative officer after **sixty (60)** days have elapsed from the date of the written order, requirement, decision or determination, where the person aggrieved has materially changed his position in good faith reliance on the action of the Zoning Administrator or other administrative officer, unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the Zoning Administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the attorney for the ~~governing body~~ **Board of Supervisors**, modification is required to correct clerical errors.
- (C) In any appeal taken pursuant to this section, if the ~~the~~ **Board of Zoning Appeals'** attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.

Sec. 22-18-5. Appeal procedure.

- (A) Applications for variance and appeals shall be filed with the Board of Zoning Appeals in care of the Zoning Administrator.
- (B) Appeals and applications for variance requiring an advertised public hearing shall be accompanied by a filing fee as determined by a fee schedule adopted by resolution of the ~~governing body~~ **Board of Supervisors**. The fee for filing an appeal shall not exceed the costs of advertising the appeal for public hearing and reasonable costs, as provided in section 15.2-2311(A) of the Code of Virginia.
- (C) All other procedural requirements of section 15.2-2312 of the Code of Virginia shall be observed by the Board of Zoning Appeals.
- (D) For the conduct of any hearing, a quorum shall not be less than three members of the ~~the~~ **Board of Zoning Appeals** and the ~~the~~ **Board of Zoning Appeals** shall offer an equal amount

of time in a hearing on the case to the applicant, appellant or other person aggrieved, and the staff of the local governing body **Board of Supervisors**, pursuant to section 15.2-2308 of the Code of Virginia.

Sec. 22-18-6. Public hearing.

The ~~b~~**Board of Zoning Appeals** shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within ninety **(90)** days. In exercising its powers, the ~~b~~**Board of Zoning Appeals** may reverse or affirm wholly or partly, or may modify, the order, requirement, decision or determination of an administrative officer or decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance.

Sec. 22-18-7. Certiorari to review decisions of Board of Zoning Appeals.

- (A) Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals, or any **aggrieved** taxpayer or any officer, department, board or bureau of the County, may, **within thirty (30) days after the final decision of the Board of Zoning Appeals**, file with the Clerk of the Circuit Court for the County a petition that shall be styled "**[Petitioner v. Respondent]** In Re: date Decision of the Board of Zoning Appeals of Fluvanna County" specifying the grounds on which aggrieved ~~within 30 days after the filing of the decision in the office of the board.~~ **Such 30-day filing requirement shall be mandatory and jurisdictional.**
- (B) The Board of Supervisors, the applicant before the Board of Zoning Appeals, and the landowner of record, if such landowner of record is a different party from the applicant, shall be the necessary parties to the proceedings in the circuit court. All necessary parties shall be listed as either petitioner or respondent as appropriate. The circuit court may permit intervention by any other person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals. The petition shall be served upon all necessary parties and the secretary of the Board of Zoning Appeals or, if no secretary exists, the chair of the Board of Zoning Appeals, within thirty (30) days after the petition is filed with the Clerk of the Circuit Court. Service of process upon a respondent more than thirty (30) days after the petition is filed shall be timely upon a finding by the court that the petitioner exercised due diligence to have timely service made upon the respondent. Failure to timely file and serve the petition shall result in a dismissal of the matter.**
- ~~(B) Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the secretary of the Board of Zoning Appeals or, if no secretary exists, the chair of the Board of Zoning Appeals, which shall not be less than ten days and may be extended by the court. Once the writ of certiorari is served, the Board of Zoning Appeals shall have 21 days or as ordered by the court to respond. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the~~

court may, on application, on notice to the board and on due cause shown, grant a restraining order.

- (C) Any review of a decision of the ~~b~~**Board of Zoning Appeals** shall not be considered an action against the ~~b~~**Board of Zoning Appeals** and the ~~b~~**Board of Zoning Appeals** shall not be a necessary party to the proceedings; however, the ~~b~~**Board of Zoning Appeals** shall participate in the proceedings to the extent required by this section or to the extent required by the circuit court. The governing body, the landowner, and the applicant before the Board of Zoning Appeals shall be necessary parties to the proceedings in the circuit court. The court may permit intervention by any other person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals.
- (D) The timely filing and service of a petition shall not stay the proceedings of an appeal of a decision by the Board of Zoning appeals but the circuit court may, upon motion by a petitioner with notice to the Board of Zoning Appeals and all necessary parties, grant a temporary restraining order or preliminary injunction pursuant to Rule 3:26 of the Rules of the Supreme Court of Virginia.**
- (E) The filing of the record of the proceedings by the secretary of the Board of Zoning Appeals and the filing of a response by any respondent shall be in accordance with the provisions of this subsection. The secretary of the Board of Zoning Appeals shall, within twenty-one (21) days of being served with the petition, file the record of the proceedings at issue in the petition, unless such time to file is extended by the circuit court for good cause shown. The filing of the record of the proceedings shall not require the** Board of Zoning Appeals ~~shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof~~ **or of the portions thereof** as may be called for by such writ. The return shall concisely set forth such facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- (F) Any respondent may file a response to the petition within twenty-one (21) days of (i) the filing of the record of the proceedings or (ii) service of the petition upon such respondent, whichever is later, unless such time to file a response is extended by the circuit court for good cause shown. No petitioner shall file a reply unless granted leave by the circuit court to do so for good cause shown.**
- (G) The circuit court shall conduct a hearing as promptly as possible to make a ruling on the petition and any response made to the petition. Any party may introduce evidence in the proceedings in the court in accordance with the Rules of Evidence of the Supreme Court of Virginia; however, the methods and procedures of discovery pursuant to Part 4 of the Rules of the Supreme Court of Virginia shall not apply to the proceedings described in this section. The circuit court** ~~Court~~ may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- (H) The following cases brought before the circuit court shall be conducted as follows:**
- (1) In the case of an appeal from the Board of Zoning Appeals to the circuit court of an order, requirement, decision or determination of a Zoning Administrator or other administrative officer in the administration or enforcement of any ordinance or provision of state law, or any modification of zoning requirements, the findings**

and conclusions of the Board of Zoning Appeals on questions of fact shall be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the Board of Zoning Appeals, that the Board of Zoning Appeals erred in its decision. The circuit court shall hear any arguments on questions of law de novo.

(2) In the case of an appeal by a person of any decision of the Board of Zoning Appeals that denied or granted an application for a variance, the decision of the Board of Zoning Appeals shall be presumed to be correct. The petitioner may rebut the presumption by proving by a preponderance of the evidence, including the record before the Board of Zoning Appeals, that the Board of Zoning Appeals erred in its decision.

(3) In the case of an appeal by a person of any decision of the Board of Zoning Appeals that denied or granted application for a special exception, the decision of the Board of Zoning Appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the circuit court that Board of Zoning Appeals applied erroneous principles of law, or where the discretion of the Board of Zoning Appeals is involved, the decision of the Board of Zoning Appeals (i) was plainly wrong, (ii) was in violation of the purpose and intent of the zoning ordinance, and (iii) is not fairly debatable.

(I) Costs shall not be allowed against the locality ~~County~~ or the governing body ~~Board of Supervisors~~, unless it shall appear to the circuit court that it acted in bad faith or with malice. In the event the decision of the ~~Board of Zoning Appeals~~ is affirmed and the court finds that the appeal was frivolous, the circuit court may order the person or persons who requested the issuance of the writ of certiorari ~~filed the petition~~ to pay the costs incurred in making a return of the record pursuant to the writ of certiorari filing the record of the proceedings before the Board of Zoning Appeals. If the petition is withdrawn subsequent to the filing of the ~~return~~ record of the proceedings, the locality ~~County~~ or the governing body ~~Board of Supervisors~~ may request that the circuit court hear the matter on the question of whether the appeal was frivolous.

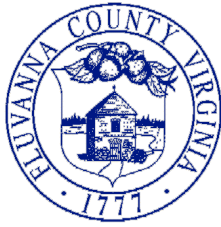
Sec. 22-18-7.1. Presumptions and burdens of proof.

~~(A) In the case of an appeal from the Board of Zoning Appeals to the circuit court of an order, requirement, decision or determination of a Zoning Administrator or other administrative officer in the administration or enforcement of any ordinance or provision, or any modification of zoning requirements, the findings and conclusions of the Board of Zoning Appeals on questions of fact shall be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the Board of Zoning Appeals, that the Board of Zoning Appeals erred in its decision. The court shall hear any arguments on questions of law de novo.~~

~~(B) In the case of an appeal by a person of any decision of the Board of Zoning Appeals that denied or granted an application for a variance, the decision of the Board of Zoning Appeals shall be presumed to be correct. The petitioner may rebut the presumption by proving by a preponderance of the evidence, including the record before the Board of Zoning Appeals, that the Board of Zoning Appeals erred in its decision.~~

- ~~(C) In the case of an appeal by a person of any decision of the Board of Zoning Appeals that denied or granted application for a special exception, the decision of the Board of Zoning Appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that Board of Zoning Appeals applied erroneous principles of law, or where the discretion of the Board of Zoning Appeals is involved, the decision of the board (i) was plainly wrong, (ii) was in violation of the purpose and intent of the zoning ordinance, and (iii) is not fairly debatable.~~
- ~~(D) In the case of an appeal from the Board of Zoning Appeals to the circuit court of a decision of the board, any party may introduce evidence in the proceedings in the court in accordance with the Rules of Evidence of the Supreme Court of Virginia.~~

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



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 26:16

District: Countywide Amendment

General Information: This public hearing is to be held on Tuesday, July 7, 2026, at 7:00 pm by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra, VA 22963.

Requested Action: Recommend approval of an amendment to the Fluvanna County Code by amending § 22-26-8 to authorize the Zoning Administrator to reduce the number of required off-street parking spaces by 20% for residential, multifamily and mixed-use development in accordance with assigned criteria.

Background Information: This recommended change (see Exhibit A) is being presented pursuant to **House Bill 888** (see Exhibit B), which was passed by the Virginia General Assembly, approved on April 22, 2026, and will become effective on July 1, 2026.

The proposed amendments provide for an administrative reduction of minimum off-street parking requirements of not less than 20 percent for residential, multifamily, or mixed-use development proposed on parcels not located within a designated area. A "Designated area" means any parcel located within one-half mile of the entrance to a mass transit or public transportation station or facility. For purposes of this definition, "mass transit or public transportation station or facility" means a building or enhanced structure where members of the general public board or disembark mass transit or public transportation.

Recommended Motion:

FINDING THAT THE PROPOSED ZONING ORDINANCE AMENDMENTS (ARE/ ARE NOT) APPROPRIATE FOR THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE AND (ARE/ ARE NOT) GOOD ZONING PRACTICE, I MOVE THAT THE PLANNING COMMISSION RECOMMEND (APPROVAL/ DENIAL) OF ZTA 26:16 – AN ORDINANCE TO AMEND AND REORDAIN "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY AMENDING § 22-26-8 TO AUTHORIZE THE ZONING ADMINISTRATOR TO REDUCE THE NUMBER OF REQUIRED OFF-STREET PARKING SPACES BY 20% FOR RESIDENTIAL, MULTIFAMILY AND MIXED-USE DEVELOPMENT IN ACCORDANCE WITH ASSIGNED CRITERIA.

ZTA 26:16

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-26-8 TO AUTHORIZE THE ZONING ADMINISTRATOR TO REDUCE THE NUMBER OF REQUIRED OFF-STREET PARKING SPACES BY 20% FOR RESIDENTIAL, MULTIFAMILY AND MIXED-USE DEVELOPMENT IN ACCORDANCE WITH ASSIGNED CRITERIA

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

- (1) *That the Code of the County of Fluvanna, Virginia is amended by amending § 22-26-8 as follows:*

CHAPTER 22- ZONING

ARTICLE 26. - OFF-STREET PARKING AND LOADING SPACES

Sec. 22-26-8. Off-street parking requirements.

- (A) The off-street parking requirements for various uses are stated on Table 2.
- (B) The off-street parking requirements for a use not specifically listed in Table 2 shall be determined by the Zoning Administrator based on the characteristics of the proposed uses, the number of residents or visitors, the minimum requirements for similar uses, and any other relevant characteristics. In making the determination, the Zoning Administrator may consider the recommendations of relevant parking studies as well as traffic generation figures, including information provided by the Institute of Traffic Engineers, peak parking demands, and other information.
- (C) The number of parking spaces in a parking area may not exceed the number of spaces required by this section by more than forty percent (40%) unless approved by the **Zoning Administrator Planning Commission**. To mitigate the environmental and visual impacts of additional impervious cover on the surrounding community, at least one (1) of the following features shall be incorporated into the design upon approval of the excess parking:
- (1) Additional spaces approved by the **Zoning Administrator Planning Commission** will be surfaced using pervious paving material, including, but not limited to, porous asphalt, porous concrete, or block pavers; or
- (2) For every two (2) additional spaces approved by the **Zoning Administrator Planning Commission**, one (1) tree and three (3) shrubs will be planted on-site, in addition to the requirements specified in Article 24, Landscaping and Tree Protection of this ordinance.
- (D) A reduction in the number of required parking spaces may, at the written request of the applicant, be granted with the approval of the Zoning Administrator as follows:
- (1) A reduction in the number of required parking spaces may be granted in any one (1) of the following instances:

- (a) For projects that include fifty (50) or more parking spaces on-site and are located within a designated growth area, the minimum number of parking spaces may be reduced by up to five percent (5%) if the project is located within three-hundred feet (300') of a transit stop and is connected to the transit stop by a sidewalk.
 - (b) For projects that include fifty (50) or more parking spaces on-site and are located within a designated growth area, the minimum number of required parking spaces may be reduced by one parking space for every one (1) bicycle space provided on a permanently-constructed bicycle rack, provided that the minimum parking required is not reduced by more than five percent (5%).
 - (c) The minimum number of required parking spaces may be reduced by up to ten percent (10%), provided that one (1) tree and three (3) shrubs are planted for every two (2) spaces reduced, in addition to the requirements set forth in Article 24, Landscaping and Tree Protection, of this ordinance.
 - (d) The Zoning Administrator may allow the number of required spaces to be reduced up to ten percent (10%) for projects within a designated growth area that meet new urban/neo-traditional planning principles and further the goals set forth in the Comprehensive Plan. Factors that may be considered when allowing a reduction include the density of the surrounding community; the range of land uses located within convenient walking distance; accessibility to mass transit; and the provision of facilities for bicyclists.
 - (e) The Zoning Administrator may allow the number of required spaces to be reduced up to twenty-five percent (25%), provided that a professionally-prepared parking study or similar documentation indicates that a reduction in the minimum parking requirements for a specific building or use would provide adequate parking facilities on-site.
 - (f) The Zoning Administrator may allow the number of required off-street spaces to be reduced by twenty percent (20%) for residential, multifamily, or mixed-use development proposed on parcels not located within a “designated area” as defined by Code of Va., § 15.2-2209.4. Criteria to determine eligibility include: the density of the surrounding community; the range of land uses located within convenient walking distance; accessibility to mass transit; and the provision of facilities for bicyclists.**
- (2) A site may not receive credit for more than one (1) strategy listed above. The possible reductions in the number of required parking spaces are not cumulative.
 - (3) When a reduction in the number of required parking spaces is permitted, the Zoning Administrator may, at his discretion, require the applicant to reserve space on-site that would accommodate the construction of additional parking in the future. The parking reserve area shall be designated on the site plan, and may not be converted to any other use without amendment of the site plan and the approval of the Zoning Administrator. The parking reserve area shall be sited to allow adequate pedestrian, bicycle, and automobile access, and shall be sized to accommodate a number of parking spaces equal to the amount of the parking reduction awarded. The intent of the parking reserve is to allow expansion of the parking area should the use or parking needs change.

