



**FLUVANNA COUNTY PLANNING COMMISSION**  
**WORK SESSION AND REGULAR MEETING AGENDA**  
**November 12, 2024**  
**5:30 PM Work Session | 7:00 PM Regular Meeting**  
**Morris Room, County Administration Building**

TAB	AGENDA ITEMS
<b>WORK SESSION</b>	
<b>A</b>	<b>CALL TO ORDER, PLEDGE OF ALLEGIANCE</b>
<b>B</b>	<b>WORK SESSION</b>
	Capital Improvements Plan – Victoria Melton, Director of Finance
<b>REGULAR MEETING</b>	
<b>1</b>	<b>CALL TO ORDER, PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE</b>
<b>2</b>	<b>ADOPTION OF AGENDA</b>
<b>3</b>	<b>DIRECTOR'S REPORT</b>
<b>4</b>	<b>PUBLIC COMMENTS #1</b> (5 minutes each)
<b>5</b>	<b>MINUTES</b>
	Minutes of October 8, 2024
<b>6</b>	<b>SUBDIVISIONS:</b>
	SUB 24:29 Rivanna Bend request for sidewalk waver
<b>7</b>	<b>SITE DEVELOPMENT PLAN</b>
	SDP 23:02 West River Self Storage
<b>8</b>	<b>RESOLUTIONS:</b>
	Advertise for Public Hearing for ZTA – Definition of Family Day Home
	Advertise for Public Hearing for ZTA – Definition of Major and Minor Subdivision
	Advertise for Public Hearing for ZTA – Definition of Front Yard
<b>9</b>	<b>PRESENTATIONS:</b> None
<b>10</b>	<b>UNFINISHED BUSINESS</b>
	Comprehensive Plan – Todd Fortune, Director of Planning
<b>11</b>	<b>NEW BUSINESS:</b> None
<b>12</b>	<b>PUBLIC HEARING:</b>
	ZTA 24:05 – Rural Clusters
	ZTA 24:06 – Add definitions – Pet Crematorium, Animal Training Facility
	ZTA 24:07 – Tarp Screening
<b>13</b>	<b>PUBLIC COMMENTS #2</b> (5 minutes each)
<b>14</b>	<b>ADJOURN</b>

Planning Director Review

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**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.**

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### **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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**FLUVANNA COUNTY PLANNING COMMISSION  
MEETING MINUTES**

**132 Main Street Palmyra, VA 22963**

**72 Main Street Palmyra, VA 22963**

**Tuesday, October 8, 2024**

**Work Session 6:00PM in Morris Room | Regular Meeting 7:00pm in Courthouse**

**MEMBERS PRESENT:**

Barry Bibb, Chair  
Kathleen Kilpatrick, Commissioner  
Howard Lagomarsino, Commissioner  
Lorretta Johnson-Morgan, Commissioner  
Eddie Shifflett, Commissioner  
Mike Goad, Representative of Board of Supervisors

**ABSENT:**

None

**STAFF PRESENT:**

Todd Fortune, Director of Planning  
Dan Whitten, Fluvanna County Attorney  
Jason Overstreet, Senior Planner  
Kelly Harris, Assistant County Administrator  
Eric Dahl, County Administrator

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

At 6:00 pm, Chair Bibb called the October 8, 2024 Work Session to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

**WORK SESSION:**

A work session was held on Fluvanna County's FY 2026-2030 Capital Improvements Plan. The following staff presented projects to the Planning Commission for review:

- Eric Dahl – Community Development projects, government building projects, Fork Union Water Supply project
- Aaron Spitzer, Parks and Recreation projects
- James True – Emergency Services projects
- Kim Mabe – Department of Social Services projects
- Bobby Popowicz – Water and Sewer projects
- Captain Aaron Hurd – Fluvanna County Sheriff's Office projects
- Dr. Peter Gretz – Fluvanna County Public Schools projects

Tori Melton, Director of Finance, advised the group that staff would bring the list of projects back to the Commission at its November 12, 2024 meeting for a ranking of the projects.

A recess was called at 6:55 pm to allow for a short break for attendees. The work session was reconvened at 7:03 pm and adjourned at 7:41 pm.

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

At 7:41 pm, Chair Bibb called the October 8, 2024 Regular Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

**1. DIRECTOR'S REPORT – Todd Fortune, Director of Planning**

**Announcements and Updates**

- Kayla Polychrones-Trent, Administrative Program Specialist, has resigned her position effective September 26 to pursue another opportunity. The position has been advertised.
- The Board of Supervisors held a public hearing on September 18 to consider the proposed revisions to Planning and Zoning fees. The Board approved the new fees.
- The Board of Supervisors held a public hearing on September 18 to consider re-adoption of the 2015 Comprehensive Plan

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with updates to Sections 2, 5, and 6. The Board adopted the Plan.

- A public hearing is scheduled for October 16 for the Board of Supervisors to consider and hear public comment on proposed ordinance language and supplemental regulations for the proposed S-1 Solar district.

**Upcoming Meetings**

- November 12, 2024 – Morris Room
- December 10, 2024 – Morris Room
- January 7, 2025 – Morris Room

**2. PUBLIC COMMENTS #1**

At 7:47 pm, Chair Bibb opened the first round of public comments.

Alexandra Mattis, 178 Lexie Lane, spoke against the Rivanna Bend rural cluster subdivision. She said local residents have concerns about additional traffic and they are becoming less rural. She asked what citizens could do. There was some discussion. Since rural clusters are allowed by right in A-1 Agricultural areas, the Planning Commission has limited input and the Board of Supervisors has no input. Citizens can reach out to VDOT and Aqua Virginia to discuss their concerns, since both parties would have to issue concurrence before any subdivision plats are approved.

Les Tinsley, 156 Lexie Lane, said residents in the Sycamore Square subdivision are not happy about the Rivanna Bend subdivision and asked if there was a way for the State to reverse the decision.

Sarah Foster, 566 Justin Drive, asked if things were being put into place to protect children and residents from the increased traffic from the Rivanna Bend subdivision.

Gwen Medic, 285 Justin Drive, said she was concerned about additional traffic from the Rivanna Bend subdivision and the planned gas station/convenience store on South Boston Road.

Chair Bibb closed the first round of Public Comments at 8:07 pm.

**3. MINUTES**

<b>MOTION:</b>	To Approve the Regular Meeting minutes of the Planning Commission of September 10, 2024.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>				<b>Motion</b>	<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Approved</b>				

**4. RESOLUTIONS**

**Resolution 2024-05--Advertise for Public Hearing for ZTA, Rural Clusters**

At its meeting on September 18, 2024, the Board of Supervisors directed the Planning Commission to make a recommendation regarding rural cluster subdivisions to be brought back before the Board at its November 20, 2024 meeting. Consequently, staff presented a resolution to the Commission authorizing advertisement of a public hearing to consider an amendment to the County Code that would repeal §§ 19-7-2, 22-4-10, 22-4-10.1, 22-4-10.2, and 22-4-10.3, and amend §§ 19-8-1, 19-8-6, 22-4-2.1, and 22-4-3, to eliminate Rural Cluster Subdivision regulations and use. The public hearing would be held by the Planning Commission on November 12, 2024.

Currently, rural clusters are allowed by right in A-1 Agricultural areas. As such, the Planning Commission has little input on proposed rural clusters and the Board has no input. Rural clusters were mandated by State Code, Section 15.2-2286.1, because Fluvanna County’s population growth was more than 10% from the 2000 Census to the 2010 Census. The County’s growth rate dropped below the 10% threshold from the 2010 Census to the 2020 Census, meaning that section of the State Code no longer applies to Fluvanna County. Staff advised that if rural clusters were removed as an allowed use in A-1, then the County’s options are: to allow family subdivisions and conventional minor subdivisions in A-1 by right; or parcels in A-1 could be rezoned to R-1, R-2, or R-4 for cluster developments or R-3 for a compact residential development; or parcels in the Zion Crossroads Community Planning Area could be rezoned to a Planned Unit Development.

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<b>MOTION:</b>	I move that the Planning Commission approve Resolution 2024-05, a resolution of intention to amend “The Code of the County of Fluvanna, Virginia” by repealing §§ 19-7-2, 22-4-10, 22-4-10.1, 22-4-10.2, and amending §§ 19-8-1, 19-8-6, 22-4-2.1, and 22-4-3, to eliminate rural cluster subdivision regulations and use.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Second</b>		<b>Motion</b>	
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Approved</b>				

**Resolution 2024-06--Advertise for Public Hearing for Definitions, Pet Crematorium, Animal Training Facility**

Staff presented a resolution to the Commission authorizing advertisement of a public hearing to consider an amendment to the County Code that would amend §§ 22-22-1 to include crematoriums and pet crematoriums in the definition of “Funeral home” and to include animal training in the definition of “Commercial kennel.” The public hearing would be held by the Planning Commission on November 12, 2024.

