



**FLUVANNA COUNTY BOARD OF SUPERVISORS**

**SPECIAL MEETING AGENDA**

Circuit Courtroom, Fluvanna Courts Building

July 9, 2019

Joint BOS/PC Public Hearing at 7:00 pm

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**TAB AGENDA ITEMS**

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**1 - CALL TO ORDER**

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**3 – ADOPTION OF AGENDA**

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**6 – PUBLIC HEARING**

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A ZTA 19:01 Industrial District Setbacks – Brad Robinson, Senior Planner

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**14 – ADJOURN**

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Digitally signed by Eric Dahl  
Date: 2019.07.03 13:13:38 -04'00'

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County Administrator Review

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

*For the Hearing-Impaired – Listening device available in the Board of Supervisors 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.

## GENERAL RULES OF 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 Board wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Board to discuss the matter.
3. No member or citizen shall be allowed to use defamatory or abusive language directed at any member of the Board or other person, to create excessive noise, or in any way incite persons to use such tactics. The Chair shall be the judge of such breaches, however, the Board may by majority vote of the Board members present and voting to overrule the judgment of the Chair.
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.

## RULES OF PROCEDURE FOR PUBLIC HEARINGS

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 Board.
  - Each speaker should clearly state his/her name and address.
  - All comments should be directed to the Board.
  - All questions should be directed to the Chairman. Members of the Board 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 Board 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.

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

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
AGENDA ITEM STAFF REPORT**

**TAB A**

<b>MEETING DATE:</b>	July 9, 2019 (Special Meeting)				
<b>AGENDA TITLE:</b>	ZTA 19:01 Industrial District Setbacks				
<b>MOTION(s):</b>	I move that the Board of Supervisors [approve/deny/defer] ZTA 19:01, an ordinance to amend Chapter 22 of the Fluvanna County Code by the addition of a new Subsection 22-11-5 and 22-12-5 to reduce the minimum building setbacks for properties in industrial subdivisions.				
<b>STRATEGIC INITIATIVE?</b>	Yes	No	<b>If yes, list initiative(s):</b>		
		X			
<b>AGENDA CATEGORY:</b>	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
	X				
<b>STAFF CONTACT(S):</b>	Brad Robinson, Senior Planner				
<b>PRESENTER(S):</b>	Brad Robinson, Senior Planner				
<b>RECOMMENDATION:</b>	The Planning Commission will make a recommendation to the Board of Supervisors at the joint public hearing on July 9, 2019.				
<b>TIMING:</b>	Immediate decision requested				
<b>DISCUSSION:</b>	Amend the Fluvanna County Zoning Ordinance to reduce minimum building setback requirements for properties in industrial subdivisions.				
<b>FISCAL IMPACT:</b>					
<b>POLICY IMPACT:</b>					
<b>LEGISLATIVE HISTORY:</b>	Board of Supervisors initiated the proposed amendment on June 5, 2019.				
<b>ENCLOSURES:</b>	Staff Report (with accompanying attachments)				
<b>REVIEWS COMPLETED:</b>	Legal	Finance	Purchasing	HR	Other
					X



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# COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

BOS2019-07-09 4/11

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## STAFF REPORT

**To:** Fluvanna County Planning Commission &  
Board of Supervisors

**From:** Brad Robinson

**Case Number:** ZTA 19:01

**Date:** July 9, 2019

*General Information:* This request is to be heard by the Fluvanna County Planning Commission and Fluvanna County Board of Supervisors on Tuesday, July 9, 2019 at 7:00 pm in the Circuit Courtroom in the Fluvanna County Courts Building.