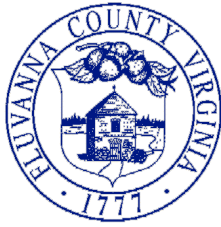
- (E) The provisions of this article for the application of individual parking standards for Planned Unit Developments located within the Zion Crossroads Urban Development Area may be modified at the discretion of the **Zoning Administrator** ~~Planning Commission~~, provided that the Applicant submits a parking impact study that fully justifies the modification of the standards based on the mix of uses, the phasing of development, and other factors, including relationship of parking location to individual land uses within the project.

Table 2. Off Street Parking Requirements	
Use	Parking Requirements
COMMERCIAL	
Animal Hospital, Veterinary Clinic, Animal Shelter	1 per 300 square feet
Automobile Repair Service Establishments	3 spaces plus 2 spaces for each service bay
Beauty and Barber Shops	2 spaces plus 2 spaces for every barber or beautician chair
Financial Institutions	1 per 250 square feet
Funeral Homes, Churches, other public assembly areas	1 per 4 fixed seats or 75 square feet of assembly area, whichever is greater
Furniture, Carpet, or Appliance Store	1 space per 500 square feet of retail sales area
Gas Stations	1.5 spaces per pump plus 2 spaces for each service bay
Greenhouse; nursery	1 per 250 square feet within retail sales area up to 15,000 gross square feet; 1 per 400 square feet thereafter Plus one per 1,000 gross square feet located in open storage/growing areas
Laundry	1 per 2 washing machines
Restaurant	1 per 100 gross square feet, minimum of 10
Retail Stores	1 per 250 square feet of up to 15,000 gross square feet; 1 per 400 square feet thereafter plus any required stacking lanes
Sale of Motor Vehicles, Mobile Homes, Travel Trailers	1 per 2,000 square feet of display area
Shopping Center Gross Leasable Square Feet	

1 to 15,000	4 spaces per 1,000 feet
15,000 to 50,000	3.5 spaces per 1,000 feet
Greater than 50,000	3 spaces per 1,000 feet
LODGING	
Country Inns, Boarding & Touring House, Bed & Breakfast	1 per unit
Hotels, Motels	1 per unit plus compliance with the requirements for each particular additional use located on premise.
RECREATION	
Assembly Hall, Dance Hall, Skating Rink	1 per 100 square feet
Indoor Recreation Facilities, Arcades	1 per 200 square feet
Campground	1 per campsite
Golf Course, Driving Range, Miniature Golf	2 per hole
Unspecified Recreational Use	1 per 125 square feet of usable recreation area
Stadiums, Arenas, Theaters	1 per 4 seats
RESIDENTIAL	
Dwellings, single family, two family, mobile homes	2 per unit
Dwellings, multi-family, efficiency/studio	1 per unit
Dwellings, multi-family, one bedroom	1.25 per unit
Dwellings, multi-family, two bedroom	1.5 per unit
Dwellings, multi-family, three or more bedrooms	2 per unit

Assisted Living Facility, Nursing Home	1 space per 3 residents plus 1 space per employee on largest shift
Group Home	0.5 spaces per bed at licensed capacity
OFFICE	
Office	1 space per 300 square feet of up to 15,000 square feet, 5 minimum; 1 space per 350 sq. ft. thereafter
INDUSTRIAL	
Manufacturing	1 per 2 employees on largest shift plus 1 space per company vehicle
Unspecified Industrial Uses	1 per 2 employees on largest shift plus 1 per 250 square feet open to the public
INSTITUTIONAL	
Day Care, Nursery School, Elementary School	1 per 9 pupils
Middle School	1 per 8 pupils
High School	1 per 3 pupils
Library, Museum, Art Gallery, Community Center	1 per 300 square feet
Professional School	1 space per 2 students at maximum capacity plus 1 space per classroom
Post Office	1 per 250 square feet, minimum of 5
UNSPECIFIED	
	Sufficient parking for average number of employees and visitors

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



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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 26:17

District: Countywide Amendment

General Information: This public hearing is to be held on Tuesday, July 7, 2026, at 7:00 pm by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra, VA 22963.

Requested Action: Recommend approval of an amendment to the Fluvanna County Code by enacting §§ 22-13-8 and 22-16-9, amending §§ 22-4-2.1, 22-4-2.3, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, 22-16-8 and 22-17-15 to allow a manufactured home to be placed upon any open lot in a nonconforming manufactured home park, to allow a nonconforming manufactured home not located in a manufactured home park to be replaced with a newer manufactured home, and to allow a manufactured home on an individual lot in any zoning district where site-built housing is allowed.

Background Information: This recommended change (see Exhibit A) is being presented pursuant to **House Bill 655** (see Exhibit B) approved on March 31, 2026, and **House Bill 1463** (see Exhibit C), which were passed by the Virginia General Assembly, approved on April 8, 2026, and will both become effective on July 1, 2026.

The proposed amendments expand existing provisions that permit manufactured homes in areas zoned for agriculture by expanding such requirement to all zoning districts where site-built housing is allowed, with certain conditions. The amendments provide that the County shall not treat manufactured homes differently or more restrictively than a single-family site-built dwelling allowed in the same zoning district. The amendments also remove the authority of the County to designate the areas within the locality in which manufactured homes may be located.

Recommended Motion:

FINDING THAT THE PROPOSED ZONING ORDINANCE AMENDMENTS (ARE/ ARE NOT) APPROPRIATE FOR THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE AND (ARE/ ARE NOT) GOOD ZONING PRACTICE, I MOVE THAT THE PLANNING COMMISSION RECOMMEND (APPROVAL/ DENIAL) OF ZTA 26:17 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY ENACTING §§ 22-13-8 AND 22-16-9, AMENDING §§ 22-4-2.1, 22-4-2.3, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, 22-16-8 AND 22-17-15 TO ALLOW A MANUFACTURED HOME TO BE PLACED UPON ANY OPEN LOT IN A NONCONFORMING MANUFACTURED HOME PARK, TO ALLOW A NONCONFORMING MANUFACTURED HOME NOT LOCATED IN A MANUFACTURED HOME PARK TO BE REPLACED WITH A NEWER MANUFACTURED HOME, AND TO ALLOW A MANUFACTURED HOME ON AN INDIVIDUAL LOT IN ANY ZONING DISTRICT WHERE SITE-BUILT HOUSING IS ALLOWED.

ZTA 26:17

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY ENACTING §§ 22-13-8 AND 22-16-9, AMENDING §§ 22-4-2.1, 22-4-2.3, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, 22-16-8 AND 22-17-15 TO ALLOW A MANUFACTURED HOME TO BE PLACED UPON ANY OPEN LOT IN A NONCONFORMING MANUFACTURED HOME PARK, TO ALLOW A NONCONFORMING MANUFACTURED HOME NOT LOCATED IN A MANUFACTURED HOME PARK TO BE REPLACED WITH A NEWER MANUFACTURED HOME, AND TO ALLOW A MANUFACTURED HOME ON AN INDIVIDUAL LOT IN ANY ZONING DISTRICT WHERE SITE-BUILT HOUSING IS ALLOWED

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

- (1) *That the Code of the County of Fluvanna, Virginia is amended by enacting §§ 22-13-8 and 22-16-9, amending §§ 22-4-2.1, 22-4-2.3, 22-5-2.1, 22-6-2.1, 22-7-9.1, 22-8-2.1, 22-16-8 and 22-17-15 as follows:*

CHAPTER 22- ZONING

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

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

The following uses shall be permitted by right:

Agricultural Uses

- Agriculture
- Agritourism activity
- Conservation areas
- Equestrian facilities
- Farm sales
- Hunt clubs
- Hunting preserves

Civic Uses

- Public parks and recreational areas
- Public uses

Commercial Uses

- Family daycare homes/Family day homes
- Home occupations
- Studios, fine arts

Industrial Uses

Sawmills, temporary

Miscellaneous Uses

Accessory uses

Cemeteries, non-commercial

Greenhouses, non-commercial

Kennels, private

Marinas, private non-commercial

Mobile food unit

Shooting, private recreational

Small scale solar generation facility

Utilities, minor

Wood storage, temporary

Residential Uses

Dwellings, accessory

Dwellings, two-family

Farm tenant housing

Group homes

Manufactured homes

Mobile homes, as defined in Section 22-4-2.3

Single-family detached dwellings, including family subdivisions and conventional minor subdivisions, but excluding conventional major subdivisions recorded after April 5, 2004

Short-term rental of a residential dwelling

Sec. 22-4-2.3. Temporary Use of Mobile homes or Manufactured Homes.

One (1) mobile home **or manufactured home** per parcel shall be permitted, with issuance, by the Planning Director, of a zoning permit, in the following instances:

- (A) Mobile home **or manufactured home** to be occupied by a bona fide farm tenant with the permit to be revalidated by the governing body every two (2) years so long as the conditions are met;
- (B) Mobile home **or manufactured home** to be occupied because of an emergency medical or moral obligation with the permit to be revalidated by the governing body every two (2) years so long as the conditions exist. For purposes of this section, the term "an emergency medical or moral obligation" shall be deemed to mean a set of circumstances in which a landowner must provide shelter and/or care to one or more

persons through the occupancy of the mobile home in order to alleviate a clearly demonstrable danger of serious impairment to the health and/or welfare of any person or persons which is occasioned by a medical disorder or condition or other compelling cause beyond the control of such person or persons and which cannot be remedied in any other reasonable manner;

- (C) Mobile home or manufactured home to be occupied by the owner of the property while constructing a permanent single-family dwelling on the same property or reconstructing a single-family dwelling destroyed by natural disaster. This permit shall be for a period of one (1) year only but may be renewed each year by the governing body for a period of not more than five (5) continuous years. In addition, the governing body may grant an additional extension of time for the occupancy of any such mobile home or manufactured home, not to exceed twenty-four (24) months from the expiration of the last renewal period of the original permit, upon a finding that the owner of the property has attempted in good faith to complete such single-family dwelling within the time permitted by law, but has been unable to do so as a result of adverse weather conditions, act of God, bona fide inability to timely obtain satisfactory building materials, or other circumstances or condition beyond the control of such owner.

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

The following uses shall be permitted by right:

Agricultural Uses

Agriculture*

Civic Uses

Public parks and recreational areas

Public uses

Commercial Uses

Home occupations

Miscellaneous Uses

Accessory uses

Cluster developments

Greenhouses, non-commercial

Kennels, private

Mobile food unit

Small scale solar generation facility

Utilities, minor

Residential Uses

Dwellings, accessory

Dwellings, single-family detached

Dwellings, two-family

Group homes

Manufactured homes

Short-term rental of a residential dwelling

* Only permitted in open space of cluster developments.

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

The following uses shall be permitted by right:

Agricultural Uses

Agriculture*

Civic Uses

Public parks and recreational areas

Public uses

Commercial Uses

Home occupations

Miscellaneous Uses

Accessory uses

Cluster developments

Greenhouses, non-commercial

Kennels, private

Mobile food unit

Small scale solar generation facility

Utilities, minor

Residential Uses

Dwellings, accessory

Dwellings, multi-family

Dwellings, single-family attached

Dwellings, single-family detached

Dwellings, townhouse

Dwellings, two-family

Group homes

Manufactured homes

Short-term rental of a residential dwelling

* Only permitted in open space of cluster developments.

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

The following uses shall be permitted by right:

Agricultural Uses

Conservation areas

Civic Uses

Public parks and recreational areas

Public uses

Commercial Uses

Bakeries

Brewpub

Butcher shops

Financial institutions

Home occupations

Medical clinics

Offices

Personal improvement services

Personal service establishments

Pharmacies

Restaurants, general

Restaurants, small

Retail stores, general

Retail stores, neighborhood convenience

Retail stores, specialty

Studios, fine arts

Miscellaneous Uses

Accessory uses

Greenhouses, non-commercial

Kennels, private

Marinas, private non-commercial

Mobile food unit
Small scale solar generation facility
Utilities, minor

Residential Uses

Dwellings, accessory
Dwellings, multi-family
Dwellings, single-family attached
Dwellings, single-family detached
Dwellings, townhouse
Dwellings, two-family
Group homes

Manufactured homes

Short-term rental of a residential dwelling
Small scale solar generation facility

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

The following uses shall be permitted by right:

Agricultural Uses

Conservation areas

Civic Uses

Public parks and recreational areas
Public uses

Commercial Uses

Home occupations

Miscellaneous Uses

Accessory uses
Cluster developments
Greenhouses, non-commercial
Kennels, private
Marinas, private non-commercial
Mobile food unit
Small scale solar generation facility

Utilities, minor

Residential Uses

Dwellings, accessory

Dwellings, multi-family

Dwellings, single-family attached

Dwellings, single-family detached

Dwellings, townhouse

Dwellings, two-family

Group homes

Manufactured homes

Short-term rental of a residential dwelling

ARTICLE 13. MANUFACTURED HOME PARK, DISTRICT MHP

Sec. 22-13-8. Placement of manufactured homes.

A land owner or home owner may place a manufactured home that meets the current U.S. Department of Housing and Urban Development manufactured housing code upon any open lot in a valid nonconforming manufactured home park regardless of whether a valid nonconforming manufactured home is currently located on such lot. A single-section home may replace a single-section home and a multi-section home may replace a multi-section home.

ARTICLE 16. NONCONFORMING USES

Sec. 22-16-8. Repair and restoration after damage.

- (A) Where in any zone, a conforming structure devoted to a non-conforming activity or a nonconforming structure is destroyed or damaged in any manner, whether wholly or partially, either may be repaired or restored provided such repair or restoration is started within twelve (12) months from the date of damage or partial destruction. Such restoration shall not exceed two hundred percent (200%) of its size in square footage when destroyed. Any such expansion exceeding one hundred percent (100%) of the original structure shall conform with the yard requirements of this ordinance. Any such repair or restoration must be carried out in compliance with the Uniform Statewide Building Code and Fluvanna County flood regulations, as required by section 15.2-2307 of the Code of Virginia.
- (B) If a nonconforming structure is in an area under a federal disaster declaration and the structure has been damaged or destroyed as a direct result of the conditions that gave rise to the federal disaster declaration, then it may be repaired or restored for an additional two (2) years after the time permitted in subsection (A) above.

-
- (C) ~~Any manufactured home which was lawfully in existence in the County on the effective date of this ordinance may be replaced by another manufactured home, subject to the following:~~
- ~~(1) The replacement manufactured home shall contain the same or greater floor area as the manufactured home being replaced;~~
 - ~~(2) The replacement manufactured home shall comply with all building and construction codes in the Commonwealth of Virginia applicable to manufactured homes;~~
 - ~~(3) The replacement manufactured home shall be located on the same parcel so as to comply with all yard and setback requirements of the ordinance unless the dimensions of the parcel are such that such compliance is infeasible, in which case the replacement manufactured home shall be located substantially in the same location as the manufactured home being replaced;~~
 - ~~(4) The manufactured home being replaced shall be removed from the parcel no later than ninety (90) days after the replacement manufactured home is placed on the parcel;~~
 - ~~(5) There shall be no dual occupancy when such manufactured homes are being replaced;~~
 - ~~(6) The replacement manufactured home shall be located on the parcel not more than ninety (90) days after removal of the manufactured home to be replaced.~~

Sec. 22-16-9. Replacement of manufactured homes.

- (A) The owner of a valid nonconforming manufactured home not located in a manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current U.S. Department of Housing and Urban Development manufactured housing code.**
- (B) For the purposes of determining whether a use has been continuous, an existing manufactured home shall be considered a valid nonconforming manufactured home regardless of whether it has been occupied during the preceding two-year period. Any such replacement home shall retain the valid nonconforming status of the prior home.**

ARTICLE 17. GENERAL PROVISIONS

Sec. 22-17-15. Special exception for placement of manufactured home-Manufactured home requirements.