<b>MOTION:</b>	I move that the Planning Commission approve Resolution 2024-06, a resolution of intention to amend “The Code of the County of Fluvanna, Virginia” by amending § 22-22-1 to include crematoriums and pet crematoriums in the definition of “Funeral Home” and to include animal training in the definition of “Commercial Kennel.”				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Motion</b>	<b>Second</b>		
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Approved</b>				

**Resolution 2024-07 – Advertise for Public Hearing for ZTA, Tarp Screening**

Staff presented a resolution to the Commission authorizing advertisement of a public hearing to consider an amendment to the County Code that would amend §§ 15-4-1 and 22-26-7 to clarify the requirements of the phrase “shielded and screened from view.” The public hearing would be held by the Planning Commission on November 12, 2024.

<b>MOTION:</b>	I move that the Planning Commission approve Resolution 2024-07, a resolution of intention to amend “The Code of the County of Fluvanna, Virginia” by amending §§ 15-4-1 and 22-26-7 to clarify the requirement of the phrase, “shielded and screened from view.”				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>			<b>Motion</b>	<b>Second</b>	
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Approved</b>				

**5. PRESENTATIONS**

**Zoning Text Amendments – Event Permits, Inoperable Vehicles**

There was discussion about whether to undertake a Zoning Text Amendment to require event permits for events that attract large crowds. It has come to the attention of staff that a number of events have been held recently, or are being held in the near future, in the County that attract large crowds. These events currently do not require permits. Requiring permits would allow County staff to receive advance notice for such events, and give emergency services personnel time to prepare. Commission members had questions for staff:

- How can one tell in advance how many people are expected for an event?
- Would there be a fee for a permit?
- Would religious groups and non-profits, or Fluvanna County or Fluvanna County Public Schools, be exempt from the requirements?
- Could the County take what the Sheriff’s Office currently does for events and expand it.

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The Commission directed staff to conduct more research on the matter and report back to the Commission.

There was discussion about whether to undertake a Zoning Text Amendment to reduce the number of inoperable vehicles allowed. This had been discussed at the September 10, 2024 Planning Commission meeting, and the Commission directed staff to research the matter further. The results of the research were discussed, and there was further discussion. The Commission advised that the current regulation should remain unchanged.

**Comprehensive Plan**

Mr. Fortune spoke to the Commission about the Comprehensive Plan. The Board recently adopted the 2015 Plan-2024 update, which was a re-adoption of the 2015 Plan with changes to Sections 2, 5, and 6 to keep the County in compliance with State Code requirements. Consequently, the County now needs to undertake a full update of its Comprehensive Plan. Mr. Fortune advised that the process would likely take 12 to 18 months. There was discussion on some questions Mr. Fortune had about the process:

- The Commission decided to keep the existing format for the update.
- The Commission was agreeable to holding community meetings first, then disseminating citizen surveys.
  - Hold five (5) community meetings, one for each district.
    - Consider holding a couple of meetings on Saturdays to boost attendance.
  - The format will consist of a mapping exercise and a P.A.R.K. exercise.

**6. SITE DEVELOPMENT PLANS**

None.

**7. SUBDIVISIONS**

None.

**8. UNFINISHED BUSINESS**

**SUB24:32-- Reventon by Murcielago, LLC** – A Sketch Plan request for a rural cluster major subdivision with respect to 205 acres of Tax Map 26 Parcel A Section A2, Tax Map 26 Parcel A Section A5A, and Tax Map 26 Parcel A Section A38. The applicant is proposing 67 cluster lots with one residual parcel of 164.3 acres designated as open space. The subject property is located along Rolling Road (Route 620) and Briery Creek Road (Route 600). The Planning Commission reviewed the sketch plan at its meeting on September 10, 2024 and deferred action to this meeting.

Planning Director Todd Fortune provided a Staff Presentation of Reventon rural cluster major subdivision. Applicant and owner, Tom Sullivan from Murcielago LLC and land engineer Brian S. Ray, Ray and Associates, were present to answer Planning Commission questions. Staff advised that another deferral was not allowed per the County Code, and the Commission had the option of accepting the sketch or taking no action (which would be a default acceptance).

<b>MOTION:</b>	I move that the Planning Commission accept SUB 24:32 Reventon by Murcielago, LLC, a Sketch Plan request for a rural cluster major subdivision with respect to approximately 205 acres of Tax Map 26 Section A Parcel A2, Tax Map 26 Section A Parcel A5A, and Tax Map 26 Section A Parcel A38 subject to the conditions listed in the staff report to October 8, 2024.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>			<b>Second</b>		<b>Motion</b>
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Accepted</b>				

**9. NEW BUSINESS**

None.

**10. PUBLIC HEARINGS**

None.

**11. PUBLIC COMMENTS #2**

At 9:18 pm Chair Bibb opened the second round of public comments.

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# COUNTY OF FLUVANNA

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## STAFF REPORT

**To:** Fluvanna County Planning Commission  
**Case Number:** SUB 24:29  
**Tax Map:** Tax Map 18, Section 1, Parcel 1

**From:** Jason Overstreet  
**District:** Fork Union  
**Date:** November 12, 2024

**General Information:** This request is scheduled to be heard by the Planning Commission on Tuesday, November 12, 2024 at 7:00 p.m. in the Morris Room of the County Administration Building.

**Proposed Sub. Name:** Rivanna Bend

**Applicant:** Larry Willis

**Owner:** Rivanna Bend, LLC

**Representative:** Mike Myers

**Requested Action:** Review of a sidewalk variation request for Rivanna Bend subdivision

**Location:** The property is located along Justin Drive (Route 1038), approximately 0.8 miles southwest of its intersection with South Boston Road (Route 600). (Attachment B)

**Existing Zoning:** A-1, Agricultural, General

**Total Area of Development:** 76.71 acres (11.5 acres in lots, 1.5 acres in right-of-way, and 63.71 acres in open space, 83%)

**Total Number of Lots Proposed:** 21 residential, plus one open space

**Average Lot Size:** 0.62

**Existing Land Use:** Vacant/undeveloped land

**Adjacent Land Uses:** Adjacent properties are zoned A-1 and R-3, Residential, Planned Community. There are single-family dwellings located to the north, east, and west of the property.



October 28, 2024

Todd Fortune  
Director of Planning  
County of Fluvanna  
123 Main Street  
Palmyra, VA 22963

**RE: Rivanna Bend Rural Cluster Major Subdivision – SUB 24:29  
Sidewalk Variation Request  
TMP 18 1 1 - Fluvanna County, VA**

Dear Mr. Fortune,

This letter is our request for a sidewalk variation for the Rivanna Bend subdivision in accordance with Section 19-8-8.1 of the Fluvanna County Subdivision Ordinance. Our justification is as follows:

1. Providing sidewalks does not further the goals of the Comprehensive Plan, which states, “... *Within their developed area, rural clusters primarily use neighborhood streets and are connected to other places in the region by rural roads. Because of the rural character of these centers, streets do not require curbs and gutters or fixed sidewalks. Off-road paths are often a more appropriate pedestrian facility than formal sidewalks...*” (2015 Comprehensive Plan, Chapter 2, Page 36.) Please note that an off-road path is proposed for the Rivanna Bend subdivision; similar to the off-road path in the adjacent Sycamore Square subdivision. The off-road path is highlighted on the attached Sketch Plan approved by the Planning Commission on September 10, 2024.
2. No sidewalks exist on the adjacent Sycamore Square Rural Cluster Subdivision or the Broken Island subdivision. The closest sidewalk to the property is approximately one mile north at the commercial area/townhouse developments near the Abby Road and Justin Drive intersection.
3. Furthermore, the provision of sidewalks would increase the impervious area of the development, which does not further the Comprehensive Plan's low-impact development (LID) goal. “...*Low Impact Development (LID).... Reexamines the use and sizing of traditional site infrastructure (lots, streets, curbs, gutters, sidewalks);*” (2015 Comprehensive Plan, Chapter 1, Page 23.) The approximate area of concrete sidewalks on both sides of the roadway would be 11,000-sf, while the area of the off-road path is 3,360-sf, or approximately 30% as much impervious area.





We thank you for taking the time to review this sidewalk variation request. Please let me know if you have any questions or require additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mike Myers', is written over a horizontal line.