*Applicant/Representative:* Fluvanna County

*Requested Action:* Amend the Fluvanna County Zoning Ordinance

- *An Ordinance To Amend Chapter 22 Of The Fluvanna County Code By The Addition Of A New Subsection 22-11-5 And 22-12-5 To Reduce The Minimum Building Setbacks For Properties In Industrial Subdivisions.*

### **Background**

#### **Project Timeline:**

A recent variance case (BZA 19:04) heard by the Board of Zoning Appeals (BZA) initiated discussion about a need for the county to evaluate the front setback requirements for properties within industrial subdivisions. One unique aspect of this particular variance case was the property's location at the intersection of two streets which requires a front setback from both street frontages.

In an effort to expedite a process of amending the zoning ordinance, the county attorney drafted a resolution initiating a zoning text amendment which the Board of Supervisors approved by a vote of 5-0 at their meeting on June 5, 2019. The Board of Supervisors also agreed by majority to call a special meeting and have a joint public hearing with the Planning Commission on July 9, 2019 to consider the zoning text amendment.

Based on a pending text amendment and issues with the variance case not meeting all standards for a variance (Sec. 22-18-2-B), the case was denied by the Board of Zoning Appeals by a vote of 3-0 at their meeting on June 18, 2019.

(Attachment A)

**Analysis**

Currently, properties within the I-1 (Industrial, Limited) and I-2 (Industrial General) zoning districts must meet the following setback requirements from a street right-of-way, in accordance with Sections 22-11-5 and 22-12-5 of the zoning ordinance, as follows:

Zoning	Building Setback	Parking Setback
I-1	100' from any street right-of-way (50' if said street is an access road within a subdivision for business or industrial uses and serves properties that contain industrial zoning district classifications only)	50' from any street right-of-way (25' if said street is an access road within a subdivision for business or industrial uses and serves properties that contain industrial zoning district classifications only)
I-2	200' from any street right-of-way	None specified

While the I-1 District does currently allow for some reduction of setbacks subject to their location within a business or industrial subdivision, the I-2 District requires a two-hundred foot (200') setback for all properties regardless of their location.

The draft ordinance proposes to completely remove the requirement of a minimum setback for properties within business or industrial subdivisions. Both the I-1 and I-2 districts would be similar in that buildings and accessory uses would only be required to be located in a manner that they provide safe and efficient access to, from and within the property.

Properties not located within a business or industrial subdivision would have to continue to comply with a 100' front setback requirement in the I-1 District or a 200' front setback requirement in the I-2 District.

The enclosed ordinance contains the full text of the proposed changes.

(Attachment B)

**Comprehensive Plan**

The proposed amendment to the zoning ordinance as outlined above will help the County achieve several goals as set forth in the 2015 Comprehensive Plan:

**Chapter 2 – Land Use and Community Design**

- A To enable well-planned, coordinated, and sustainable development to occur throughout the county.**

- (1) Develop new zoning and subdivision regulations that will further the desired growth patterns and property uses, and to protect the rural preservation area, including such measures as:
  - (e) Adopt zoning and subdivision regulations that allow for higher-density, compact developments in the Zion Crossroads CPA.

## **Conclusion**

The proposed amendment to the Fluvanna County Zoning Ordinance will:

- Remove the requirement of a minimum building setback from a street right-of-way within industrial subdivisions;
- Allow flexibility with site design and building orientation on a site-specific basis;
- Encourage economic development in the County.

The Planning Commission and/or Board of Supervisors may also want to discuss reducing the current setback requirements as an alternative to no setback requirement from a street right-of-way. Staff research of the front setback requirement of industrial zoning districts in various localities is attached for this purpose.

(Attachment C)

## **Suggested Motion**

I move that the Planning Commission recommend [approval/denial/deferral] of ZTA 19:01, an ordinance to amend Chapter 22 of the Fluvanna County Code by the addition of a new Subsection 22-11-5 and 22-12-5 to reduce the minimum building setbacks for properties in industrial subdivisions.

I move that the Board of Supervisors [approve/deny/defer] ZTA 19:01, an ordinance to amend Chapter 22 of the Fluvanna County Code by the addition of a new Subsection 22-11-5 and 22-12-5 to reduce the minimum building setbacks for properties in industrial subdivisions.