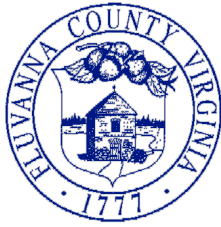
~~The Zoning Administrator may approve placement of a manufactured home in the event that a residence is destroyed or made unlivable by fire, flood, wind, or other natural causes, provided that placement shall be for a period not longer than twelve (12) months from the date of occurrence of the event, and also provided that written approval is obtained from the respective property owners association, if any.~~

- (A) All manufactured homes shall be (i) converted to real property in accordance with Virginia Code § 46.2-653.1, (ii) constructed so that the certificate of occupancy is**

issued within five (5) years following the date of manufacture listed on the home's data plate, and (iii) placed on individual lots.

(B) All manufactured homes shall be built in compliance with the Virginia Manufactured Housing Construction and Safety Standards Law (Virginia Code § 36-85.2 et seq.).

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



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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 26:18

District: Countywide Amendment

General Information: This public hearing is to be held on Tuesday, July 7, 2026, at 7:00 pm by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra, VA 22963.

Requested Action: Recommend approval of an amendment to the Fluvanna County Code by repealing §§ 22-3-1 through 22-3-5.4 and 22-28-1 through 22-28-25, amending §§ 22-4-2.2, 22-9-2.2, 22-10-4, 22-11-2.2, 22-12-2.2, and 22-22-1, and enacting §§ 22-28-1 through 22-28-23 to conform to the Code of Virginia updates regarding solar regulations and battery storage as required by HB891/SB443 and HB711/SB347.

Background Information: This recommended change (see Exhibit A) is being presented pursuant to **House Bill 891/SB443** (see Exhibit B) and **House Bill 711/SB347** (see Exhibit C), which were passed by the Virginia General Assembly, approved on April 22, 2026, and will both become effective on July 1, 2026.

The proposed amendments deem battery energy storage projects as a permitted accessory use in all zoning districts on any parcel of land that is subject to an approved special use permit, for a commercial solar photovoltaic generation facility, if such battery energy storage project is located within the boundaries of the parcel covered by the existing special exception and complies with any applicable federal, state, and local safety or fire codes and environmental regulations. The proposed amendment does not preclude the developer of a battery energy storage project from negotiating a siting agreement with the host locality.

The proposed amendments also provide that a ground-mounted solar energy generation facility to be located on property zoned agricultural, commercial, industrial, or institutional shall be considered pursuant to various criteria to be included in a local ordinance, such as specifications for setbacks, fencing, solar panel height, visual impacts, grading, and a decommissioning plan for solar energy equipment and facilities. The County must furnish the State Corporation Commission with a record of special use permit decisions reached pursuant to these provisions that includes (i) the reason for any adverse decision, (ii) any finding of nonconformity with the local comprehensive plan, and (iii) the date of the last revision to the comprehensive plan. The amended

provisions shall apply to any ground-mounted solar facility with a generating capacity of one megawatt or more for which an application for local approval is filed on or after July 1, 2026.

Recommended Motion:

FINDING THAT THE PROPOSED ZONING ORDINANCE AMENDMENTS (ARE/ ARE NOT) APPROPRIATE FOR THE PUBLIC NECESSITY, CONVENIENCE AND GENERAL WELFARE AND (ARE/ ARE NOT) GOOD ZONING PRACTICE, I MOVE THAT THE PLANNING COMMISSION RECOMMEND (APPROVAL/ DENIAL) OF ZTA 26:18 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY REPEALING §§ 22-3-1 THROUGH 22-3-5.4 AND 22-28-1 THROUGH 22-28-25, AMENDING §§ 22-4-2.2, 22-9-2.2, 22-10-4, 22-11-2.2, 22-12-2.2, AND 22-22-1, AND ENACTING §§ 22-28-1 THROUGH 22-28-23 TO CONFORM TO THE CODE OF VIRGINIA UPDATES REGARDING SOLAR REGULATIONS AND BATTERY STORAGE.

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY REPEALING §§ 22-3-1 THROUGH 22-3-5.4 AND 22-28-1 THROUGH 22-28-25 AND AMENDING §§ 22-4-2.2, 22-9-2.2, 22-10-4, 22-11-2.2, 22-12-2.2, 22-22-1, AND ENACTING §§ 22-28-1 THROUGH 22-28-23 TO CONFORM TO THE CODE OF VIRGINIA UPDATES REGARDING SOLAR REGULATIONS AND BATTERY STORAGE AS REQUIRED BY HB891/SB443 AND HB711/SB347

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

- (1) *That the Code of the County of Fluvanna, Virginia is amended by repealing §§ 22-3-1 through 22-3-5.4 and 22-28-1 through 22-28-25 and amending §§ 22-4-2.2, 22-9-2.2, 22-10-4, 22-11-2.2, 22-12-2.2, 22-22-1, and enacting §§ 22-28-1 through 22-28-23 as follows:*

CHAPTER 22 – ZONING

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

Sec. 22-3-1. Statement of intent.

~~The purpose of this article is to outline the process and requirements for the construction, installation, operation and decommissioning of utility scale solar generation facilities and other uses in a manner that promotes economic development and ensures the protection of health, safety, and welfare while also avoiding and minimizing adverse impacts to agricultural lands, endangered species habitats, conservation lands to include rivers and streams, lakes, ponds and other sensitive lands. This division is not intended to replace safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this division shall not be deemed to nullify any provisions of local, state or federal law.~~

Sec. 22-3-2. Use regulations.

~~In Solar, General District S-1, the following uses, together with ordinary and necessary accessory uses, shall be permitted, and no others.~~

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

~~The following uses shall be permitted by right:~~

Agricultural Uses

~~Agriculture~~

~~Conservation areas~~

~~Farm sales~~

Miscellaneous Uses

~~Accessory uses~~

~~Cemeteries, non-commercial~~

~~Greenhouses, non-commercial~~

Mobile food unit
Small scale solar generation facility
Utilities, minor

Sec. 22-3-2.2. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Agricultural Uses

~~Agricultural enterprise~~
Agricultural sales, wholesale
Livestock feed lots, commercial
Livestock sales yards, commercial

Commercial Uses

~~Communications service~~

Industrial Uses

~~Minor scale solar generation facility~~
Telecommunication facilities
Utilities, major
Utility scale solar generation facility

Sec. 22-3-3. Sign regulations.

Sign regulations shall conform to Article 15 of this chapter.

Sec. 22-3-4. Height regulations.

Buildings and structures may be erected up to 35 feet in height, except that:

- (A) ~~Spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials may be erected to a height of 60 feet from grade. Parapet walls may be up to four feet above the height of the building on which the walls rest. Buildings and structures used for agricultural purposes, including barns, silos, windmills and the like, may be erected to a height of 90 feet from grade.~~
- (B) ~~No accessory building which is within 15 feet of any property lot line shall be more than one story high. All accessory buildings and structures, other than those permitted under subsection (A) above, shall be less than the main building or structure in height.~~

Sec. 22-3-5. Intensive livestock, dairy and poultry facilities; statement of intent.

This section (sections 22-3-5 through 22-3-5.4) encourages economic development, preserves farm land, and promotes the orderly and responsible growth of the livestock, dairy and

poultry industries. In the Solar (S-1) district, all agricultural production uses, including the uses defined herein as intensive livestock, dairy and poultry facilities, shall be permitted by right.

Sec. 22-3-5.1. Definitions.

For the purpose of sections 22-3-5 through 22-3-5.4, the following terms shall have the meaning indicated:

(1) ~~Livestock includes all domestic or domesticated animals, including, but not limited to: cattle, sheep, lambs, hogs, goats, horses, poultry and furbearing animals.~~

(2) ~~Intensive livestock, dairy or poultry facility means a livestock, dairy or poultry operation where, for a period of 45 consecutive days or more, 300 animal units are closely confined and not free-ranging, and are fed in the area of confinement. For the purpose of this article, 300 animal units shall be equivalent to any of the following, or any combination thereof where the animals are confined in one location:~~

~~Livestock: 300 slaughter or feeder cattle~~

~~Livestock: 750 swine each weighing over 55 pounds~~

~~Livestock: 150 horses~~

~~Livestock: 3,000 sheep, lambs, or goats~~

~~Livestock: 16,500 furbearing animals such as rabbits or chinchilla~~

~~Dairy: 200 mature dairy cows (whether milked or dry cows)~~

~~Poultry: 16,500 turkeys~~

~~Poultry: 30,000 laying hens or broilers~~

(3) ~~Intensive livestock, dairy or poultry structure means a building, structure or other improved area used in the operation of an intensive livestock, dairy or poultry facility; including, but not limited to, litter storage sites, incinerators, manure storage sites, poultry houses, poultry disposal pits, or dead poultry cold storage chests. The term shall not include structures that are used only indirectly in the operation of the facility.~~

(4) ~~Operator means any person who operates an intensive livestock, dairy or poultry facility, or the land on which it is located.~~

(5) ~~Poultry means any domestic or domesticated fowl raised for meat or eggs; including, but not limited to, chickens and turkeys.~~

(6) ~~Existing intensive livestock, dairy or poultry structure means an intensive livestock, dairy or poultry structure that has been in operation for one year within the five years immediately preceding the date on which a building or zoning permit is sought for a dwelling.~~

Sec. 22-3-5.2. Setbacks.

(1) ~~Except as otherwise expressly provided in this section, each intensive livestock, dairy or poultry structure shall be set back 300 feet from any property line.~~

- ~~(2) Any dwelling not owned by the operator shall be set back 300 feet from any existing intensive livestock, dairy or poultry structure.~~
- ~~(3) Each intensive livestock, dairy or poultry structure shall be setback at least 200 feet from the right of way of any secondary road, and at least 300 feet from the right of way of any primary highway.~~
- ~~(4) Each intensive livestock, dairy or poultry structure shall be setback at least 1,000 feet from any incorporated town, public school, place of worship, public water intake from a stream or river and from the boundary of any adjacent residential district.~~

Sec. 22-3-5.3. Development plans to include plat or similar document.

- ~~(1) Any person who intends to establish or expand an intensive livestock, dairy or poultry facility shall file with the Zoning Administrator a development plan, including a plat, or similar document, that indicates the number, size and location of all intensive livestock, dairy or poultry structures planned for the subject parcel; and a written statement, sworn to and subscribed before a notary public, by which the owner certifies to the Zoning Administrator that the facility meets all applicable requirements. Where a proposed expansion would not substantially change the character of the facility or the intensity of the use, the Zoning Administrator may approve the expansion without requiring a development plan.~~
- ~~(2) If the plan meets the requirements of sections 22-3-5 through 22-3-5.4, the Zoning Administrator shall approve it within 30 days of receipt. If the plan does not meet the requirements of sections 22-3-5 through 22-3-5.4 of this chapter, the Zoning Administrator shall return it to the applicant within 30 days of receipt, together with a written description of the portion or portions of the plan that do not meet such requirements. Any plan not returned to the applicant within 30 days of receipt shall be deemed approved. As long as an approved plan is in effect, the applicant shall have the right to build structures and operate the facilities shown thereon, notwithstanding any dwelling or other feature located after the time of approval.~~
- ~~(3) The development plan shall remain in force only so long as the proposed structures are constructed in accordance with the development plan. At least one-third of the number of livestock or dairy animals indicated in the development plan, or one poultry structure, shall be placed in service within five years of the date on which the development plan is approved by the Zoning Administrator, unless at least one-third the livestock, or one poultry structure, was already in service at the time the plan was filed. In the event the operator fails to obtain building and zoning permits for any of the proposed structures, or fails to have in place the minimum number of livestock required above, within five years of the date on which the development plan is approved by the Zoning Administrator, the development plan shall expire.~~
- ~~(4) The operator shall notify the Zoning Administrator in writing within 30 days of placement into service of any structure indicated on his plan.~~
- ~~(5) Each parcel for which a development plan has been approved shall display at its entrance a sign no smaller than two square feet, and no larger than four square feet, clearly visible~~

from the nearest public road, indicating that a development plan is in effect for the parcel and containing the word "Certified Agricultural Development Site."

~~(6) Nothing herein shall be construed to prohibit an operator or a potential operator from submitting amendments to his or her original development plan, or from submitting revised plans. The Zoning Administrator shall review such amendments or revised plans as required in subsection (1) above according to the zoning ordinance in effect at the time the amendments or revised plans are received.~~

~~Sec. 22-3-5.4. Nutrient management plan.~~

~~After the effective date of this section, no intensive livestock, dairy or poultry facility for which the Commonwealth of Virginia requires a nutrient management plan shall commence operation until such plan has been approved by the Virginia Department of Conservation and Recreation, or by a person certified or employed by the Virginia Soil and Water Conservation Board or the Commonwealth as a nutrient management planner, in accordance with 4VAC50-85-10 et seq., "Nutrient Management Training and Certification Regulations."~~

~~If the nutrient management plan provides for off-site disposal of waste, the operator shall provide, as a part of the plan, written documentation of an agreement with the receiver of the waste produced at his facility, or affidavit, sworn and subscribed before a notary public, that states his intention to dispose of waste through sale in a retail establishment or otherwise marketing to consumers. Documentation shall specify the duration of the agreement and the nature of the application or use of the waste. A nutrient management plan containing such an agreement shall be valid only as long as the agreement remains in force and shall be reviewed whenever such agreement expires or is terminated. If such an agreement is terminated before its expiration date, the operator shall notify the Zoning Administrator within 15 days of termination.~~

ARTICLE 4 - AGRICULTURAL, GENERAL, DISTRICT A-1

Sec. 22-4-2.2. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Agricultural Uses

- Agricultural enterprise
- Agricultural sales, wholesale
- Livestock feed lots, commercial
- Livestock sales yards, commercial

Civic Uses

- Amusements, public
- Correctional facilities
- Cultural services
- Educational facilities

Public assembly
Public recreation assembly
Religious assembly
Sheltered care facilities

Commercial Uses

Adult retirement communities
Amusements, commercial
Assisted living facilities
Automobile repair service establishments
Bed and breakfasts
Boarding houses
Butcher shops
Campgrounds
Camps
Car washes
Cemeteries, commercial
Child day centers
Communications service
Dance halls
Daycare centers
Event facilities
Flea markets
Funeral homes
Garden center
Gas stations
Greenhouses, commercial
Hotels
Kennels, commercial
Landscaping materials supply
Lodges
Machinery sales and service
Medical clinics
Microbreweries

Outdoor entertainment
Outdoor recreation facilities
Restaurants, small
Retail stores, neighborhood convenience
Retail stores, specialty
Shooting ranges, indoor
Shooting ranges, outdoor
Small home industries
Studios, fine arts
Taxidermists
Veterinary offices

Industrial Uses

Railroad facilities
Resource extraction
Solid waste collection facilities

Miscellaneous Uses

Aviation facilities
~~Minor scale solar generation facility~~
Outdoor gatherings
Solar photovoltaic projects
Telecommunication facilities
Utilities, major

Residential Uses

Dormitories

ARTICLE 9 - BUSINESS, GENERAL, DISTRICT B-1

Sec. 22-9-2.2. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Civic Uses

Educational facilities
Public assembly

Commercial Uses

Amusements, commercial
Dance halls
Entertainment establishments, adult
Halfway houses
Kennels, commercial
Landscaping materials supply
Laundromats
Lodges
Manufactured home sales
Outdoor entertainment
Outdoor recreation facilities
Retail stores, adult
Transportation terminals
Vehicle impound facilities

Industrial Uses

Contractor's storage yards
Lumberyards
Machine shops
Railroad facilities
Research laboratories

Miscellaneous Uses

Outdoor gatherings
~~Minor scale solar generation facility~~
Solar photovoltaic projects
Telecommunication facilities
Utilities, major
~~Utility scale solar generation facility~~

Residential Uses

Dormitories

ARTICLE 10 - BUSINESS, CONVENIENCE, DISTRICT B-C

Sec. 22-10-4. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Civic Uses

Educational facilities
Religious assembly
Sheltered care facilities

Commercial Uses

Amusements, commercial
Auction houses
Automobile repair service establishments
Car washes
Communications service
Dance halls
Guidance services
Hotels
Kennels, commercial
Landscaping materials supply
Laundromats
Laundries
Lodges
Microbreweries
Personal improvement services
Professional schools
Self-storage facilities
Veterinary offices

Miscellaneous Uses

Outdoor gatherings
~~Minor scale solar generation facility~~
Solar photovoltaic projects
Telecommunication facilities
Utilities, major
~~Utility scale solar generation facility~~

Residential Uses

Dormitories

ARTICLE 11 - INDUSTRIAL, LIMITED, DISTRICT I-1

Sec. 22-11-2.2. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Commercial Uses

Amusements, commercial
Auction houses
Manufactured home sales
Outdoor entertainment
Outdoor recreation facilities
Restaurants, fast food
Shooting ranges, outdoor

Industrial Uses

Data centers
Manufacturing, medium
Sanitary landfills
Sawmills, permanent
Solid waste material recovery facilities
Truck terminals

Miscellaneous Uses

Aviation facilities
Outdoor gatherings
~~Minor scale solar generation facility~~
Solar photovoltaic projects
Telecommunication facilities
Utilities, major
~~Utility scale solar generation facility~~

INDUSTRIAL, LIMITED, DISTRICT I-2

Sec. 22-12-2.2. Uses permitted by special use permit.