Michael Myers, PE, CFM

Cc: Mr. Larry Willis  
Attachments

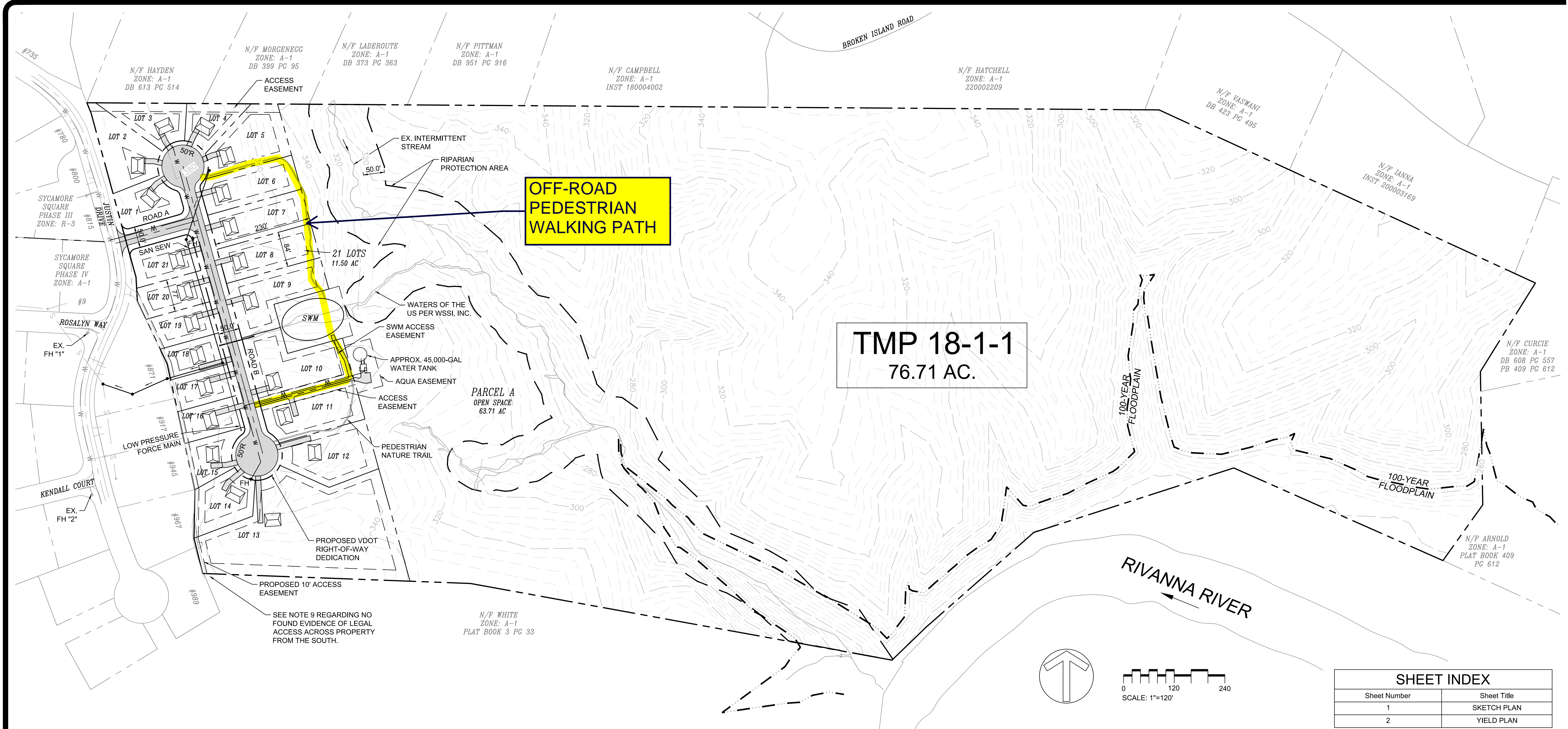


owner:  
RIVANNA BEND, LLC  
10307 WEST BROAD ST. STE. 331  
GLEN ALLEN, VA 23060

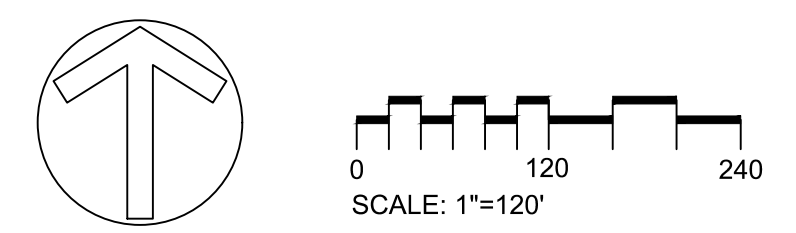
engineer:  
30 SCALE, LLC  
871 JUSTIN DRIVE  
PALMYRA, VA 22963  
p: 434.242.2866  
e: mike@30scale.com  
web: www.30scale.com