## **Attachments**

A: Resolution No. 07-2019

B: Proposed Ordinance

C: Staff Research



**BOARD OF SUPERVISORS**

County of Fluvanna  
Palmyra, Virginia

**RESOLUTION No. 07-2019**

Be it resolved by the Fluvanna County Board of Supervisors, pursuant to Fluvanna County Code Sec. 22-20-1(c), that the Board intends to propose the following amendment to the Fluvanna County Code:

**ORDINANCE**

**AN ORDINANCE TO AMEND CHAPTER 22 OF THE FLUVANNA COUNTY CODE BY THE ADDITION OF A NEW SUBSECTION 22-11-5 AND 22-12-5 TO REDUCE THE MINIMUM BUILDING SETBACKS FOR PROPERTIES IN INDUSTRIAL SUBDIVISIONS**

BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS, pursuant to Virginia Code Sections 15.2-2285, that the Fluvanna County Code be, and it is hereby, amended, by the amendment of Sections 22-11-5 and 22-12-5, as follows:

Sec. 22-11-5. Setback regulations.

Buildings and accessory uses shall be located not less than one hundred feet (100') from any street right-of-way and all parking lots shall be located not less than fifty feet (50') from any street right of way except that:

- (A) Buildings and accessory uses may be located less than one hundred feet (100'), but not less than fifty feet (50'), from a street right-of-way, provided that said street:
  - (i) is an access road within a subdivision for business or industrial uses and serves properties that contain industrial zoning district classifications only;
  - (ii) is a cul-de-sac or an interior road; and
- (B) All parking lots shall be located not less than twenty-five feet (25') from any street right of way.

The foregoing notwithstanding, the location of buildings and accessory uses shall at all times be located so as to provide safe and efficient access to, from and within the property, including sight distance, and turning, stacking and other traffic circulation features and facilities.

This shall be known as the "building setback line."

Sec. 22-12-5. Setback regulations.

Buildings shall be located not less than two hundred feet (200') from any street right-of-way, except that:

- (A) Buildings and accessory uses may be located less than two hundred feet (200'), from a street right-of-way, provided that said street:
  - (i) is an access road within a subdivision for business or industrial uses and serves properties that contain industrial zoning district classifications only;
  - (ii) is a cul-de-sac or an interior road; and
- (B) All parking lots shall be located not less than twenty-five feet (25') from any street right of way.

The foregoing notwithstanding, the location of buildings and accessory uses shall at all times be located so as to provide safe and efficient access to, from and within the property, including sight distance, and turning, stacking and other traffic circulation features and facilities.

This shall be known as the "setback line."

And be it further resolved that the public purpose for the proposed amendments is to encourage economic development and orderly growth within industrial subdivisions by providing for more efficient use of industrially zoned properties.

And be it further resolved that the proposed amendment be, and it is hereby, referred to the Planning Commission.

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Fluvanna County Board of Supervisors at the annual Organizational Meeting of the Board held on the 5<sup>th</sup> day of June, 2019;

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Mozell H. Booker, Fork Union District	X					X
Patricia B. Eager, Palmyra District	X				X	
Anthony P. O'Brien, Rivanna District	X					
John M. Sheridan, Columbia District	X					
Donald W. Weaver, Cunningham District	X					

Attest:

  
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 John M. Sheridan, Chair  
 Fluvanna County Board of Supervisors



**AN ORDINANCE TO AMEND CHAPTER 22, ARTICLE 11 AND ARTICLE 12 OF THE FLUVANNA COUNTY CODE BY CERTAIN AMENDMENTS TO SECTIONS AND SUBSECTIONS 22-11-5 AND 22-12-5, THEREOF, CONCERNING SETBACKS PERMITTED IN INDUSTRIAL, LIMITED, AND INDUSTRIAL, GENERAL**

BE IT ORDAINED BY THE FLUVANNA BOARD OF SUPERVISORS that the County Code be, and it is hereby, amended, in Chapter 22 by changes to subsection 22-11-5 AND 22-12-5:

**Article 11. Industrial, Limited, District I-1.**

Sec. 22-11-5. Setback regulations.