The following uses shall be permitted by special use permit only:

Commercial Uses

Manufactured home sales
Medical clinics
Offices
Shooting ranges, indoor
Shooting ranges, outdoor

Industrial Uses

Data centers
Manufacturing, heavy
Petroleum distribution facilities
Resource extraction
Salvage and scrap yards
Sanitary landfills
Slaughterhouses
Solid waste material recovery facilities

Miscellaneous Uses

Aviation facilities
~~Minor scale solar generation facility~~
Solar photovoltaic projects
Telecommunication facilities
~~Utility scale solar generation facility~~

ARTICLE 22 - DEFINITIONS

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

***Agrivoltaics:* The intentional co-location of agricultural production and solar energy generation on the same land that (i) is designed to prioritize and sustain agricultural productivity while simultaneously integrating renewable energy generation, (ii) allows the ongoing production and sale of marketable agricultural products throughout the solar array's life, (iii) is a part of a farm business that is consistent with commercial agricultural production, (iv) has provisions for decommissioning to protect the land's agricultural resources and productivity, (v) does not significantly displace farming activity, and (vi) ensures flexibility for farmers to adapt to market conditions and support operational needs.**

Battery Energy Storage Project includes energy storage equipment and technology within an energy storage project that is capable of absorbing energy, storing such energy for a period of time, and redelivering such energy after it has been stored.

Solar generation facility, minor scale: An on-site solar energy conversion system producing less than two MW of electricity. Minor scale solar energy conversion systems generally reduce on-site consumption of utility power for civic, commercial and industrial applications. On-site may also include adjacent parcels under common use, ownership and control. Rooftop arrays do not require zoning approval. Ground-mounted arrays require zoning approval as accessory structures.

Solar generation facility, small scale: An on-site solar energy conversion system producing **less than one (1) MW** not more than 15 kW of electricity. Small scale solar energy systems generally reduce on-site consumption of utility power for civic, commercial and industrial applications. On-site may include adjacent parcels under common use, ownership and control. Rooftop arrays do not require zoning approval. Ground-mounted arrays require zoning approval as accessory structures. **Small scale solar generation facilities include rooftop solar facilities that supply electricity to the property upon which such facilities are located and ground-mounted solar facilities that (i) serve only the electricity needs on the property on which they are located or (ii) have a generating capacity of less than (1) MW and serve the electricity or thermal needs of any other property other than the property where such facility is located.**

Solar generation facility, utility scale: A solar energy conversion system producing two or more of electricity to a utility provider. Such facilities interconnect with an existing electrical grid serving other off-site facilities which are not adjacent or under common use, ownership or control.

Solar photovoltaic project: A ground-mounted solar facility with a generating capacity of one (1) MW or more that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facility is located.

ARTICLE 28. REGULATION OF UTILITY SCALE SOLAR GENERATION FACILITIES

Sec. 22-28-1. Statement of intent.

- (A) The purpose of this article is to establish general guidelines for the siting of utility scale solar generation facilities (USSGF).
- (B) The purpose and intent of this article is to promote the health, safety, and general welfare of the public, including, but not limited to, such instances as:
 - (1) Potential injury to people around USSGFs;
 - (2) Potential damage to property;
 - (3) Potential negative economic impacts on the heritage and scenic tourist industry.
- (C) The goals of this article are to:
 - (1) Minimize the impacts of USSGFs on surrounding land uses by establishing standards for location, structural integrity, and compatibility;

- ~~(2) Avoid potential injury to persons and properties from USSGF failure through structural standards and setback requirements;~~
- ~~(3) Preserve the scenic and visual character of the geographic area by encouraging the location, design and architectural treatment of USSGFs to avoid the disruption of the natural and built environment, and to ensure harmony and compatibility with surrounding land use patterns;~~
- ~~(4) Provide a uniform and comprehensive framework for evaluating proposals for USSGFs;~~
- ~~(5) Encourage developers of USSGFs to locate USSGFs, to the extent possible, in areas where the visual impact on the community is minimal;~~
- ~~(6) Encourage the location of new USSGFs near existing USSGFs thereby minimizing new visual, aesthetic, public safety impacts, and effects upon the natural environment and wildlife;~~
- ~~(7) Avoid the location of battery energy storage systems in the County;~~
- ~~(8) Establish predictable and balanced codes governing the construction and location of USSGFs, within the confines of permissible local regulations;~~
- ~~(9) Establish review procedures to ensure that applications for USSGFs are reviewed and acted upon within a reasonable period of time;~~
- ~~(10) Consideration of and compatibility with the goals and objectives of the County's Comprehensive Plan.~~

~~Sec. 22-28-2. Existing utility scale solar generation facilities~~

~~Utility scale solar generation facilities existing or permitted prior to the adoption of this article shall be subject to the provisions of Article 16, Nonconforming Uses of this chapter.~~

~~Sec. 22-28-3. Size of utility scale solar generation facilities~~

~~The maximum project area for any utility scale solar generation facility shall be no more than 500 acres.~~

~~Sec. 22-28-4. Reserved.~~

~~Sec. 22-28-5. Minimum setbacks for utility scale solar generation facilities.~~

~~The utility scale solar generation facility operational area which includes any buildings, structures, equipment, parking, and disturbed areas shall have the following minimum setbacks:~~

- ~~(A) 500 feet from dwellings on adjacent parcels.~~
- ~~(B) 375 feet from the adjacent property lines.~~
- ~~(C) 300 feet from all public rights of way.~~
- ~~(D) 500 feet from all entrance corridors which include Route 6, US 15, Route 53, and US 250.~~

- (E) ~~1000-foot setback from the James River, Rivanna River, Hardware River and all lakes.~~
- (F) ~~500-foot setback from ponds and perennial streams.~~

~~Sec. 22-28-6. Minimum buffers for utility scale solar generation facilities.~~

- (A) ~~Utility scale solar generation facilities (USSGF) must be screened from the ground level view from adjacent properties and public roads by a vegetative buffer of at least 175 feet. The vegetative buffer must be located within the setbacks required under Section 22-28-5 and must be located around the entire perimeter of the property. Screening methods can include:
 - (1) ~~Existing screening: The USSGF may use existing forested buffer to satisfy the screening requirement. The existing forested buffer must be undisturbed and permanently protected as the designated buffer. If existing trees and vegetation are removed when dead or diseased, the vegetative buffer must be replaced in accordance with Section 22-28-6.~~
 - (2) ~~Vegetative screening: In the event existing screening is inadequate, screening must be provided which consists of a combination of evergreen and deciduous trees that are eight feet in height at time of planting. A triple staggered row of trees must be placed ten feet apart and on average at 15 feet on center. For the remainder of the vegetative screening, a combination of non-invasive species, pollinator species, and native plants, shrubs, trees, grasses, forbs and wildflowers shall be utilized.~~
 - (3) ~~Berms: Berms must be constructed with a 3:1 side slope to rise ratio, four to six feet above the adjacent grade, with a three-foot wide top with pollinator friendly native shrubs, trees, forbs and wildflowers. The outside edges of the berm should be sculpted with vertical and horizontal variations so there is not a uniform appearance.~~~~
- (B) ~~A performance bond reflecting the estimated costs of anticipated landscaping maintenance shall be posted prior to construction to ensure the vegetative buffer is adequately maintained for the life of the project. Once the landscaping has been successfully established, the surety amount may be reduced to the amount needed for maintenance. The surety will be fully released only after decommissioning is complete.~~

~~Sec. 22-28-7. Height regulation for utility scale solar generation facilities.~~

~~The maximum height for structures associated with the utility scale solar generation facility (USSGF) is 20 feet above the finished ground elevation. Ground-mounted systems shall not exceed 20 feet in height when oriented at maximum vertical tilt. The height limit does not apply to associated aerial electric lines, utility poles and/or substation equipment that may be constructed in association with the USSGF.~~

~~Sec. 22-28-8. Security fencing.~~

~~The utility scale solar generation facility project area must be enclosed by security fencing on the interior of the buffer area at a height of at least six feet. Fencing must be placed around sections of the project area to provide access corridors for wildlife. All fencing must be~~

~~constructed to allow for the movement of small wildlife species. All fencing shall include opaque screening.~~

~~Sec. 22-28-9. Lighting.~~

~~Outdoor lighting for the facility shall only be permitted for security and on-site maintenance. All outdoor lighting shall be fully shielded provided that these restrictions shall not apply to any outdoor lightning required by federal law. Lighting shall be dark sky compliant. The full site plan shall include a photometric plan that depicts the location, type, power and lightning levels of each permanent and semi-permanent fixture.~~

~~Sec. 22-28-10. Signage.~~

~~No signage shall be allowed on the fencing, structures or buildings in the project area for the utility scale solar generation facility (USSGF). One sign shall be allowed at each of the emergency access points which shall list the required warnings, the name of the USSGF, address, and relevant emergency contact information. Any signage required by state or federal law or regulation shall be exempt from this section.~~

~~Sec. 22-28-11. Emergency access.~~

~~The applicant shall provide emergency access in at least two separate access points. Such access points shall include unobstructed access utilizing fire lane signage. The access points shall also be designed with a 20 foot wide looping system inside of the security fence but outside of the panel area in order for emergency apparatus to proceed without the need to back up the emergency apparatus.~~

~~Sec. 22-28-12. Construction noise associated with utility scale solar generation facilities.~~

~~All construction activities may only occur between the hours of 7:00 a.m. and 6:00 p.m., Monday-Saturday and will be prohibited on Sundays. This restriction shall apply during construction of the facility, ongoing maintenance, replacement of equipment and decommissioning. This restriction shall not apply to emergency repairs.~~

~~Sec. 22-28-13. Wiring and transmission lines.~~

- ~~(A) Wiring shall be located underground except for wiring on a solar array or where necessary to directly connect to the public service corporation.~~
- ~~(B) All new distribution and transmission lines shall be located below ground except for lines solely subject to the State Corporation Commission jurisdiction or where necessary to connect to existing utility lines. New transmission lines are subject to plan of development review.~~
- ~~(C) Wires located on the poles of solar panels shall be placed in conduit.~~

~~Sec. 22-28-14. Wildlife corridors.~~

~~An application for a utility scale solar generation facility (USSGF) with a project area of greater than 50 acres must identify access corridors for wildlife to navigate through and across~~

the USSGF. The wildlife corridor must be shown on the site plan submitted to the County. Areas between fencing shall be kept open to allow for movement of migratory animals and other wildlife.

Sec. 22-28-15. Glare from solar panels.

Solar panels shall be placed so as to prevent concentrated solar radiation, heat or glare being directed onto other properties or roads.

Sec. 22-28-16. Landscaping plan for utility scale solar generation facilities.

A preliminary landscaping plan shall be developed by a certified arborist or landscape architect, submitted with the application for the special use permit, and shall meet the following requirements:

~~(A) Utilizing existing forested buffer.~~

- ~~(1) Preservation of existing trees and shrubs within require buffers shall be maximized.~~
- ~~(2) The plan shall include a tree inventory indicating all trees that will be saved and that will be used for buffering.~~
- ~~(3) The existing forested buffer may be used if it is covered with at least 75 percent of naturally established vegetation.~~
- ~~(4) The existing plant material must be mature and in healthy condition.~~
- ~~(5) The existing plant material must consist of a mix of evergreen and deciduous trees which meet the following criteria:
 - ~~(a) Existing deciduous trees have a minimum four-inch caliper measured two feet above the ground.~~
 - ~~(b) Evergreen trees must be a minimum of ten feet in height.~~
 - ~~(c) Hardy shrubs must be a minimum of two feet in height.~~
 - ~~(d) There is an established understory of small trees and shrubs to provide significant buffering at the lower forested area.~~~~

~~(B) Improvements within buffer.~~

- ~~(1) Improvements within the vegetative buffer shall be limited to those required to provide access, utilities and drainage and shall be installed perpendicular to the buffer to reduce impacts to the buffer.~~

~~(C) Proposed vegetative buffer.~~

- ~~(1) The preliminary landscaping plan shall show all proposed plant species to be used for ground cover, screening and buffering.~~
- ~~(2) There is a preference for native and pollinator friendly plant species.~~
- ~~(3) The evergreens shown on the plan must have a mature height of at least 30 feet.~~
- ~~(4) The evergreens must have a minimum planting height of eight feet.~~

~~(5) Deciduous trees must have a minimum caliper of two inches measured six inches above final grade.~~

~~(D) Installation of landscaping.~~

~~(1) All landscaping shown on the approved plan shall be installed and in good condition prior to beginning production of power.~~

~~(2) All landscaping shall be planted between September 15 and June 30.~~

~~Sec. 22-28-17. Vegetation management plan for utility scale solar generation facilities.~~

~~(A) The applicant for a utility scale solar generation facility (USSGF) shall submit a preliminary proposed vegetation management plan at time of submittal of the application. The applicant for a USSGF shall submit a final proposed plan for ground cover within the fence lines of the project area for review and approval as part of the full site plan. The site plan shall include the following information:~~

~~(1) Describe the design and type of ground cover which will consist of native grasses and low growing species.~~

~~(2) The plan should include a description of how existing tree and vegetation cover will be removed or reused.~~

~~(3) Include a plan and schedule for managing the growth of the vegetation cover over the life of the facility.~~

~~(4) Provide a plan to prevent and control noxious weeds and invasive species.~~

~~(5) Identify the type and quantity of herbicides that will be used.~~

~~(6) Provide that only biodegradable soap and water can be used to clean the surface of the solar panels.~~

~~Sec. 22-28-18. Erosion and sediment control plan.~~

~~(A) An erosion and sediment control plan must be submitted to the County and approved by the Soil and Water Conservation District and the Virginia Department of Environmental Quality prior to any land disturbance.~~

~~(B) The erosion and sediment control plan shall be prepared in accordance with Chapter 6 of the County Code and the Virginia Erosion and Sediment Control Handbook.~~

~~(C) Permit holders shall provide evidence of any and all required state and/or federal permits prior to the issuance of a land disturbance permit.~~

~~(D) Prior to applicant's submission of the Erosion and Sediment Control Plan, the applicant will contact the County's erosion and sediment control reviewer to arrange a meeting on the Property with the applicant's engineer.~~