**RIVANNA BEND  
SKETCH PLAN**

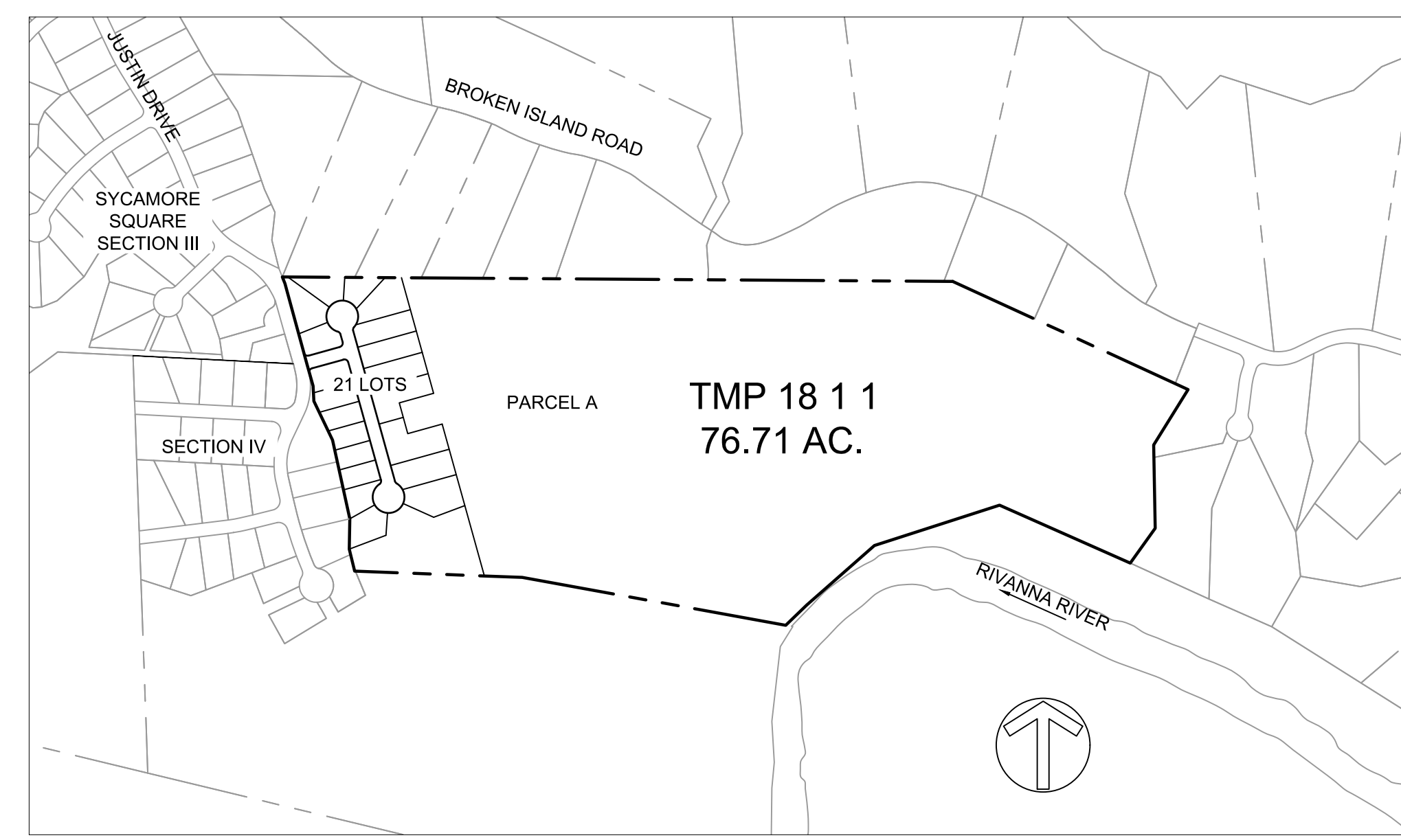
TMP 18 1 1  
CUNNINGHAM MAGISTERIAL DISTRICT  
FLUVANNA COUNTY, VIRGINIA



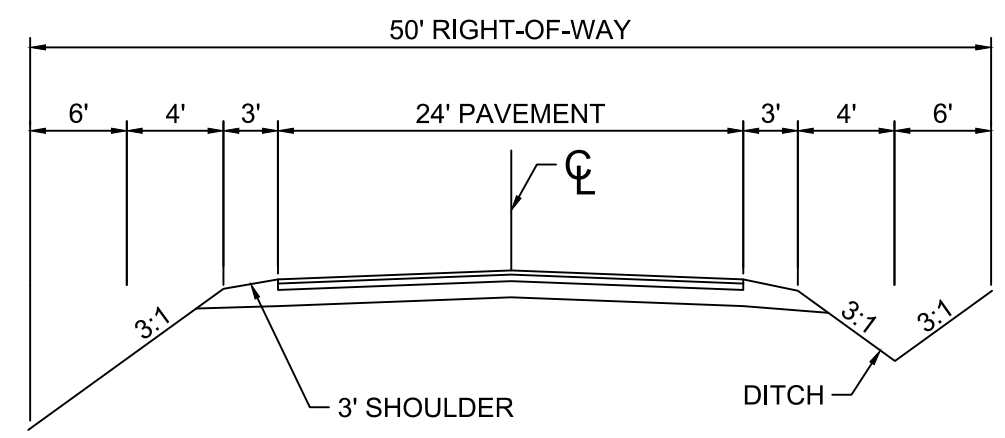
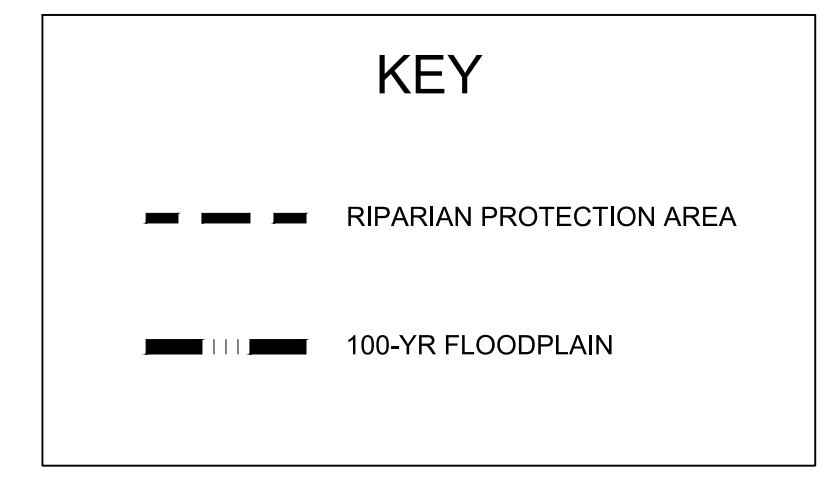
SHEET INDEX	
Sheet Number	Sheet Title
1	SKETCH PLAN
2	YIELD PLAN



SKETCH PLAN  
SCALE: 1"=120'



CONTEXT MAP  
SCALE: 1"=500'



TYPICAL ROADWAY SECTION  
BASED ON VDOT GS-SSAR (ROAD DESIGN MANUAL TABLE B(1)-2)

**NOTES**

- PROPERTY INFORMATION AND BACKGROUND TOPOGRAPHY IS TAKEN FROM A FIELD SURVEY BY GLOECKNER ENGINEERING AND SURVEYING, INC DATED 3/28/2023. CONTOUR INTERVAL IS 4'.
- EXISTING WETLANDS AND RIPARIAN BUFFER ARE BASED ON A COMBINATION OF WETLANDS MAPPING BY THE US FISH AND WILDLIFE SERVICE AND A WATERS OF THE US MAPPING BY WSSI, INC. DATED 4/25/23, REVISED 6/21/23.
- 100-YR FLOODPLAIN IS BASED ON A FEMA BASE FLOOD ELEVATION (BFE) OF 264.
- LOTS WILL BE SERVED BY PUBLIC WATER AND SEWER.
- ALL ROAD DESIGN AND CONSTRUCTION SHALL BE IN CONFORMANCE WITH VDOT SUBDIVISION STREET REQUIREMENTS.
- A VDOT SSAR WAIVER OF MULTIPLE CONNECTIONS IN MULTIPLE DIRECTIONS WAS APPROVED ON 5/6/2024.
- AQUA VIRGINIA APPROVED THE WATER STUDY SUPPORTING 750 GPM @ 20 PSI RESIDUAL PRESSURE ON 2/22/2024.
- NOTE: NO EVIDENCE WAS FOUND THAT CREATED A RIGHT-OF-WAY ACROSS THE WESTERN EDGE OF THE SUBJECT PROPERTY FOR ACCESS BY OFFSITE PROPERTIES TO THE SOUTH.
- SWM FACILITY LOCATIONS ARE CONCEPTUAL AND ARE SUBJECT TO CHANGE DURING FINAL ENGINEERING.
- PROPOSED LOT LAYOUT AND SITE UTILITY DESIGN ARE APPROXIMATE AND ARE SUBJECT TO CHANGE WITH FINAL ENGINEERING.

**ORDINANCE TABULATIONS**

TOTAL SITE AREA = 76.71 AC.  
EXISTING ZONING: A-1  
PROPOSED USE: A-1 (RURAL CLUSTER)  
PROPOSED RURAL CLUSTER LOTS = 21 LOTS  
PROPOSED OPEN SPACE LOT = 1 LOTS  
PROPOSED BUILDABLE LOTS = 22 LOTS \*

PROPOSED DENSITY = 0.29 DU/AC  
AVERAGE LOT AREA = 26,966 SF (CLUSTER)

**SUBDIVISION AREA CALCULATIONS**

RURAL CLUSTER LOTS	11.50 AC.
ROADS	1.50 AC.
OPEN SPACE - PARCEL A	63.71 AC.
<b>TOTAL</b>	<b>76.71 AC.</b>

MINIMUM OPEN SPACE SPACE REQUIRED = 57.53 AC. (75%)  
**OPEN SPACE PROVIDED > 57.53 AC.**

**LOT REQUIREMENTS**

MINIMUM FRONTAGE	60 FEET
FRONT SETBACK	25 FEET
SIDE SETBACK	16 FEET **
REAR SETBACK	25 FEET

\* 22 LOTS BASED ON CALCULATIONS ON YIELD PLAN (SHEET 2)

\*\* SETBACKS ARE BASED ON R-4 MINIMUM SETBACKS EXCEPT FOR THE SIDE SETBACK WHICH IS SET AT 16 FEET TO CONFORM WITH MINIMUM 31 FEET OF STRUCTURE SEPARATION PER FIRE MARSHAL REQUIREMENTS. REFER TO APPROVED HYDRAULIC ANALYSIS REPORT PREPARED BY THIS FIRM FOR ADDITIONAL INFORMATION.

REVISIONS		
#	DESCRIPTION	DATE

30 SCALE CHIT# 201313 dimg NAME: RIV BEND - SUB.dwg

sheet title:  
**SKETCH PLAN**

scale: 1" = 120'  
date: 09/06/2024

sheet #  
**1 OF 2**



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## STAFF REPORT

**To:** Fluvanna County Planning Commission  
**Case Number:** SDP 23:02  
**Tax Map:** Tax Map 50, Section 12, Parcel 1

**From:** Jason Overstreet  
**District:** Fork union  
**Date:** November 12, 2024

**General Information:** This item is scheduled to be heard by the Planning Commission on Tuesday, November 12 at 7:00 p.m. in the Morris Room of the County Administration Building.

**Applicant:** Fawn Lake Ln LLC

**Owner:** Michael Alami

**Representative:** Shimp Engineering

**Requested Action:** Approval of a sketch plan request to construct five self-storage buildings including alleys and travelways with respect to 5.022 acres of Tax Map 50, Section 12, Parcel 1 (Attachment A)

**Location:** The property is located on the northwest side of VA Primary Route 6 (West River Road) at its intersection with the private road Fawn Lake Lane.

**Existing Zoning:** B-1, General Business

**Existing Land Use:** Vacant

**Adjacent Land Uses:** Residential and multi-family commercial

**Comprehensive Plan:** Rural Residential Planning Area

## **Analysis:**

The applicant is requesting sketch plan approval to construct a self-storage facility on property zoned B-1 and 4.88 acres in size. In accordance with Sec. 22-11-2.1 of the Fluvanna County Zoning Ordinance, self-storage facilities are permitted by right.

According to the submitted sketch plan, the applicant is proposing five buildings of various sizes as follows:

- 12,000 SF
- 11,000 SF (two stories)
- 9,600 SF
- 4,200 SF
- 3000 SF

The total square footage proposed is 39,800 square feet.

The site plan includes construction of graveled travelways and alleys around the buildings for accessing storage bays.

### *Parking/Roads*

The proposed use will require a moderate volume commercial entrance on RT6 that will be constructed to VDOT requirements.

### *Sidewalks*

Sec. 22-23-6

(6) In the B-1, B-C, I-1, and I-2 zoning districts, sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private.

(A) A variation to the sidewalk regulations may be granted by the Planning Commission for projects where:

- 1) The Virginia Department of Transportation prohibits the construction of sidewalks;
- 2) The physical conditions on the lot or adjoining lots, including but not limited to, existing structure and parking areas, existing utility easements, environmental features, or the size and shape of the lot, make it impossible or unfeasible to provide the required sidewalks;
- 3) The application of the aforementioned requirements would not further the goals of the Comprehensive Plan or otherwise serve the greater public's health, safety, and welfare.

The applicant has submitted the attached sidewalk variation request.