Buildings and accessory uses shall be located not less than one hundred feet (100') from any street right-of-way and all parking lots shall be located not less than fifty feet (50') from any street right of way except that:

(A) Buildings and accessory uses may be located less than one hundred feet (100'), ~~but not less than fifty feet (50')~~, from a street right-of-way, provided that said street:

(i) is an access road within a subdivision for business or industrial uses and serves properties that contain industrial zoning district classifications only;

(ii) is a cul-de-sac or an interior road; and

(B) All parking lots shall be located not less than twenty-five feet (25') from any street right of way.

The foregoing notwithstanding, the location of buildings and accessory uses shall at all times be located so as to provide safe and efficient access to, from and within the property, including sight distance, and turning, stacking and other traffic circulation features and facilities.

This shall be known as the "building setback line."

**Article 12. Industrial, General, District I-2.**

Sec. 22-12-5. Setback regulations.

Buildings shall be located not less than two hundred feet (200') from any street right-of-way. except that:

(A) Buildings and accessory uses may be located less than two hundred feet (200'), from a street right-of-way, provided that said street:

(i) is an access road within a subdivision for business or industrial uses and serves properties that contain industrial zoning district classifications only;

(ii) is a cul-de-sac or an interior road; and

(B) All parking lots shall be located not less than twenty-five feet (25') from any street right of way.

The foregoing notwithstanding, the location of buildings and accessory uses shall at all times be located so as to provide safe and efficient access to, from and within the property, including sight distance, and turning, stacking and other traffic circulation features and facilities.

This shall be known as the "setback line."

Locality	Light Industrial	Heavy Industrial
Fluvanna County	I-1 District – 100 ft from any street right-of-way (50 ft if said street is an access road within a subdivision for business or industrial uses and serves properties that contain industrial zoning district classifications only)	I-2 District – 200 ft from any street right-of-way
Albemarle County	LI & HI Districts – 10 feet from the right-of-way or the exterior edge of the sidewalk if the sidewalk is outside of the right-of-way; for off-street parking or loading spaces 10 feet from any public street right-of-way	
Dinwiddie County	M-1 & M-2 Districts – Ten feet or more from any street right-of-way which is 50 feet or greater in width, or 35 feet or more from the center line of any street right-of-way less than 50 feet in width	
Goochland County	M-1 District – One hundred (100) feet from the right-of-way for primary roads including Routes 6, 250, 45 and 522. Seventy-five (75) feet from the right-of-way for all collector roads and twenty (20) feet from the right-of-way of local roads.	M-2 District – One hundred (100) feet from the right-of-way for primary roads including Routes 6, 250, 45 and 522. Seventy-five (75) feet from the right-of-way for all collector roads and twenty (20) feet from the right-of-way of local roads.
Henrico County	M-1 & M-2 Districts – 25 feet	M-3 District – 25 feet
Louisa County	Commercial or Industrial Subdivision streets: 40 feet from the edge of the right-of-way line. All roads shall be deemed to have a right-of-way width of at least 50 feet and setbacks should be measured accordingly from the edge of the right-of-way.	
Orange County	I-1 District – For setbacks from primary highways, see section 70-646 et seq. The setback from any secondary road or subdivision street shall be 50 feet from the right-of-way.	I-2 District – For setbacks from primary highways, see section 70-646 et seq. The setback from any secondary road or subdivision street shall be 35 feet from the right-of-way.
Roanoke County	I-1 District - 30 feet, or 20 feet when all parking is located behind the front building line.	I-2 District - 30 feet, or 20 feet when all parking is located behind the front building line.