~~(E) The County may obtain an independent third party review of the Erosion and Sediment Control Plan at the expense of the applicant.~~

~~(F) The erosion and sediment control plan shall provide that no topsoil will be removed from the facility/site but instead will be used onsite to establish ground cover.~~

- ~~(G) The applicant shall include sufficient surety to guarantee that funding is available to implement and maintain all required erosion and sediment control measures.~~
- ~~(H) The County may require the applicant to provide for the funding of a third party erosion and sediment control inspector during the period of construction. Any as needed third party erosion and sediment control inspector, while paid for by the applicant, permit holders and/or any successor in interest, shall be selected and managed by the Planning Director, or his designee.~~
- ~~(I) In projects involving more than 100 acres of land disturbance, the following requirements will apply:~~
- ~~(1) Incorporate a protocol developed in coordination with the Planning Director, or his designee, the Soil and Water Conservation District, and the Virginia Department of Environmental Quality that specifies the phased construction of designated units of land so that the total area of disturbed land at any one time is appropriately limited given the nature of the construction activities, the size of the Project, the topography and water resources of and in the project area, and the erosion and sediment controls to be employed.~~
- ~~(2) The protocol will be designed to ensure that ground cover is expeditiously established, and appropriate site stabilization is achieved throughout construction.~~

~~Sec. 22-28-19. Construction on steep slopes.~~

- ~~(A) Solar panels shall not be installed on steep slopes of 20 percent or greater.~~
- ~~(B) Steep slopes of 20 percent or greater shall remain in their natural, undisturbed state to the maximum extent practicable, unless otherwise approved by the Planning Director.~~

~~Sec. 22-28-20. Historic resources, cultural and grave site impact analysis.~~

~~In accordance with the County's goals, an impact analysis for historic and cultural resources, including grave sites, shall be conducted and provided by the applicant to identify, preserve, and protect significant historic resources and to ensure respectful treatment of graves in accordance with applicable laws of the Commonwealth. The impact analysis shall identify graves and significant historic or cultural resources to be impacted, including, but not limited to, areas, districts, sites, structures and objects, locally designated as historic or culturally significant, or listed or determined eligible by the Department of Historic Resources' evaluation team for listing on the state and federal historic registers. If such resources are identified, the analysis shall include a proposed treatment plan to preserve, protect, and/or enhance these resources through avoidance, minimization or mitigation.~~

~~Sec. 22-28-21. Groundwater monitoring.~~

~~Groundwater monitoring must take place prior to the start of construction and upon completion of construction throughout the project area. After the utility scale solar generation facility begins operations, groundwater monitoring shall take place every five years and upon completion of decommissioning. Results from all groundwater monitoring shall be provided to the Planning Director.~~

~~Sec. 22-28-22. Emergency response plan.~~

- ~~(A) Prior to completion of construction, the owner or operator of the facility shall provide the Planning Director with an emergency management plan for the facility.~~
- ~~(B) The goal of this emergency response plan is to provide safety guidelines and procedures for potential emergency related incidents during all phases of the life of the facility (construction, operation, and decommissioning).~~
- ~~(C) The owner or operator of a facility must coordinate with the Fluvanna County Coordinated Fire and Rescue System to provide materials, education, and/or training on how to safely respond to on-site emergencies, and to develop, implement, periodically update, and perform exercises on an emergency response plan.~~
- ~~(D) Emergency personnel must be provided a Knox box or code to access the property in case of an on-site emergency.~~
- ~~(E) Training shall be provided and updated (i) whenever significant modifications and/or repairs are made to the facility and (ii) at the request of the County Fire Chief.~~

~~Sec. 22-28-23. Special use permit application requirements.~~

- ~~(A) All special use permit applications for utility scale solar generation facilities must contain the following information:
 - ~~(1) *Project narrative.* A detailed narrative shall identify the following:
 - a. The applicant, facility owner, site owner and operator;
 - b. The description of the facility;
 - c. Overview of the project and its location;
 - d. Size of the site and project area;
 - e. Current use and previous uses (ten years preceding application) of the site;
 - f. Estimated time for construction, any phasing schedule, and proposed date for commencement of operations;
 - g. Location of staging area;
 - h. Planned maximum rated capacity of the facility;
 - i. The approximate number, type, and footprint of solar equipment;
 - j. Specifications for proposed equipment including materials, color, finish, country of origin and racking type;
 - k. Information on ancillary facilities;
 - l. How and where the electricity at the facility will be transmitted;
 - m. General location of the proposed electrical grid interconnection; and
 - n. All adverse partition sales shall be disclosed.~~~~

- 2) ~~Concept plan.~~ The concept plan must be prepared by a professional Virginia licensed engineer and shall identify the following:
- a. ~~Identification of subject parcels and property lines;~~
 - b. ~~Identification of required setbacks;~~
 - c. ~~Existing and proposed buildings and structures;~~
 - d. ~~Preliminary locations and heights of solar panels, ground equipment, ancillary equipment and other proposed structures;~~
 - e. ~~Location of proposed fencing, driveways, internal roads, parking and locations of points of ingress/egress;~~
 - f. ~~Location of proposed buffers and screening elements;~~
 - g. ~~Location of substations and electrical cabling from facility to substation;~~
 - h. ~~Location of fencing or other methods of ensuring public safety;~~
 - i. ~~Proposed lighting for the facility;~~
 - j. ~~Aerial imagery showing the proposed location and boundaries of the facility, fenced areas, ingress/egress and the closest distance to all adjacent property lines and buildings; and~~
 - k. ~~Additional information required by the Planning Director such as a scaled elevation view, photographs of the site, modeling of the project from sensitive locations, and additional information for a technical review of the facility.~~

~~Sec. 22-28-24. Review of utility scale solar generation facility.~~

- ~~(A) The County may engage independent third party consultants to review special use permit applications and associated documents for completeness and compliance with applicable County, state and federal laws. Any costs associated with the review shall be paid by the applicant.~~
- ~~(B) Applications for special use permits for utility scale solar generation facilities (USSGFs) are subject to comprehensive plan review under Virginia Code Section 15.2-2232.~~
- ~~(C) For all USSGFs, the applicant must enter into a siting agreement with the County pursuant to Virginia Code Title 15.2, Article 7.3.~~
- ~~(D) In issuing any special use permit for a USSGF, the Board of Supervisors may waive or modify any of the requirements of this article.~~
- ~~(E) The property will be subject to inspection by County officers and employees upon reasonable notice to the owner/operator of the USSGF.~~

~~Sec. 22-28-25. Decommissioning.~~

- ~~(A) *Decommissioning plan.* A draft decommissioning and reclamation plan shall be submitted and approved before issuance of the zoning permit, and the plan must be certified by an independent engineer with a Virginia professional engineering license selected by the County but paid for by the applicant, and such plan shall contain the following information:~~

- ~~(1) Contact information for the party identified as primarily responsible for decommissioning;
 - a. — Anticipated life of project;
 - b. — Estimated decommissioning cost in current dollars;
 - c. — How the cost is determined;
 - d. — Method of ensuring funds will be available for decommissioning and restoration;
 - e. — Estimation method to keep decommissioning cost current;
 - f. — Manner in which facility will be decommissioned and the site restored; and
 - g. — Plan should include statement of disposal or recycling destination for solar panels.~~
- ~~(2) Decommissioning plans shall be updated every five years.~~

~~(B) *Decommissioning and reclamation.*~~

- ~~(1) Solar facilities that have reached the end of their useful life or have not been in active and continuous service for a period of six months must be removed at the owner's or operator's expense in accordance with this section and all other applicable local, state and federal laws and regulations. However, the County may extend this period upon a showing that a longer repair period is needed or where evidence is provided that the failure to utilize the facility is beyond the reasonable control of the owner or operator.~~
- ~~(2) The owner or operator must notify the Planning Director by certified mail of the proposed date of discontinued operations and plans for removal.~~
- ~~(3) The decommissioning must be performed in compliance with the approved decommissioning plan. The Planning Director must approve any amendments to the decommissioning plan.~~
- ~~(4) The decommissioning shall be completed within 12 months of the date the owner or operator sends notice to the Planning Director.~~
- ~~(5) Decommissioning must include removal of all electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any associated facilities.~~
- ~~(6) Components of the facility removed from the site shall be handled and disposed of in compliance with applicable local, state, and federal law and regulations.~~
- ~~(7) In no event shall any hardware, parts, structures, components or other portions of the facility be disposed of in a convenience center or transfer station in the County.~~
- ~~(8) All solar panels shall be disposed of in a certified recycling center for solar panels.~~
- ~~(9) After removal of all facilities, the ground upon which the facilities were located must be tillable and suitable for agricultural uses. Trenches, boring and excavations shall be filled and compacted. The soil shall be stabilized to a depth of three feet, and the site must be graded and reseeded.~~
- ~~(10) Any exception to site restoration must be approved by the Planning Director.~~
- ~~(11) Hazardous material must be disposed of in accordance with federal and state law.~~

~~(C) Decommissioning surety.~~

- ~~(1) A surety agreement and attendant financial or bond instrument and guarantee for decommissioning, in a form acceptable to the County Attorney, and in amount as determined sufficient by the Board of Supervisors shall be submitted before a building permit or land disturbing permit is issued for the utility scale solar generation facility. Any such surety shall include an automatic adjustment for inflation or as necessary based upon a decommissioning plan update.~~
- ~~(2) Options for surety include cash escrow, performance surety bond, certified check, irrevocable letter of credit or other security acceptable to the County.~~
- ~~(3) The surety agreement must prohibit the release of the surety without the written consent of the County. The County will consent to the release of the surety upon the owner's or operator's compliance with the approved decommission plan.~~
- ~~(4) The amount of funds required to be guaranteed by the surety must be the full amount of the estimated decommissioning costs without regard to possible salvage value.~~
- ~~(5) An independent professional engineer, selected by the County and paid for by the permit holder, must recalculate the estimated cost of decommissioning every three years, and the amount of the surety shall be updated accordingly.~~
- ~~(6) If the owner or operator fails to remove the installation in accordance with the requirements or within the permitted time, the County may collect the surety and the County or its agent may enter the property to perform any work necessary to complete the decommissioning.~~
- ~~(7) If the decommissioning surety and salvage recompense is insufficient, the County shall have the right to recover such costs from the owner or operator to include legal fees and expenses.~~

~~(D) Damaged or unusable panels.~~

- ~~(1) Damaged or unusable panels or arrays shall be removed from the site within 60 days of removal from service.~~
- ~~(2) In no event shall any damaged or unusable panels or arrays be disposed of in a convenience center or transfer station in the County.~~
- ~~(3) All damaged or unusable solar panels shall be disposed of in a certified recycling center for solar panels.~~

ARTICLE 28. REGULATION OF SOLAR FACILITIES AND BATTERY STORAGE FACILITIES

Sec. 22-28-1. Statement of intent.

(A) The purpose of this article is to establish general guidelines for the regulation of solar facilities within the County.

(B) The purpose and intent of this article is to promote the health, safety, and general welfare of the public, including, but not limited to, such instances as:

- (1) Potential injury to people around solar facilities;**

(2) Potential damage to property;

(3) Potential negative economic impacts on the heritage and scenic tourist industry.

(C) The goals of this article are to:

(1) Minimize the impacts of solar facilities on surrounding land uses by establishing standards for location, structural integrity, and compatibility;

(2) Avoid potential injury to persons and properties from solar facility failure through structural standards and setback requirements;

(3) Preserve the scenic and visual character of the geographic area by encouraging the location, design and architectural treatment of solar facilities to avoid the disruption of the natural and built environment, and to ensure harmony and compatibility with surrounding land use patterns;

(4) Provide a uniform and comprehensive framework for evaluating proposals for solar facilities;

(5) Encourage developers of solar facilities to locate solar facilities, to the extent possible, in areas where the visual impact on the community is minimal;

(6) Encourage the location of new solar facilities near existing solar facilities thereby minimizing new visual, aesthetic, public safety impacts, and effects upon the natural environment and wildlife;

(7) Establish predictable and balanced codes governing the construction and location of solar facilities, within the confines of permissible local regulations;

(9) Establish review procedures to ensure that applications for solar facilities are reviewed and acted upon within a reasonable period of time;

(10) Consideration of and compatibility with the goals and objectives of the County's Comprehensive Plan.

Sec. 22-28-2. Existing solar facilities.

Solar facilities existing or permitted prior to the adoption of this article shall be subject to the provisions of Article 16, Nonconforming Uses of this chapter.

Sec. 22-28-3. Rooftop solar facilities.

(A) An owner of a residential dwelling unit may install a solar facility on the roof of such dwelling to serve the electricity or thermal needs of that dwelling, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any County historic, architectural preservation, or corridor protection district adopted pursuant to Virginia Code § 15.2-2306 where such property is located.

(B) An owner of real property zoned agricultural may install a solar facility on the roof of a residential dwelling on such property, or on the roof of another building or structure on such property, to serve the electricity or thermal needs of that property upon which such facilities are located, provided that such installation is (i) in compliance with any

height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any County historic, architectural preservation, or corridor protection district adopted pursuant to Virginia Code § 15.2-2306 where such property is located.

- (C) An owner of real property zoned commercial, industrial, or institutional may install a solar facility on the roof of one or more buildings located on such property to serve the electricity or thermal needs of that property upon which such facilities are located, provided that such installation is (i) in compliance with any height and setback requirements in the zoning district where such property is located and (ii) in compliance with any provisions pertaining to any County historic, architectural preservation, or corridor protection district adopted pursuant to Virginia Code § 15.2-2306 where such property is located.

Sec. 22-28-4. Ground-mounted solar facilities.

- (A) A ground-mounted solar energy generation facility to be located on property zoned agricultural and to be operated under Virginia Code §§ 56-594 or 56-594.2 shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to Virginia Code § 15.2-2306 where such property is located.
- (B) A ground-mounted solar energy generation facility to be located on property zoned commercial or industrial shall be permitted, provided that such installation is (a) in compliance with any height and setback requirements in the zoning district where such property is located and (b) in compliance with any provisions pertaining to any local historic, architectural preservation, or corridor protection district adopted pursuant to Virginia Code § 15.2-2306 where such property is located.
- (C) Any ground-mounted solar energy generation facility that is a Solar Photovoltaic Project that is designed to serve, or serves, the electricity or thermal needs of any property other than the property where such facilities are located shall be subject to the special use permit requirements contained in this article.

Sec. 22-28-5. Minimum Setbacks for Solar Photovoltaic Projects

- (A) Setback distances shall be measured from the nearest edge of the equipment as follows:
- (1) 200 feet from the nearest point on the outer wall of existing occupied community buildings and dwellings on nonparticipating properties;
 - (2) 100 feet from the outside edge of the roadbed of any road abutting the property;
 - (3) For projects not greater than twenty-five (25) megawatts, fifty (50) feet from the edge, and for projects greater than twenty-five (25) megawatts, 100 feet from the edge, of tidal wetlands or nontidal wetlands, as defined in 9VAC25-830, or from the top of bank of perennial streams, as defined in Virginia Code § 62.1-44.122; and

- (4) Seventy-five (75) feet measured from the nearest shared property line for nonparticipating properties.
- (B) Nothing in this section shall preclude the owner of a nonparticipating property from waiving the foregoing setback requirements by written agreement.
- (C) Setbacks shall not be required for internal boundaries between adjacent participating parcels.
- (D) For purposes of clause (A)(iii), “equipment” is limited to solar panels, racking equipment, and inverters.