### *Landscaping/Screening*

All landscaping will have to comply with Article 24 of the Fluvanna County Zoning Ordinance. Sec. 22-24-5 requires street trees along existing public streets. Sec. 22-24-6 requires interior landscaping and screening for the parking area. Sec. 22-24-7 requires commercial and industrial uses to be screened from view of adjacent properties that are in residential or agricultural zoning districts. The applicant intends to retain some existing vegetation around the perimeter of the site to assist with screening the project from adjacent properties.

### *Utilities*

The self-storage facility will connect to available public water provided in the Fork Union Sanitary District and it will use a septic disposal system for sewage.

### **Conclusion:**

The submitted sketch plan appears to meet the sketch plan requirements of Section 22-23-8.A of the Fluvanna County Zoning Ordinance. Prior to final approval, a site development plan that meets the requirements of Articles 23 through 26 of the Fluvanna County Zoning Ordinance must be submitted for staff review and approval.

### **Recommended Conditions:**

1. Meet all final site plan requirements which include, but are not limited to, providing parking, landscaping, and outdoor lighting;
2. Meet all required Erosion and Sedimentation Control regulations;
3. Meet all VDOT requirements.

### **Suggested Motions:**

I move to accept SDP 23:02, a sketch plan request to construct a self-storage facility with respect to 5.022 acres of Tax Map 50, Section 12, Parcel 1, subject to the conditions listed in the staff report.

### **Attachments:**

- A – Application
- B – Aerial Vicinity Map
- C – Site sketch plan

Copy:

Applicant: Michael Alami via email – [alamimichael@gmail.com](mailto:alamimichael@gmail.com)

File

## Analysis:

The applicant is requesting sketch plan approval to construct a self-storage facility on property zoned B-1 and 4.88 acres in size. In accordance with Sec. 22-11-2.1 of the Fluvanna County Zoning Ordinance, self-storage facilities are permitted by right.

According to the submitted sketch plan, the applicant is proposing five buildings of various sizes as follows:

- 12,000 SF
- 11,000 SF (two stories)
- 9,600 SF
- 4,200 SF
- 3000 SF

The total square footage proposed is 39,800 square feet.

The site plan includes construction of graveled travelways and alleys around the buildings for accessing storage bays.

### *Parking/Roads*

The proposed use will require a moderate volume commercial entrance on RT6 that will be constructed to VDOT requirements.

### *Sidewalks*

Sec. 22-23-6

(6) In the B-1, B-C, I-1, and I-2 zoning districts, sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private.

(A) A variation to the sidewalk regulations may be granted by the Planning Commission for projects where:

- 1) The Virginia Department of Transportation prohibits the construction of sidewalks;
- 2) The physical conditions on the lot or adjoining lots, including but not limited to, existing structure and parking areas, existing utility easements, environmental features, or the size and shape of the lot, make it impossible or unfeasible to provide the required sidewalks;
- 3) The application of the aforementioned requirements would not further the goals of the Comprehensive Plan or otherwise serve the greater public's health, safety, and welfare.

The applicant has submitted the attached sidewalk variation request.

### *Landscaping/Screening*

All landscaping will have to comply with Article 24 of the Fluvanna County Zoning Ordinance. Sec. 22-24-5 requires street trees along existing public streets. Sec. 22-24-6 requires interior landscaping and screening for the parking area. Sec. 22-24-7 requires commercial and industrial uses to be screened from view of adjacent properties that are in residential or agricultural zoning districts. The applicant intends to retain some existing vegetation around the perimeter of the site to assist with screening the project from adjacent properties.

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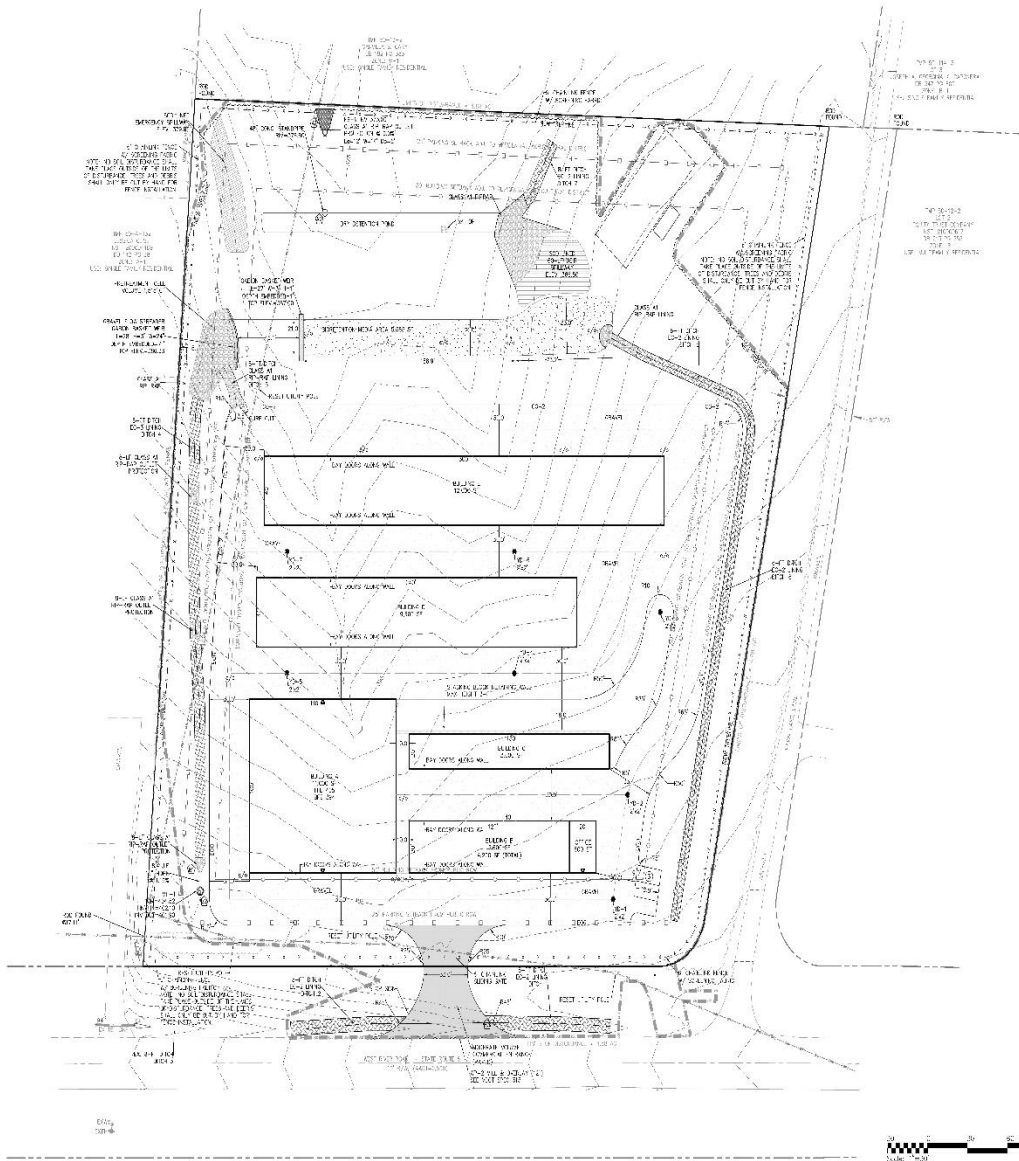
SDP 23:02  
Fawn Lake LN LLC  
TMP 50-12-1



Date: 11/8/2024

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For Persons with Disabilities – If you have special needs, please contact the County Administrator's Office at 591-1910.**



DESIGNED BY  
 J. SHIMP  
 CHECKED BY  
 M. W. JONES

**SITE DEVELOPMENT PLAN & EROSION CONTROL PLAN  
 WEST RIVER  
 SELF-STORAGE**

FLUVANNA COUNTY, VIRGINIA  
 SUBMISSION:  
 2023.04.03  
 REVISION:  
 1. 05/2023  
 2. 08/2023  
 3. 09/2023  
 4. 10/2023

FILE NO. **23.006**

**SITE PLAN**  
**C3**

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West River Self Storage (SDP23:02)

Request for Variation of Sidewalk Regulations

TMP: 50-12-1

Date: July 03, 2024 Request:

*In conjunction with a site plan submittal for the West River Self Storage facility on Tax Map 50 Parcel 12-1; the Applicant requests a variation to the zoning ordinance in accordance with section 22-23-6(6)(A).*

Specifics of Request:

- *The applicant is proposing a self-storage facility on a site that will not have any pedestrian access and does not wish to build/provide a sidewalk in conjunction with the site plan as required.*
- *The application of the requirement for a sidewalk on a self-storage facility site on S.R. 6 West River Rd would not further the goals and objectives of the Comprehensive Plan or otherwise serve the greater public's health, safety, and welfare.*
- *It is further our opinion that the sidewalks, as stipulated in Section 22.23.6(A) is a requirement for both sides of a public and/or private road; neither of which is proposed with this application.*

Please forward this request to the Fluvanna County Planning Commission for their consideration at the time of their review of the Sketch Plan.

Prepared and submitted on behalf of the Applicant by:

Michael Chandler  
Shimp Engineering, P.C.  
912 E. High St.  
Charlottesville, VA 22902  
(434) 227-5140

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**PLANNING COMMISSION**

County of Fluvanna  
Palmyra, Virginia

**RESOLUTION No. 2024-08**

**A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING §§22-4-2.1, 22-4-2.2, 22-5-2.2, 22-6-2.2, 22-7-9.2, 22-8-2.2, 22-9-2.1, 22-10-3, AND 22-22-1 TO LOWER THE THRESHOLD NUMBER OF CHILDREN SERVED IN LICENSED FAMILY DAY HOMES FROM SIX TO FIVE IN ACCORDANCE WITH VIRGINIA CODE REQUIREMENTS, AND TO CLARIFY RELATED DEFINITIONS**

**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 amendments to the Fluvanna County Zoning Ordinance by amending §§22-4-2.1, 22-4-2.2, 22-5-2.2, 22-6-2.2, 22-7-9.2, 22-8-2.2, 22-9-2.1, 22-10-3, and 22-22-1 to lower the threshold number of children served in licensed Family Day Homes from six to five in accordance with Virginia Code requirements, and to clarify related definitions; 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 amendments to the Fluvanna County Zoning Ordinance by amending §§22-4-2.1, 22-4-2.2, 22-5-2.2, 22-6-2.2, 22-7-9.2, 22-8-2.2, 22-9-2.1, 22-10-3, and 22-22-1 to lower the threshold number of children served in licensed Family Day Homes from six to five in accordance with Virginia Code requirements, and to clarify related definitions; and

**BE IT FURTHER RESOLVED**, the Planning Commission authorizes the Director of Planning to advertise the proposed amendment for a public hearing on December 10, 2024; and

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Fluvanna County Planning Commission at a meeting of the Commission held on the 12<sup>th</sup> day of November, 2024:

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

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Attest:

---

Barry Bibb, Chair  
Fluvanna County Planning Commission

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ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§22-4-2.1, 22-4-2.2, 22-5-2.2, 22-6-2.2, 22-7-9.2, 22-8-2.2, 22-9-2.1, 22-10-3, AND 22-22-1 TO LOWER THE THRESHOLD NUMBER OF CHILDREN SERVED IN LICENSED FAMILY DAY HOMES FROM SIX TO FIVE IN ACCORDANCE WITH VIRGINIA CODE REQUIREMENTS, AND TO CLARIFY RELATED DEFINITIONS

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

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

CHAPTER 22 ZONING

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

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

*Commercial Uses*

Family daycare homes/**Family day homes**

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

*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

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

Sec. 22-5-2.2. - Uses permitted by special use permit only.

*Commercial Uses*

Adult retirement communities

**Child day centers**

Daycare centers

Family daycare homes/**Family day homes**

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

Sec. 22-6-2.2. - Uses permitted by special use permit only.

*Commercial Uses*

Adult retirement communities

**Child day centers**

Daycare centers

Family daycare homes/**Family day homes**

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

Sec. 22-7-9.2. - Uses permitted by special use permit only.

*Commercial Uses*

Adult retirement communities

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Assisted living facilities  
Bed and breakfasts  
Car washes

**Child day centers**

Daycare centers  
Family daycare homes/**Family day homes**

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

Sec. 22-8-2.2. - Uses permitted by special use permit only.

*Commercial Uses*

Adult retirement communities  
Assisted living facilities  
Campgrounds

**Child day centers**

Daycare centers  
Family daycare homes/**Family day homes**

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

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

*Commercial Uses*

Assisted living facilities  
Auction houses  
Automobile repair service establishments  
Automobile sales

Bakeries  
Bed and breakfasts  
Boarding houses  
Brewpub

Butcher shops  
Car washes  
Cemeteries, commercial

**Child day centers**

Communications service  
Corporate offices  
Daycare centers

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

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

*Commercial Uses*

Bakeries  
Bed and breakfasts  
Brewpub  
Butcher shops

**Child day centers**

Daycare centers  
ARTICLE 22. – DEFINITIONS

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

*Child day center:* A child day program offered (i) to two (2) or more children under the age of thirteen in a facility that is not the residence of the provider or of any of the children in care or (ii) thirteen (13) or more children at any location. See also *Child day program*, *Family day home*.

*Child day program:* A regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection,

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and well-being of a child under the age of thirteen for less than a twenty-four (24) hour period. See also *Child day center*, *Family day home*.

*Daycare center*: See *Child day center*, *Child day program*, and *Family day home*.

*Family day home*: A child day program offered in the residence of the provider or the home of any of the children in care for one (1) through twelve (12) children under the age of thirteen, exclusive of the provider's own children and any children who reside in the home, when at least one (1) child receives care for compensation. **The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children.** Family day homes serving ~~six~~ **five (65)** through twelve (12) children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four (4) children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all ~~grandchildren of the provider~~ **related to the provider by blood or marriage** shall not be required to be licensed. See also *Child day center*, *Child day program*.

*Family daycare home*: See *Child day center*, *Child day program*, and *Family day home*.

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



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## COUNTY OF FLUVANNA

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### PLANNING COMMISSION STAFF REPORT

**To:** Fluvanna County Planning Commissioners

**From:** Dan Whitten, County Attorney

**Case Number:** ZTA 24:08

**District:** Countywide Amendment

**General Information:**

This is a request for a public hearing to be held on Tuesday, December 10, 2024 at 7:00 pm to be heard by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

**Requested Action:**

Recommend advertisement of a public hearing to consider amendments to the Fluvanna County Zoning Ordinance by amending §§22-4-2.1, 22-4-2.2, 22-5-2.2, 22-6-2.2, 22-7-9.2, 22-8-2.2, 22-9-2.1, 22-10-3, and 22-22-1 to lower the threshold number of children served in licensed Family Day Homes from six to five in accordance with Virginia Code requirements, and to clarify related definitions.

**Background Information:**

These amendments lower the licensing requirement threshold for Family Day Homes from six to five children, and replace outdated usage terms with the terms used in the Virginia Code.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION (APPROVE / DENY / DEFER) THE RESOLUTION TO ADVERTISE A PUBLIC HEARING ON DECEMBER 10, 2024 TO CONSIDER ZTA 24:08 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§22-4-2.1, 22-4-2.2, 22-5-2.2, 22-6-2.2, 22-7-9.2, 22-8-2.2, 22-9-2.1, 22-10-3, AND 22-22-1 TO LOWER THE THRESHHOLD NUMBER OF CHILDREN SERVED IN LICENSED FAMILY DAY HOMES FROM SIX TO FIVE IN ACCORDANCE WITH VIRGINIA CODE REQUIREMENTS, AND TO CLARIFY RELATED DEFINITIONS

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For Persons with Disabilities – If you have special needs, please contact the County Administrator's Office at 591-1910.*



**PLANNING COMMISSION**

County of Fluvanna  
Palmyra, Virginia

**RESOLUTION No. 2024-09**

**A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING § 19-2-1 TO CLARIFY THAT NO MORE THAN FIVE LOTS MAY BE CREATED FROM THE PARENT TRACT USING THE MINOR SUBDIVISION APPROVAL PROCESS, REGARDLESS OF WHETHER THE LOTS ARE CREATED AT ONE TIME OR OVER AN EXTENDED PERIOD OF TIME**

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

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

**WHEREAS**, the Planning Commission desires to propose an amendment to the Subdivision Code by amending § 19-2-1 to clarify that no more than five lots may be created from the parent tract using the minor subdivision approval process, regardless of whether the lots are created at one time or over an extended period of time; and

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

**NOW, THEREFORE, BE IT RESOLVED**, the Planning Commission proposes an amendment to the Subdivision Code by amending § 19-2-1 to clarify that no more than five lots may be created from the parent tract using the minor subdivision approval process, regardless of whether the lots are created at one time or over an extended period of time; and

**BE IT FURTHER RESOLVED**, the Planning Commission authorizes the Director of Planning to advertise the proposed amendment for a public hearing on December 10, 2024; and

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Fluvanna County Planning Commission at a meeting of the Commission held on the 12<sup>th</sup> day of November, 2024:

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

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Attest:

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Barry Bibb, Chair  
Fluvanna County Planning Commission

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For Persons with Disabilities – If you have special needs, please contact the County Administrator's Office at 591-1910.***

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 19-2-1 TO CLARIFY THAT NO MORE THAN FIVE LOTS MAY BE CREATED FROM THE PARENT TRACT USING THE MINOR SUBDIVISION APPROVAL PROCESS, REGARDLESS OF WHETHER THE LOTS ARE CREATED AT ONE TIME OR OVER AN EXTENDED PERIOD OF TIME

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

(1) That the Code of the County of Fluvanna, Virginia is amended by amending § 19-2-1, as follows:

CHAPTER 19 SUBDIVISIONS

ARTICLE 2. – DEFINITIONS

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

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

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

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

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

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

*Commission.* The Planning Commission of Fluvanna County, Virginia.