Sec. 22-28-6. Minimum Vegetative Screening for Solar Photovoltaic Projects

- (A) Vegetative screening from adjacent properties and public roads shall be fifty (50) feet wide and shall be located around the entire perimeter of the property.
- (B) Existing screening: The Solar Photovoltaic Project may use existing forested buffer to satisfy the screening requirement. The existing forested buffer must be undisturbed and permanently protected as the designated buffer. If existing trees and vegetation are removed when dead or diseased, the vegetative buffer must be replaced in accordance with this section.
- (C) Vegetative screening: In the event existing screening is inadequate, screening must be provided which consists of a combination of evergreen and deciduous trees that are three feet in height at time of planting. A triple staggered row of trees must be placed ten (10) feet apart and on average at fifteen (15) feet on center. For the remainder of the vegetative screening, a combination of non-invasive species, pollinator species, and native plants, shrubs, trees, grasses, forbs and wildflowers shall be utilized.
- (D) A performance bond reflecting the estimated costs of anticipated landscaping maintenance shall be posted prior to construction to ensure the vegetative screening is adequately maintained for the life of the project. Once the landscaping has been successfully established, the surety amount may be reduced to the amount needed for maintenance. The surety will be fully released only after decommissioning is complete.

Sec. 22-28-7. Height for Solar Photovoltaic Projects.

The height of solar panels shall not exceed twenty-five (25) feet above ground when the arrays are at full tilt, except in cases where a height variance is obtained to allow for Agrivoltaics activity below or in proximity to the panels.

Sec. 22-28-8. Fencing for Solar Photovoltaic Projects.

Fencing for the facility shall comply with Virginia Code § 55.1-2804, the latest version of the National Electrical Safety Code or any applicable successor standard regarding requirements for limiting access to facilities, and the Uniform Statewide Building Code (Virginia Code § 36-97 *et seq.*). Vegetative visual screening requirements shall not be required to exceed three (3) feet at planting, shall be between twenty-five (25) and fifty (50) feet wide, and shall allow for consideration of preexisting natural or manmade visual barriers.

Sec. 22-28-9. Lighting for Solar Photovoltaic Projects.

Solar Photovoltaic Projects shall implement light intensity dimming solution technology that provides a means of tailoring the intensity level of lights according to surrounding visibility.

Sec. 22-28-10. Wildlife Access for Solar Photovoltaic Projects

Solar Photovoltaic Projects shall provide for wildlife passage where needed by limiting fencing to the areas in reasonable proximity to arrays and interconnection equipment to the extent practicable and consistent with safety and security requirements. Solar Photovoltaic Projects shall prioritize open wildlife access to riparian areas, wetlands, streams, and other areas not in proximity to panels.

Sec. 22-28-11. Land disturbance.

- (A) Land disturbance, including site grading, construction, and landscaping, shall be conducted in compliance with a stormwater pollution prevention plan.**
- (B) Topsoil shall not be removed from the project site. Topsoil shall be returned to disturbed areas from stockpiles as quickly as site conditions allow, unless returning soil would cause adverse impacts to topsoil integrity or is otherwise not practicable for construction activities.**
- (C) Site stabilization shall occur as the site is developed, following appropriate stabilization timelines as identified in the General VPDES Permit for Discharges of Stormwater from Construction Activities, and shall not be delayed until site construction is completed. The facility shall decompact soil as necessary and feasible for re-vegetation after construction has concluded.**

Sec. 22-28-12. Post-land disturbance vegetation.

- (A) When all land-disturbing activities at the construction site have been completed, the facility shall initiate permanent stabilization to provide vegetative ground cover that provides a minimum level of coverage over the project site of seventy-five (75) percent vegetative cover with no significant bare areas that is mature enough to survive and will inhibit erosion.**
- (B) The use of native and naturalized plants shall be encouraged and invasive plants as established pursuant to Virginia Code § 10.1-104.6:2 shall be prohibited.**
- (C) For projects or portions of projects not used for animal grazing, co-located crop production, native and naturalized pollinator plant species, or native and naturalized meadow species shall be planted, except for in the area directly beneath panels, and maintained throughout the solar project's life. The seed mix shall include a diversity of species with varied bloom times.**
- (D) Mowing shall be limited and performed on a schedule that promotes the establishment of the native plantings, controls invasive species, and minimizes impacts to wildlife.**

- (E) All trees and shrubs at the time of planting shall accommodate adequate screening or buffering at the end of five years of planting. Vegetation used to establish a visual screen shall not be trimmed to stunt upward and outward growth or to otherwise limit the effectiveness of the visual screen.

Sec. 22-28-13. Stormwater regulations for Solar Photovoltaic Projects.

Solar Photovoltaic Projects shall comply with all Virginia Department of Environmental Quality stormwater regulations as established in 9VAC25-880.

Sec. 22-28-14. Impervious surface regulation.

Solar Photovoltaic Projects shall minimize new impervious surface on the site and under its solar panels.

Sec. 22-28-15. Visual impacts of Solar Photovoltaic Projects.

- (A) Visual impacts of Solar Photovoltaic Projects on public parks, scenic rivers and byways, and historic structures or sites listed on or eligible for the National Register of Historic Places shall be minimized.
- (B) A viewshed analysis is required as part of the special use permit application to assure that visual impacts are minimized through solar panel placement, height, landscaping, and screening. Such analysis shall account for existing vegetation and planned visual buffers. Such screening may be accomplished on any property with the consent of the property owner.

Sec. 22-28-16. Labor and employment.

The facility shall comply with all applicable state and federal labor and employment laws, including apprenticeships and labor standards necessary to achieve any available tax credit bonuses found in 26 U.S.C. §§ 45Y and 48E.

Sec. 22-28-17. Dedication of Real property and cash payments for Solar Photovoltaic Projects.

- (A) For Solar Photovoltaic Projects, the County may grant a condition that includes (i) dedication of real property of substantial value or (ii) substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the granting of a special use permit, so long as such conditions are reasonably related to the project.
- (B) Once a condition is granted pursuant to subsection (A), such condition shall continue in effect until a subsequent amendment changes the zoning on the property for which the conditions were granted. However, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

Sec. 22-28-18. Solar panel disposal.

- (A) **Any property owner or an applicant for a permit pursuant to the Uniform Statewide Building Code (Virginia Code § 36-97 et seq.) who removes solar panels shall dispose of such panels in a certified recycling center for solar panels.**
- (B) **Damaged or unusable panels or arrays shall be removed from the site within sixty (60) days of removal from service.**
- (C) **In no event shall any damaged or unusable panels or arrays be disposed of in a certified recycling center in the County.**

Sec. 22-28-19. Decommissioning of Solar Photovoltaic Projects.

- (A) **An owner, lessee, or developer of real property subject to this section shall enter into a written agreement to decommission solar energy equipment, facilities, or devices upon the following terms and conditions:**
 - (1) **If the party that enters into such written agreement with the County defaults in the obligation to decommission such equipment, facilities, or devices in the timeframe set out in such agreement, the County has the right to enter the real property of the record title owner of such property without further consent of such owner and to engage in decommissioning.**
- (B) **Decommissioning plan. A draft decommissioning and reclamation plan shall be submitted and approved before issuance of the zoning permit, and the plan must be certified by an independent engineer with a Virginia professional engineering license selected by the County but paid for by the applicant, and such plan shall contain the following information:**
 - (1) **Contact information for the party identified as primarily responsible for decommissioning;**
 - (2) **Anticipated life of project;**
 - (3) **Estimated decommissioning cost in current dollars;**
 - (4) **How the cost is determined;**
 - (5) **Method of ensuring funds will be available for decommissioning and restoration;**
 - (6) **Estimation method to keep decommissioning cost current;**
 - (7) **Manner in which facility will be decommissioned and the site restored; and**
 - (8) **Plan should include statement of disposal or recycling destination for solar panels.**
- (C) **Decommissioning and reclamation.**
 - (1) **Solar facilities that have reached the end of their useful life or have not been in active and continuous service for a period of six months must be removed at the owner's or operator's expense in accordance with this section and all other applicable local, state and federal laws and regulations. However, the County may**

extend this period upon a showing that a longer repair period is needed or where evidence is provided that the failure to utilize the facility is beyond the reasonable control of the owner or operator.

- (2) The owner or operator must notify the Planning Director by certified mail of the proposed date of discontinued operations and plans for removal.
- (3) The decommissioning must be performed in compliance with the approved decommissioning plan. The Planning Director must approve any amendments to the decommissioning plan.
- (4) The decommissioning shall be completed within twelve (12) months of the date the owner or operator sends notice to the Planning Director.
- (5) Decommissioning must include removal of all electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any associated facilities.
- (6) Components of the facility removed from the site shall be handled and disposed of in compliance with applicable local, state, and federal law and regulations.
- (7) In no event shall any hardware, parts, structures, components or other portions of the facility be disposed of in a convenience center or transfer station in the County.
- (8) All solar panels shall be disposed of in a certified recycling center for solar panels.
- (9) After removal of all facilities, the ground upon which the facilities were located must be tillable and suitable for agricultural uses. Trenches, boring and excavations shall be filled and compacted. The soil shall be stabilized to a depth of three feet, and the site must be graded and reseeded.
- (10) Any exception to site restoration must be approved by the Planning Director.
- (11) Hazardous material must be disposed of in accordance with federal and state law.

(D) Decommissioning surety.

- (1) Such owner, lessee, or developer shall provide financial assurance of such performance to the County in the form of certified funds, cash escrow, bond, letter of credit, or parent guarantee, based upon an estimate of a professional engineer licensed in the Commonwealth, who is engaged by the applicant, with experience in preparing decommissioning estimates and approved by the County; such estimate shall not exceed the total of the projected cost of decommissioning, which may include the net salvage value of such equipment, facilities, or devices, plus a reasonable allowance for estimated administrative costs related to a default of the owner, lessee, or developer, and an annual inflation factor.
- (2) A surety agreement and attendant financial or bond instrument and guarantee for decommissioning, in a form acceptable to the County Attorney, shall be submitted before a building permit or land disturbing permit is issued for the Solar Photovoltaic Project. Any such surety shall include an automatic

- adjustment for inflation or as necessary based upon a decommissioning plan update.
- (3) The surety agreement must prohibit the release of the surety without the written consent of the County. The County will consent to the release of the surety upon the owner's or operator's compliance with the approved decommission plan.
- (4) If the owner or operator fails to remove the installation in accordance with the requirements or within the permitted time, the County may collect the surety and the County or its agent may enter the property to perform any work necessary to complete the decommissioning.
- (5) If the decommissioning surety and salvage recompense is insufficient, the County shall have the right to recover such costs from the owner or operator to include legal fees and expenses.
- (E) The owner, lessee, or operator shall hire a professional engineer licensed in the Commonwealth to update the decommissioning plan cost estimate and corresponding approved financial instrument every five (5) years after the approval of the first decommissioning plan to adjust for inflation, account for advancements in technologies and processes for decommissioning, salvaging, or re-powering of renewable energy facilities, and make any other necessary changes. The decommissioning plan shall provide for the removal of the facility's equipment from the landowner's property and return of the property to a useful condition similar to the preconstruction condition unless otherwise agreed to by the landowner. After the decommissioning process is complete, the facility shall comply with all stormwater provisions in state law. The project shall provide an up-to-date decommissioning plan to the County any time there is project ownership outside of the current developer. Notice shall be provided to the County within thirty (30) days of the sale or transfer of the lease or property, and a new financial guarantee shall be provided by the new leaseholder or property owner.

Sec. 22-28-20. Review of Solar Photovoltaic Projects.

- (A) The County may engage independent third-party consultants and experts to review special use permit applications and associated documents for completeness and compliance with applicable County, state and federal laws.
- (B) In the issuance of a special use permit, a variance from these ordinance criteria may be implemented only with a written agreement of the County, the property owner or their agent, and the applicant.
- (C) Solar Photovoltaic Projects are subject to comprehensive plan review under Virginia Code Section 15.2-2232.

Sec. 22-28-21. Reporting to State Corporation Commission.

The County shall furnish the State Corporation Commission a record of Solar Photovoltaic Project special use permit decisions reached pursuant to this section not more than sixty (60) days after such decision is made. The record shall include (i) the reason for any

adverse decision, (ii) any finding of nonconformity with the local comprehensive plan, and (iii) the date of the last revision to the comprehensive plan.

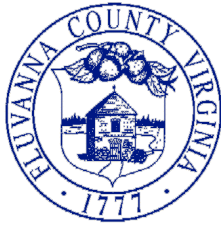
Sec. 22-28-22. Private agreements.

Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (Virginia Code § 55.1-1900 et seq.), the declaration of a common interest community as defined in Virginia Code § 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (Virginia Code § 55.1-2100 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (Virginia Code § 55.1-1800 et seq.).

Sec. 22-28-23. Battery energy storage projects.

- (A) A battery energy storage project shall be deemed as a permitted accessory use in all zoning districts on any parcel of land that is subject to an approved special use permit for a solar facility if the battery energy storage project is located within the boundaries of the parcel covered by the existing special use permit and has a rated storage capacity that does not exceed 100 percent of the nameplate generating capacity of the associated solar facility.
- (B) Such battery energy storage project shall not require a special use permit or any other County land use approval. The addition of the battery energy storage project pursuant to this section shall not alter, reduce, or otherwise affect any (i) payment obligations, financial commitments, or other terms contained in the existing special use permit associated with the siting agreement for the approved solar facility or (ii) state and local tax exemption from which the approved solar facility benefits. Nothing in this subdivision shall be construed to affect or alter the state and local tax provisions under Virginia Code § 58.1-3660.
- (C) A battery energy storage project shall comply with all applicable federal, state, and County safety or fire codes and environmental regulations.
- (D) Any payment obligations, financial commitments, or other terms contained in the special use permit or any associated siting agreement for the approved solar facility shall relate and apply only to the approved solar facility and shall not affect any battery energy storage project added pursuant to this section.
- (E) Nothing in this section shall be construed to (i) limit the authority of the County to enforce compliance with applicable codes or to ensure the safe operation of the battery energy storage project or (ii) preclude a developer or the County from negotiating a siting agreement for a battery energy storage project.

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



COUNTY OF FLUVANNA

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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: Addendum to Fluvanna County Comp Plan

General Information: This public hearing is to be held on Tuesday, July 7, 2026, at 7:00 pm by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra, VA 22963.

Requested Action: Recommend approval of an addendum to the 2015 Fluvanna County Comprehensive Plan-2024 Update. This addendum addresses electric transmission infrastructure.

Background Information:

At its meeting on April 1, 2026, the Board of Supervisors passed a resolution opposing the proposed Valley Link transmission line. Subsequently, staff drafted an addendum to the current Comprehensive Plan to address transmission line. Among other things, the addendum seeks to:

- Establish guidance for the siting of electric transmission infrastructure;
- Minimize impacts to residential areas, agricultural operations, natural resources, and historic and cultural resources;
- Provide a consistent framework for evaluating proposed transmission projects;
- Ensure alignment with the County's broader growth management and land preservation strategies;
- Protect entrance corridors such as Routes 6, 15, 53, and 250; and
- Protect presumed vulnerable populations.

The addendum was presented to the Planning Commission during the Work Session at its April 7, 2026, meeting. Revisions were made based on feedback from the Commission. The revised addendum was presented to Commission at its May 12, 2026, meeting. The Commission authorized staff to advertise the addendum for a public hearing with an additional change.

As the Comprehensive Plan is currently undergoing an update, which is not expected to be finished before the end of the calendar year, this addendum would allow the County to have some protections in the current plan against potential effects from electric transmission lines while the update is being completed.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION RECOMMEND (APPROVAL/ DENIAL) OF THE ADDENDUM TO THE 2015 FLUVANNA COUNTY COMPREHENSIVE PLAN-2024 UPDATE.