*Comprehensive plan.* The Fluvanna County Comprehensive Plan.

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

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

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

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

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

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

*Minor subdivision.* Any division of a **parent tract** parcel of land creating fewer than six ( $< 6$ ) lots, and not a family subdivision. **No more than five (5) lots may be created out of one parent tract using the minor subdivision plat approval process, regardless of whether the lots are created at one time or over an extended period of time.**

**Parent tract: A separate lot, tract, or parcel of land conveyed by deed, devised by will, or passing pursuant to the laws of descent and distribution, the boundaries of which are shown by a plat or described by metes and bounds, and recorded in the Clerk's office of Fluvanna County, Virginia on or**

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**before January 22, 2025; for purposes of this definition, the Fluvanna County tax map may be used to identify parent parcels.**

*Plat.* A schematic representation of a parcel or subdivision.

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

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

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

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

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

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

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

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

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

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

*Subdivision Agent.* The individual appointed and authorized by the Fluvanna County Board of Supervisors to administer and enforce this chapter.

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

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# COUNTY OF FLUVANNA

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## PLANNING COMMISSION STAFF REPORT

**To:** Fluvanna County Planning Commissioners

**From:** Dan Whitten, County Attorney

**Case Number:** ZTA 24:09

**District:** Countywide Amendment

**General Information:**

This is a request for a public hearing to be held on Tuesday, December 10, 2024 at 7:00 pm to be heard by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

**Requested Action:**

Recommend advertisement for a public hearing to approve an amendment to the Fluvanna County Zoning Ordinance by amending § 19-2-1 to clarify that no more than five lots may be created from the parent tract using the minor subdivision approval process, regardless of whether the lots are created at one time or over an extended period of time.

**Background Information:**

Fluvanna Code currently allows parcels to be repeatedly Re-subdivided every five years, using the less rigorous minor subdivision approval process and resulting in what are effectively major subdivisions. This text change eliminates the existing work-around, so that any subdivision activity yielding six or more lots will go through the major subdivision review process.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION (APPROVE/ DENY / DEFER) THE RESOLUTION TO ADVERTISE A PUBLIC HEARING ON DECEMBER 10, 2024 TO CONSIDER ZTA 24:09 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 19-2-1 TO CLARIFY THAT NO MORE THAN FIVE LOTS MAY BE CREATED FROM THE PARENT TRACT USING THE MINOR SUBDIVISION APPROVAL PROCESS, REGARDLESS OF WHETHER THE LOTS ARE CREATED AT ONE TIME OR OVER AN EXTENDED PERIOD OF TIME.

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**PLANNING COMMISSION**  
County of Fluvanna  
Palmyra, Virginia

**RESOLUTION No. 2024-10**

**A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING §22-22-1 TO CORRECT THE DEFINITION OF “FRONT YARD”**

**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 §22-22-1 to correct an error in the definition of “front yard;” 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 amendments to the Fluvanna County Zoning Ordinance by amending §22-22-1 to correct the definition of “front yard;” and

**BE IT FURTHER RESOLVED**, the Planning Commission authorizes the Director of Planning to advertise the proposed amendment for a public hearing on December 10, 2024; and

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Fluvanna County Planning Commission at a meeting of the Commission held on the 12<sup>th</sup> day of November, 2024:

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

Attest:

\_\_\_\_\_  
Barry Bibb, Chair  
Fluvanna County Planning Commission

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ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF  
FLUVANNA, VIRGINIA” BY AMENDING §22-22-1 TO CORRECT THE DEFINITION OF “FRONT  
YARD”

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

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

CHAPTER 22 ZONING

ARTICLE 22. – DEFINITIONS

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

*Yard:* An open space on a lot other than a court unoccupied and unobstructed from the ground upward by structures except as otherwise provided herein.

*Front:* An open space on the same lot as a building between the front line of the building (excluding steps and ramps affording pedestrian and wheelchair access) and the front line ~~and the rear line~~ of the lot and extending the full width of the lot.

*Rear:* An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps and ramps affording pedestrian and wheelchair access) and the rear line of the lot, and extending the full width of the lot.

*Side:* An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps and ramps affording pedestrian and wheelchair access) and the side line of the lot, and extending from the front yard line to the rear yard line.

(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

**Case Number:** ZTA 24:10

**District:** Countywide Amendment

**General Information:** This is a request for a public hearing to be held on Tuesday, December 10, 2024 at 7:00 pm to be heard by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

**Requested Action:** Recommend advertisement for a public hearing to approve an amendment to the Fluvanna County Zoning Ordinance by amending §22-22-1 to correct the definition of "front yard."

**Background Information:** This amendment corrects an error in the text of the definition of "front yard."

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION (APPROVE / DENY / DEFER) THE RESOLUTION TO ADVERTISE A PUBLIC HEARING ON DECEMBER 10, 2024 TO CONSIDER ZTA 24:09 – AN ORDINANCE TO AMEND AND REORDAIN "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY AMENDING §22-22-1 TO CORRECT THE DEFINITION OF "FRONT YARD"

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# PUBLIC HEARING

**Fluvanna County Planning Commission**  
Tuesday, November 12, 2024, at 7:00 p.m.

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

**ZTA 24-05: Ordinance to amend the “Code of the County of Fluvanna, Virginia,” by repealing §§ 19-7-2, 22-4-10, 22-4-10.1, 22-4-10.2, and 22-4-10.3, and amending §§ 19-8-1, 19-8-6, 22-4-2.1, and 22-4-3, to eliminate Rural Cluster Subdivision Regulations and Use.**

**ZTA 24-06: Ordinance to amend the “Code of the County of Fluvanna, Virginia,” by amending §22-22-1 to amend the definitions of “Funeral Home” and “Commercial Kennel.”**

**ZTA 24-07: Ordinance to amend the “Code of the County of Fluvanna, Virginia,” by amending §15-4-1 and 22-26-7 to clarify the requirements of the phrase “shielded and screened from view.”**

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

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TO: Fluvanna Review

Advertise on the following dates: October 24 & 31, 2024

Authorized by: Fluvanna County Planning Commission

Bill to: Planning Commission

\*\*\*\*\*

**CONTACT INFORMATION:**

Todd Fortune  
Director of Planning  
Fluvanna County  
P. O. Box 540  
Palmyra, VA 22963  
[tfortune@fluvannacounty.org](mailto:tfortune@fluvannacounty.org)  
434-591-1910

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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 24:05  
**District:** Countywide Amendment

**General Information:** This Zoning Text Amendment request is to be heard by the Fluvanna County Planning Commission on Tuesday, November 12, 2024 at 7:00 pm in the Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

**Requested Action:** Recommend approval of amendments to the Fluvanna County Zoning Ordinance by repealing §§ 19-7-2, 22-4-10, 22-4-10.1, 22-4-10.2, and 22-4-10.3, and amending §§ 19-8-1, 19-8-6, 22-4-2.1, and 22-4-3, to eliminate Rural Cluster Subdivision regulations and use.

**Background Information:** Virginia Code § 15.2-2286.1 requires localities with a population growth rate of 10% or more from the next-to-latest to latest decennial census to allow Rural Cluster Subdivisions in their zoning ordinances. In 2020 Fluvanna's population growth was less than 10%, so the County is no longer bound by this legislative requirement.

Rural cluster subdivisions are currently allowed by right in A-1 Agricultural. Consequently, there is no public hearing requirements. The Planning Commission's role is to accept the sketch plan. Once the sketch plan is accepted, site plans are approved administratively. Approval is contingent upon approval from relevant stakeholders (VDOT, County E&S staff, etc.). The Board of Supervisors has no role in accepting or approving Rural Clusters.

If Rural Clusters are removed as a by-right use in A-1, options for future development would be:

- Current zoning in A-1 allows for one residential dwelling unit per two (2) acres.
- Family subdivisions and conventional minor subdivisions are allowed by right in A-1.
- Parcels in A-1 could be rezoned to R-1, R-2 or R-4 (which allow for cluster developments by right); R-3 (which allows for compact residential development and associated uses including open space); or a Planned Unit

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Development (if the parcel is located in the Zion Crossroads Community Planning Area).

Projects that have already received acceptance of the sketch plan from the Planning Commission will be allowed to continue through the process.

**Recommended Motion:**

I MOVE THAT THE PLANNING COMMISSION RECOMMENDS (APPROVAL / DENIAL / DEFERRAL) OF ZTA 24:05 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY REPEALING §§ 19-7-2, 22-4-10, 22-4-10.1, 22-4-10.2 AND 22-4-10.3, AND AMENDING §§ 19-8-1, 19-8-6, 22-4-2.1, AND 22-4-3, TO ELIMINATE RURAL CLUSTER SUBDIVISION REGULATIONS AND USE.