FLUVANNA COUNTY COMPREHENSIVE PLAN ADDENDUM

Electric Transmission Infrastructure and Corridor Policy

I. PURPOSE AND INTENT

Fluvanna County recognizes the growing regional demand for electric transmission infrastructure to support economic development, energy reliability, and emerging high-demand uses. At the same time, the County places a high priority on preserving its rural character, protecting agricultural and forestal lands, and minimizing impacts to existing communities, especially vulnerable communities.

The purpose of this policy is to:

- Establish clear guidance for the siting of electric transmission infrastructure;
- Prioritize the use of existing corridors and previously disturbed areas;
- Minimize impacts to residential areas, agricultural operations, and natural resources;
- Minimize impacts to historic, archeological, cultural, and scenic resources;
- Minimize impacts to vulnerable communities;
- Provide a consistent framework for evaluating proposed transmission projects; and
- Ensure alignment with the County's broader growth management and land preservation strategies.

II. POLICY FRAMEWORK

A. Recognition of Regulatory Authority

The County acknowledges that the approval and siting of electric transmission facilities is subject to review and approval by the Virginia State Corporation Commission (SCC), and may also involve oversight by the Federal Energy Regulatory Commission (FERC).

This policy is intended to guide local land use decisions, provide input during state and federal review processes, and ensure that local impacts are fully considered.

III. PRIMARY SITING PRINCIPLE: USE OF EXISTING CORRIDORS

A. Corridor-First Policy

Electric transmission infrastructure shall prioritize the use of existing transmission corridors, utility easements, and public rights-of-way to the maximum extent practicable.

B. Definition of Preferred Corridors

Preferred corridors may include, but are not limited to:

- Existing electric transmission line corridors;
- Utility easements for electric, gas, water, or telecommunications infrastructure;
- Public rights-of-way, including those owned or maintained by:
 - The Virginia Department of Transportation (VDOT);
 - Other state agencies; and

- Public utility providers;
- But excluding entrance corridors, scenic byways and scenic corridors.
- Previously disturbed or developed linear infrastructure corridors.

C. Co-Location and Consolidation

The County strongly supports:

- Co-location of new transmission infrastructure within or adjacent to existing corridors;
- Consolidation of infrastructure to reduce the proliferation of new corridors; and
- Expansion or upgrade of existing corridors where feasible, rather than creation of new alignments.

IV. AVOIDANCE AND MINIMIZATION OF IMPACTS

A. Residential Areas

Transmission projects should:

- Avoid routing through established residential areas where practicable;
- Avoid routing through vulnerable communities where practicable;
- Maximize distance from homes and community facilities; and
- Minimize visual and noise impacts.

B. Agricultural and Forestal Lands

Transmission projects should:

- Avoid bisecting large agricultural parcels;
- Minimize fragmentation of working farms;
- Maintain access for agricultural operations;
- Be aligned along parcel boundaries or existing infrastructure where possible; and
- Avoid properties that are in a conservation easement.

C. Rural Character and Scenic Resources

Transmission projects should:

- Minimize visibility from scenic rural roadways;
- Avoid ridgelines and prominent visual features where practicable; and
- Maintain the visual integrity of rural landscapes.

D. Environmental Resources

Transmission projects should:

- Avoid sensitive environmental areas where practicable;
- Minimize tree clearing and land disturbance;
- Minimize groundwater and surface water contamination from any herbicides used; and
- Restore disturbed areas to pre-construction or improved conditions.

E. Historic and Cultural Resources

Transmission projects should:

- Avoid historic and cultural resources;
- Minimize visibility of the project from historic and cultural resources;
- Avoid preservation easements for properties containing historic and cultural resources; and
- Avoid cemeteries.

V. EVALUATION OF ALTERNATIVES

Applicants proposing transmission infrastructure are encouraged to:

- Evaluate multiple routing alternatives;
- Demonstrate how the selected route minimizes impacts consistent with this policy; and
- Provide clear justification when new corridors are proposed instead of using existing corridors.

VI. INFRASTRUCTURE AND COMMUNITY IMPACTS

A. Transportation and Public Infrastructure

Transmission projects should:

- Minimize impacts to public roads and infrastructure;
- Coordinate with VDOT and the County on access, construction, and restoration;
- Utilize existing transportation corridors (other than scenic byways and entrance corridors) where feasible.
- Transmission lines 150kv or more in size shall only be located within existing transmission corridors in accordance with Code of Virginia § 15.2-2223(C)(8).

B. Community Engagement

The County supports:

- Early and ongoing engagement with affected property owners;
- Transparent communication regarding project scope, timing, and impacts; and
- Coordination with local officials and staff throughout project development.

VII. UNDERGROUNDING POLICY

Fluvanna County prioritizes the underground placement of transmission infrastructure rather than overhead lines where it is technically feasible and results in a reduction of impacts to the community and environment.

This policy is intended as guidance and shall not be interpreted as a requirement where such placement is not practicable.

VIII. CONSISTENCY WITH COUNTY GROWTH MANAGEMENT STRATEGY

This policy reinforces the County's broader goals to:

- Direct growth into designated growth areas;
- Preserve rural character outside growth areas;
- Protect agricultural and forestal lands from fragmentation; and
- Ensure infrastructure investments align with long-term land use planning.

Transmission infrastructure should be planned and sited in a manner that supports, and does not undermine, these objectives.

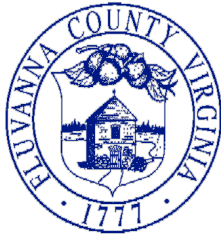
IX. IMPLEMENTATION

The policies contained herein shall be implemented through:

- Zoning ordinance provisions, including Special Use Permit requirements;
- Review of development applications;
- Participation in state and federal regulatory proceedings; and
- Coordination with utility providers and state agencies.

X. POLICY INTERPRETATION

This policy is intended to guide land use decisions and provide a framework for evaluating transmission infrastructure proposals. The Virginia State Corporation Commission (SCC) has the final authority in such matters in accordance with state law.



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

132 Main Street
P.O. Box 540
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www.fluvannacounty.org

PLANNING COMMISSION STAFF REPORT

To: Fluvanna County Planning Commissioners

From: Dan Whitten, County Attorney; and Jason Overstreet, Senior Planner

Case Number: ZTA 26:22

District: Countywide Amendment

General Information: This is a request for a public hearing to be held on Tuesday, August 11, 2026 at 7:00 pm 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 consider ZTA 26:22 – An ordinance to amend the Code of the County of Fluvanna, Virginia by amending §§ 22-7-8 and 22-7-11 and enacting §§ 22-7-13 through 22-7-19 to define and regulate Residential Planned Community district requirements.

Background: This recommended change is being presented pursuant to recent discussions regarding the need to define additional regulations for the R-3 zoning district. These additional regulations will allow provisions for considering variance requests.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION (APPROVE/ DENY / DEFER) THE RESOLUTION TO ADVERTISE A PUBLIC HEARING ON AUGUST 11, 2026 TO CONSIDER ZTA 26:22 –A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING §§ 22-7-8, 22-7-11 AND ENACTING §§ 22-7-13 THROUGH 22-7-19 TO DEFINE AND REGULATE RESIDENTIAL PLANNED COMMUNITY REQUIREMENTS.

Chapter 22 - ZONING

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

Sec. 22-7-8. ~~Permitted residential density~~ Area and residential density regulations.

~~Maximum gross residential density: 2.9 residential units per acre.~~

~~Maximum gross residential density between 3 and 10 residential units per acre may be permitted by special use permit only.~~

(A) The minimum lot area for permitted uses shall be 15,000 square feet.

(B) The maximum permitted gross residential density without a special use permit shall be two and nine-tenths (2.9) dwelling units per acre. A maximum gross residential density between 3 and 10 residential units per acre may be permitted by special use permit only.

Sec. 22-7-11. Building location and design requirements.

(A) The proposed location, arrangement, and design of nonresidential structures shall not be a detriment to the existing adjacent areas, and the prospective development of the Residential Planned Community. Therefore, structures shall be designed in a manner to facilitate the creation of a convenient, attractive and harmonious community.

(B) Open spaces between structures shall be protected where necessary by adequate covenants, conveyances, or dedications running with the land. ~~The lot size, setback lines, lot coverage, width and frontage on the public street will be determined by the approved Master Plan.~~

Sec. 22-7-13. Setback regulations.

Structures shall be located twenty-five feet (25') or more from any street right-of-way. This shall be known as the "setback line."

Sec. 22-7-14. Frontage regulations.

The minimum frontage for permitted uses shall be:

(A) Existing roads: One hundred feet (100')

(B) New, internal public roads: Fifty feet (50')

Sec. 22-7-15. Yard regulations.

(A) Side. The minimum side yard for each accessory building and main structure, including a group of attached dwelling units, shall be ten feet (10') on each side.

(B) Rear. Each main structure shall have a rear yard of twenty-five feet (25') or more.

Sec. 22-7-16. Special provisions for corner lots.

Any lot or parcel fronting on two (2) or more roads shall conform to the frontage, minimum lot width and setback requirements for all such roads.

Sec. 22-7-17. Height regulations.

Buildings and structures may be erected up to thirty-five feet (35') in height, except that:

- (A) The height limit for dwellings may be increased up to forty-five feet (45') provided one foot (1') or more per side yard is added for each additional foot of building height over thirty-five feet (35').**
- (B) A public or semi-public building such as a school, place of worship, or library may be erected to a height of sixty feet (60') from grade provided that required front, side, and rear yards shall each be increased one foot (1') for every foot in height over thirty-five feet (35').**
- (C) Spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials may be erected to a height of sixty feet (60') from grade. Parapet walls may be up to four feet (4') above the height of the building on which the walls rest.**
- (D) No accessory building which is within fifteen feet (15') of any property lot line shall be more than one (1) story high. All accessory buildings and structures, other than those permitted under subsection (C) above, shall be less than the main building or structure in height.**

Sec. 22-7-18. Master plan regulations.

In the event that the regulations contained within a development's Master Plan are less restrictive than the regulations of this Article, the regulations contained within this Article shall supersede those in the Master Plan.

Sec. 22-7-19. Water and sewer regulations.

All uses shall be served by both central or public water and central or public sewerage systems.

A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING § 22-7-8, § 22-7-11 AND §§ 22-7-13 THROUGH 22-7-19 TO AMEND THE REGULATIONS IN THE R-3 ZONING DISTRICT TO ESTABLISH SETBACK, FRONTAGE, AND HEIGHT REGULATIONS AND TO REQUIRE PUBLIC OR CENTRAL WATER AND SEWER SERVICE

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

- (1) That the Code of the County of Fluvanna, Virginia is amended by repealing §§ 22-3-1 through 22-28-9 and §§ 22-28-1 through 22-28-25, amending §§ 22-4-2.2, 22-9-2.2, 22-10-4, 22-11-2.2, 22-12-2.2, and 22-22-1, and enacting §§ 22-28-1 through 22-28-9 as follows:

Chapter 22 - ZONING

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

Sec. 22-7-8. ~~Permitted residential density~~ Area and residential density regulations.

~~Maximum gross residential density: 2.9 residential units per acre.~~

~~Maximum gross residential density between 3 and 10 residential units per acre may be permitted by special use permit only.~~

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- (B) Open spaces between structures shall be protected where necessary by adequate covenants, conveyances, or dedications running with the land. ~~The lot size, setback lines, lot coverage, width and frontage on the public street will be determined by the approved Master Plan.~~

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(B) A public or semi-public building such as a school, place of worship, or library may be erected to a height of sixty feet (60') from grade provided that required front, side, and rear yards shall each be increased one foot (1') for every foot in height over thirty-five feet (35').

(C) Spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials may be erected to a height of sixty feet (60') from grade. Parapet walls may be up to four feet (4') above the height of the building on which the walls rest.

(D) No accessory building which is within fifteen feet (15') of any property lot line shall be more than one (1) story high. All accessory buildings and structures, other than those permitted under subsection (C) above, shall be less than the main building or structure in height.

Sec. 22-7-18. Master plan regulations.

In the event that the regulations contained within a development's Master Plan are less restrictive than the regulations of this Article, the regulations contained within this Article shall supersede those in the Master Plan.

Sec. 22-7-19. Water and sewer regulations.

All uses shall be served by both central or public water and central or public sewerage systems.

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

Chapter 22 - ZONING

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

Sec. 22-7-8. ~~Permitted residential density~~ Area and residential density regulations.

~~Maximum gross residential density: 2.9 residential units per acre.~~

~~Maximum gross residential density between 3 and 10 residential units per acre may be permitted by special use permit only.~~

(A) The minimum lot area for permitted uses shall be 15,000 square feet.

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(B) Open spaces between structures shall be protected where necessary by adequate covenants, conveyances, or dedications running with the land. ~~The lot size, setback lines, lot coverage, width and frontage on the public street will be determined by the approved Master Plan.~~

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- (B) A public or semi-public building such as a school, place of worship, or library may be erected to a height of sixty feet (60') from grade provided that required front, side, and rear yards shall each be increased one foot (1') for every foot in height over thirty-five feet (35').**
- (C) Spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials may be erected to a height of sixty feet (60') from grade. Parapet walls may be up to four feet (4') above the height of the building on which the walls rest.**
- (D) No accessory building which is within fifteen feet (15') of any property lot line shall be more than one (1) story high. All accessory buildings and structures, other than those permitted under subsection (C) above, shall be less than the main building or structure in height.**

Sec. 22-7-18. Master plan regulations.

In the event that the regulations contained within a development's Master Plan are less restrictive than the regulations of this Article, the regulations contained within this Article shall supersede those in the Master Plan.

Sec. 22-7-19. Water and sewer regulations.

All uses shall be served by both central or public water and central or public sewerage systems.



PLANNING COMMISSION
County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 2026-__

A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING § 22-7-8, § 22-7-11 AND §§ 22-7-13 THROUGH 22-7-19 TO AMEND THE REGULATIONS IN THE R-3 ZONING DISTRICT TO ESTABLISH SETBACK, FRONTAGE, AND HEIGHT REGULATIONS AND TO REQUIRE PUBLIC OR CENTRAL WATER AND SEWER SERVICE

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 section 15.2-2285 of the Code of Virginia; and

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

WHEREAS, the Planning Commission desires to propose an amendment to the Zoning Code by amending § 22-7-8, § 22-7-11 and §§ 22-7-13 through 22-7-19 to amend the regulations in the R-3 Zoning District to establish setback, frontage, and height regulations and to require public or central water and sewer service.; and

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

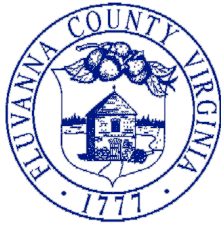
NOW, THEREFORE, BE IT RESOLVED, the Planning Commission proposes an amendment to the Zoning Code by amending § 22-7-8, § 22-7-11 and §§ 22-7-13 through 22-7-19 to amend the regulations in the R-3 Zoning District to establish setback, frontage, and height regulations and to require public or central water and sewer service.

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 July, 2026:

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Barry Bibb, Cunningham District						
Ryant Washington, Columbia District						
Kathleen Kilpatrick, Fork Union District						
Howard Lagomarsino, Palmyra District						
Robert Dorsey, Rivanna District						

Attest:

Barry Bibb, Chair
Fluvanna County Planning Commission



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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 26:23

District: Countywide Amendment

General Information: This is a request for a public hearing to be held on Tuesday, August 11, 2026 at 7:00 pm 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 consider ZTA 26:23 – An ordinance to amend the Code of the County of Fluvanna, Virginia by amending §§ 22-4-2.2, 22-11-2.2, 22-12-2.2, and 22-22-1 and enacting §§ 22-29-1 through 22-29-23 to define and regulate electronic transmission facilities.

Background Information: This recommended change is being presented pursuant to recent discussions and developments regarding the proposed Valley Link Joshua Falls-Yeat transmission line. The proposed changes would: 1) Add a definition for Electric Transmission Facility and amend the definition Utility, Major; 2) Require a SUP for Electric Transmission Facilities; and 3) establish regulations for Electric Transmission Facilities.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION (APPROVE/ DENY / DEFER) THE RESOLUTION TO ADVERTISE A PUBLIC HEARING ON AUGUST 11, 2026 TO CONSIDER ZTA 26:23 – AN ORDINANCE A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING §§ 22-4-2.2, 22-11-2.2, 22-12-2.2, AND 22-22-1 AND ENACTING §§ 22-29-1 THROUGH 22-29-23 TO DEFINE AND REGULATE ELECTRONIC TRANSMISSION FACILITIES.

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 22-4-2.2, 22-11-2.2, 22-12-2.2, AND 22-22-1 AND ENACTING §§ 22-29-1 THROUGH 22-29-23 TO DEFINE AND REGULATE ELECTRONIC TRANSMISSION FACILITIES

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

- (1) *That the Code of the County of Fluvanna, Virginia is amended by amending §§ 22-4-2.2, 22-11-2.2, 22-12-2.2, and 22-22-1 and enacting §§ 22-29-1 through 22-29-23:*

CHAPTER 22 – ZONING

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

Sec. 22-4-2.2. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Agricultural Uses

- Agricultural enterprise
- Agricultural sales, wholesale
- Livestock feed lots, commercial
- Livestock sales yards, commercial

Civic Uses

- Amusements, public
- Correctional facilities
- Cultural services
- Educational facilities
- Public assembly
- Public recreation assembly
- Religious assembly
- Sheltered care facilities

Commercial Uses

- Adult retirement communities
- Amusements, commercial
- Assisted living facilities
- Automobile repair service establishments
- Bed and breakfasts
- Boarding houses

Butcher shops
Campgrounds
Camps
Car washes
Cemeteries, commercial
Child day centers
Communications service
Dance halls
Daycare centers
Event facilities
Flea markets
Funeral homes
Garden center
Gas stations
Greenhouses, commercial
Hotels
Kennels, commercial
Landscaping materials supply
Lodges
Machinery sales and service
Medical clinics
Microbreweries
Outdoor entertainment
Outdoor recreation facilities
Restaurants, small
Retail stores, neighborhood convenience
Retail stores, specialty
Shooting ranges, indoor
Shooting ranges, outdoor
Small home industries
Studios, fine arts
Taxidermists
Veterinary offices

Industrial Uses

Railroad facilities
Resource extraction
Solid waste collection facilities

Miscellaneous Uses

Aviation facilities
Electric transmission facilities
Outdoor gatherings
Solar photovoltaic projects
Telecommunication facilities
Utilities, major

Residential Uses

Dormitories

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

Sec. 22-11-2.2. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Commercial Uses

Amusements, commercial
Auction houses
Manufactured home sales
Outdoor entertainment
Outdoor recreation facilities
Restaurants, fast food
Shooting ranges, outdoor

Industrial Uses

Data centers
Manufacturing, medium
Sanitary landfills
Sawmills, permanent
Solid waste material recovery facilities
Truck terminals

Miscellaneous Uses

Aviation facilities

Electric transmission facilities

Outdoor gatherings

Solar photovoltaic projects

Telecommunication facilities

Utilities, major

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

Sec. 22-12-2.2. Uses permitted by special use permit.

The following uses shall be permitted by special use permit only:

Commercial Uses

Manufactured home sales

Medical clinics

Offices

Shooting ranges, indoor

Shooting ranges, outdoor

Industrial Uses

Data centers

Manufacturing, heavy

Petroleum distribution facilities

Resource extraction

Salvage and scrap yards

Sanitary landfills

Slaughterhouses

Solid waste material recovery facilities

Miscellaneous Uses

Aviation facilities

Electric transmission facilities

Solar photovoltaic projects

Telecommunication facilities

ARTICLE 22. DEFINITIONS

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

Electric transmission facility: A facility, equipment, or structure that supports electric transmission lines, including, but not limited to, electrical substations, switching stations, and related infrastructure.

Utility, major: Facilities for the distribution, collection, treatment, production, transmission and generation of public, private and central utilities including, but not limited to, transmission lines, production plants, ~~electrical substations,~~ pumping stations, treatment facilities, information and communication facilities.

ARTICLE 29. REGULATION OF ELECTRIC TRANSMISSION FACILITIES

Sec. 22-29-1. Statement of intent.

The purpose of this Article is to protect the public health, safety, and welfare by regulating the placement, conditions, and impact of electric transmission facilities. The intent of this Article is to:

- (A) Provide for the orderly and compatible siting of electric transmission facilities;**
- (B) Minimize adverse impacts on residential areas, agricultural lands, sites of historical and cultural significance, and the County's rural character;**
- (C) Protect public infrastructure;**
- (D) Establish reasonable conditions regulating the construction and operation of electric transmission facilities; and**
- (E) Ensure compliance with federal and state regulations.**

Sec. 22-29-2. Applicability.

- (A) Subject to the limitation in subsection (C), this Article shall apply to:**
 - (1) New electric transmission facilities; and**
 - (2) Expansions or modifications of existing electric transmission facilities that materially increase the facility's capacity or footprint**
- (B) Electric transmission facilities existing or permitted prior to the adoption of this article shall be subject to the provisions of Article 16, Nonconforming Uses, of this Chapter.**
- (C) This Article shall apply to all electric transmission facilities, except where explicitly preempted under Virginia Code § 56-265.2(A)(2).**

Sec. 22-29-3. General requirements and considerations.

- (A) In considering an application for this use, the Board shall:**
 - (1) Take into account the maximum height, size, and location of the electric transmission facility in relation to interconnecting electric transmission lines, and shall include measures designed to screen or otherwise minimize the visibility of proposed facilities;**

- (2) Take into account the protection of wetlands, floodplains, rivers, steep slopes, and agricultural lands. The views of and vistas from these locations and adjoining properties shall be protected and not be impaired or diminished by the placement of the electric transmission facility;
 - (3) Take into account the impact of the electric transmission facility on residential areas, agricultural lands, scenic byways, historical and cultural sites, and the County's rural character; and
 - (4) Analyze the potential visual and auditory impacts from multiple vantage points in the area of the proposed electric transmission facility, including those at higher elevations, to determine whether the proposed site is compatible with the County's rural character.
- (B) All applications for this use shall demonstrate that the proposed electric transmission facility:
- (1) Is consistent with the comprehensive plan;
 - (2) Minimizes impacts to adjacent properties and surrounding communities;
 - (3) Is designed and located to minimize visual, environmental, and land use impacts to the surrounding area; and
 - (4) Is compatible with existing and planned uses in the surrounding area.
- (C) In addition to the requirements of Article 23, Site Development Plans, the following documents and information shall be provided by an applicant for an electric transmission facility:
- (1) A narrative identifying the applicant, owner, and operator, and describing the proposed project, including an overview of the project and its location, the approximate rated capacity, a description of all ancillary facilities, and a visual rendering of equipment and ancillary facilities;
 - (2) Project site development and landscape plans demonstrating that the project minimizes the impacts on adjoining lands and viewsheds;
 - (3) Potential hazards to adjacent properties, public roadways, and the applicant's plans to protect the County and its citizens from the impact of those hazards;
 - (4) Identification of the party responsible for the long-term maintenance of the facility;
 - (5) A completed independent sound study developed by a third party and paid for by the applicant that demonstrates the sound impact of the proposed electric transmission facility on adjacent properties; and
 - (6) A site plan including the following information and details, in addition to the requirements of Article 23, Site Development Plans:
 - (a) The location and types of off-site electric utility infrastructure upgrades needed to support the electric transmission facility, including the location and routing of any off-site cabling required from the point of interconnection with existing electrical utility cabling and the locations and routing of existing electrical utility cabling that must be upgraded to support the electric transmission facility;

- (b) The location of fencing and other methods of ensuring public health and safety;
- (c) A visual depiction of required screening and buffering in scaled plan and elevation perspectives; and
- (d) Representative diagrams, ariel photo superposition maps, ground photographs, visual simulations, and other similar renderings showing the current and proposed conditions from adjacent properties.

Sec. 22-29-4. Siting.

- (A) The applicant shall evaluate and document alternative siting options, including:
 - (1) The use of existing transmission corridors;
 - (2) Co-location within existing utility easements; and
 - (3) Alignment along transportation corridors, where feasible.
- (B) In support of the selected siting, the applicant shall demonstrate:
 - (1) Minimization of impacts to residential areas;
 - (2) Avoidance of unnecessary fragmentation of agricultural and forestal lands; and
 - (3) Minimization of impacts on scenic, historic, and cultural resources.

Sec. 22-29-5. Standards and regulations for electric transmission facilities.

An electric transmission facility shall comply with all standards and regulations enumerated within this Article, as well as all requirements for the zone in which the property is located. If any such standards or regulations overlap, the most restrictive standard or regulation shall apply.

Sec. 22-29-6. Minimum setbacks for electric transmission facilities.

The electric transmission facility area, which includes any buildings, structures, equipment, parking, and disturbed areas shall have the following minimum setbacks from the nearest edge of any such buildings, structures, equipment, parking, and disturbed areas:

- (A) 200 feet from the nearest point on the outer wall of existing occupied community buildings and dwellings on nonparticipating properties;
- (B) 100 feet from the outside edge of the roadbed of any road abutting the property;
- (C) 100 feet from the edge, of tidal wetlands or nontidal wetlands, as defined in 9VAC25-830, or from the top of bank of perennial streams, as defined in Virginia Code § 62.1-44.122; and
- (D) Seventy-five (75) feet measured from the nearest shared property line for nonparticipating properties.

Sec. 22-29-7. Landscaping and buffers.

An electric transmission facility shall meet the requirements of Article 24, Landscaping and Tree Protection, of this Chapter.

Sec. 22-29-8. Height.

The Board shall impose height restrictions on a case-by-case basis as a part of the special use permit conditions, taking into consideration the location and specific voltage level of the electric transmission facility.

Sec. 22-29-9. Visual Design.

Electric transmission facilities shall adhere to the following visual design standards:

- (A) Structures shall utilize non-reflective materials;**
- (B) Structure color and finish shall be selected to minimize visual contrast with the surrounding environment; and**
- (C) Project segments shall maintain consistency in structure type and design where feasible.**

Sec. 22-29-10. Sound.

In addition to the sound requirements of Chapter 15.2, Noise Control, the Board shall impose sound restrictions on a case-by-case basis as a part of the special use permit conditions for the electric transmission facility, taking into consideration the use and location, including proximity to nearby residential property.

Sec. 22-29-11. Lighting.

An electric transmission facility shall meet the requirements of Article 25, Outdoor Light Control, of this Chapter.

Sec. 22-29-12. Signage.

No signage shall be allowed on the fencing, structures, or buildings in the project area for an electric transmission facility. One (1) sign shall be allowed at each of the emergency access points which shall list the required warnings, the name of the electric transmission facility, address, and relevant emergency contact information. Any signage required by state or federal law or regulation shall be exempt from this requirement.

Sec. 22-29-13. Fencing.

The electric transmission facility project area must be enclosed by security fencing on the interior of the buffer area at a height of at least eight (8) feet.

Sec. 22-29-14. Erosion and sediment control.

An electric transmission facility shall meet the requirements of Chapter 6, Erosion and Sedimentation Control.

Sec. 22-29-15. Emergency management.

- (A) Prior to completion of construction, the owner, or operator of the facility shall provide the Planning Director with an emergency management plan for the facility.**
- (B) County emergency personnel must be provided a knox box or code to access the property in case of an on-site emergency.**

Sec. 22-29-16. Environmental and agricultural protection.

- (A) The applicant shall demonstrate efforts to:**
 - (1) Avoid farmland and active agricultural operations;**
 - (2) Minimize soil disturbance and compaction; and**
 - (3) Restore disturbed land to its pre-construction condition or better.**
- (B) The applicant shall comply with all applicable local, state, and federal environmental regulations and permits.**

Sec. 22-29-17. Construction management plan.

The applicant shall submit to the County a detailed Construction Management Plan that includes:

- (A) Construction schedule and phasing;**
- (B) Hours of operation;**
- (C) Traffic management and haul routes including measures for repairing any public roads that are damaged by construction vehicles and equipment during construction;**
- (D) Staging areas and material storage locations;**
- (E) Dust, noise, and lighting control measures; and**
- (F) Worker parking and access provisions.**

Sec. 22-29-18. Roads and infrastructure.

- (A) Electric transmission facilities may only be located on Virginia Department of Transportation-maintained public roads that have a minimum paved width of twenty (20) feet along the entire length of travel to the nearest primary road.**
- (B) The applicant shall conduct a pre-construction survey for public roads and driveways impacted by facility construction.**
- (C) The applicant shall repair or replace any damaged roads or infrastructure to restore it to the condition it was in before construction or better.**
- (D) The Board may require evidence of a Virginia Department of Transportation Bond or other financial assurance in the form of a road and/or infrastructure bond on a case-by-case basis as a part of the special use permit conditions to guarantee repairs to County roads and infrastructure.**

Sec. 22-29-19. Property owner coordination.

- (A) The applicant shall provide an advance notice to adjacent property owners regarding construction timing, access requirements, and potential disruptions prior to the commencement of construction.**
- (B) The applicant shall designate a local point of contact for the resolution of complaints made by adjacent property owners.**

Sec. 22-29-20. Cessation of operation.

- (A) **Within six (6) months of the cessation of operation of the electric transmission facility for its designed purpose, all facilities, equipment, and structures shall be removed from the property and the land shall be restored to its prior condition or better.**
- (B) **The Board may, on a case-by-case basis as a part of the special use permit conditions, require a decommissioning plan and/or decommissioning bond or other financial assurance to ensure restoration of the property.**

Sec. 22-29-21. Special use permit conditions.

Nothing in this Section shall be construed to restrict the ability of the Board to require additional or more stringent conditions as a part of the special use permit.

Sec. 22-29-22. Waivers and modification.

The Board may modify or waive specific requirements of this Section where the applicant demonstrates that:

- (A) **Compliance is not feasible due to engineering, safety, or regulatory constraints; and/or**
- (B) **Such modification is necessary to comply with requirements imposed by the Virginia State Corporation Commission or other state or federal governing body.**

Sec. 22-29-23. Compliance with other regulations.

Nothing in this Section shall be construed to conflict with or supersede the authority of the Virginia State Corporation Commission, the Federal Energy Regulatory Commission, or any applicable state or federal law.

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



PLANNING COMMISSION
County of Fluvanna
Palmyra, Virginia

RESOLUTION No. 2026-__

A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING §§ 22-4-2.2, 22-11-2.2, 22-12-2.2, AND 22-22-1 AND ENACTING §§ 22-29-1 THROUGH 22-29-23 TO DEFINE AND REGULATE ELECTRONIC TRANSMISSION FACILITIES

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 section 15.2-2285 of the Code of Virginia; and

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

WHEREAS, the Planning Commission desires to propose an amendment to the Zoning Code by amending §§ 22-4-2.2, 22-11-2.2, 22-12-2.2, and 22-22-1 and enacting §§ 22-29-1 through 22-29-23 to define and regulate electronic transmission facilities; and

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

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission proposes an amendment to the Zoning Code by amending §§ 22-4-2.2, 22-11-2.2, 22-12-2.2, and 22-22-1 and enacting §§ 22-29-1 through 22-29-23 to define and regulate electronic transmission facilities.

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 July, 2026:

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Barry Bibb, Cunningham District						
Ryant Washington, Columbia District						
Kathleen Kilpatrick, Fork Union District						
Howard Lagomarsino, Palmyra District						
Robert Dorsey, Rivanna District						

Attest:

Barry Bibb, Chair
Fluvanna County Planning Commission