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ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY REPEALING §§ 19-7-2, 22-4-10, 22-4-10.1, 22-4-10.2 AND 22-4-10.3, AND AMENDING §§ 19-8-1, 19-8-6, 22-4-2.1, AND 22-4-3, TO ELIMINATE RURAL CLUSTER SUBDIVISION REGULATIONS AND USE

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

- (3) *That the Code of the County of Fluvanna, Virginia is amended by repealing §§ 19-7-2, 22-4-10, 22-4-10.1, 22-4-10.2, and 22-4-10.3, and amending §§ 19-8-1, 19-8-6, 22-4-2.1, and 22-4-3, as follows:*

CHAPTER 19 SUBDIVISIONS

ARTICLE 7. – SUBDIVISION DESIGN STANDARDS

~~Sec. 19-7-2. – Rural cluster subdivisions.~~

~~All subdividers shall strive to conserve the noteworthy features of the parcel to be subdivided and the rural landscape, in accordance with the Comprehensive Plan and the purpose of this chapter. To achieve these objectives, the subdivider shall follow the process set forth below in developing rural cluster subdivisions for the subdivision of a tract. All major subdivisions in the A-1 Agricultural General Zoning District Classification shall be Rural Cluster subdivisions and subject to this section.~~

- ~~(A) Determine the number of lots desired, not exceeding the number allowed to be subdivided from the tract under the density provisions of Chapter 22;~~
- ~~(B) Delineate areas of the tract to be conserved due to their noteworthy features and value to the continued rural character of the county, including, but not limited to, lands with high value for continued agricultural or forestry production, high scenic value including riparian corridors and wildlife habitat; high environmental sensitivity such as steep slopes, wetlands, floodplains; high recreational value and/or having noteworthy historical, natural, or cultural features;~~
- ~~(C) Locate potential house sites on the area of the tract not delineated as conservation areas, with due consideration for topography, soil suitability for construction and septic system use, and efficient service by public or central water and/or sewerage systems, as applicable;~~
- ~~(D) Align streets to serve house sites, with due consideration for topography and connections to existing, planned or potential streets in adjacent areas, and align pedestrian trails if planned; and~~
- ~~(E) Delineate boundaries of individual residential lots and any residue, in accordance with the lot size, dimension, setback, and yard requirements of Chapter 22.~~

ARTICLE 8. – REQUIRED IMPROVEMENTS

Sec. 19-8-1. – Streets.

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

- (A) In any major subdivision, as defined herein, all streets shall be designed and constructed in conformance with the Virginia Department of Transportation's subdivision street requirements. Preliminary plans for all such streets shall have been approved by the Virginia Department of Transportation prior to approval of the preliminary plat.

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- (B) Proposed street names shall be shown on the preliminary plat, and may be changed by the Subdivision Agent. Names of new streets shall not duplicate names of existing streets, irrespective of suffixes. Any street that is a continuation of an existing street shall bear the name of the existing street. The governing body may institute a fee in order to acquire and install all street identification signs. Where a street is planned for future extension, and a stub street serving three or more ( $\geq 3$ ) lots is proposed for construction as part of a subdivision, a temporary turnaround shall be provided on such stub street. Such turnaround shall be of adequate location, size and design as determined by the Subdivision Agent. All stub streets shall be marked with a metal sign clearly providing public notice that the street is subject to future extension.
- (C) Any private road in a subdivision which will not be constructed to Virginia Department of Transportation standards shall be located in a right-of-way or easement at least fifty (50) feet in width and shall be so designed and built as to provide adequate access by ordinary passenger vehicles in all weather, in accordance with the provisions of this section as set forth hereinafter. All lots that are within a subdivision which is served by any private road shall be prohibited direct vehicular access from an existing public road by deed restriction or other means. Except in the case of lots intended, designed and used (a) for attached single-family, two-family or multi-family dwellings; (b) for rural cluster lots; or (c) for commercial or industrial uses, no lot served by a private road may be less than ten (10) acres in area, and no such private road shall serve more than five (5) lots. The plat, and each deed, shall clearly state that the county and Commonwealth are not responsible for the maintenance of the roads. A road maintenance agreement, approved by the County Attorney and the Subdivision Agent, shall be filed with the deeds of all lots to be served by such private road. Such agreement shall require the landowners, jointly and severally, to cooperate in and pay for the maintenance of the road such that emergency vehicles and other necessary traffic can reach all of the lots with reasonable ease. Each plat showing any such private road shall contain a certification from a registered surveyor or engineer in substantially the following form: "The private road shown on this plat will provide reasonable access to all lots served by such road by emergency vehicles and ordinary passenger vehicles as required by Section 19-8-1 of the Fluvanna County Code." Private roads shall conform to the following minimum specific construction standards:

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

Sec. 19-8-6. – Recreation.

For any major subdivision, as defined in this chapter, if the average lot size for that subdivision is five acres or less ( $\leq 5$ ), ~~except for Rural Cluster Subdivisions~~, the subdivider shall provide space and

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facilities for recreation. Such space shall be clearly labeled on the plat, and shall be dedicated to an entity approved by the county for ownership and maintenance.

(A) Space for recreation shall be provided at the rate of 5,000 square feet per lot in the subdivision or 15 percent of the total acreage of the subdivision, whichever is more. This area shall not be developed for parking, roadways, refuse collection, or similar use. An area of one-half (½) acre or more shall be located within one-half (½) mile of each proposed dwelling unit as part of the recreation area, and shall be improved with facilities for sports, picnicking, tot lot equipment, active playground with equipment, or similar uses.

(B) Each area reserved for recreation shall be of a size and shape conducive to the proposed recreational use.

## 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

Conservation areas

Equestrian facilities

Farm sales

Hunt clubs

Hunting preserves

#### *Civic Uses*

Public parks and recreational areas

Public uses

#### *Commercial Uses*

Family daycare homes

Home occupations

Studios, fine arts

#### *Industrial Uses*

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Sawmills, temporary

*Miscellaneous Uses*

Accessory uses

Cemeteries, non-commercial

Greenhouses, non-commercial

Kennels, private

Marinas, private non-commercial

~~Rural cluster developments~~

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. 22-4-3. – Residential density; minimum lot size; dimensional requirements.

Maximum gross residential density and minimum lot size and minimum dimensional requirements for conventional development, ~~but not for Rural Cluster Subdivisions~~, shall be as follows:

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- (A) Gross residential density: one (1) dwelling unit per two (2) acres. In order to construct more than one dwelling on any one parcel, a sketch plan must be submitted that would demonstrate that all dwellings could be lawfully subdivided so as to be on their own lots.
- (B) Minimum lot size: two (2) acres
- (C) Minimum frontage required:
  - (1) Existing or proposed public roads, except as otherwise provided:
    - (a) U.S. Route 250, U.S. Route 15, VA. Primary Routes 6, 53, and VA. Secondary Route 616: 500 feet
    - (b) All other public roads: 300 feet
  - (2) Private roads: 200 feet
- (D) Minimum lot width at minimum required setback shall be equal to the minimum required frontage.
- (E) Minimum setback required (as measured from edge of right-of-way):
  - (1) U.S. Route 250, U.S. Route 15, VA. Primary Routes 6, 53, and VA. Secondary Route 616: 200 feet
  - (2) All other public roads: 125 feet
  - (3) Private Roads: 100 feet
- (F) Minimum side yard: 50 feet
- (G) Minimum rear yard: 75 feet

~~Sec. 22-4-10. Rural cluster development.~~

~~It shall be the policy of the County to promote the preservation of open space and the rural character of the County, while at the same time accommodating growth and protecting the value of property. To implement such policy, development of property according to rural cluster principles shall be encouraged throughout the County in accordance with the provisions of this section.~~

~~Sec. 22-4-10.1. Definitions~~

~~For purposes of this Section 22-4-10, the following terms shall be deemed to have the following meanings:~~

~~*Building lot* shall mean any lot which is sold or intended for use for the construction of one or more residential units.~~

~~*Existing public road* shall mean any road which is maintained as part of the Virginia Highway System or the Virginia Secondary Highway System at the time of the final approval for any rural cluster development; provided that no road which is dedicated to public use in connection with the approval of any cluster option development, whether by depiction on a subdivision plat or otherwise, shall be deemed to be an existing public road for purposes of this section.~~

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~~Open space parcel shall mean any parcel which is restricted from further residential, commercial or industrial development as provided herein.~~

~~Rural cluster development shall mean any subdivision or other development for sale or use for residential purposes as provided in this section.~~

~~Sec. 22-4-10.2. — Compliance with zoning and subdivision regulations.~~

~~Each rural cluster development shall comply with the provisions of this Section 22-4-10, and, to the extent that the provisions of this section shall conflict with other provisions of this chapter, the provisions of this section shall control. Except to the extent of such conflict, the provisions of this chapter shall control every rural cluster development. In addition, every rural cluster development shall comply with the provisions of Chapter 19 of the Code.~~

~~**Cross reference**—Chapter 19 of this Code sets out the provisions adopted as the Subdivision Ordinance of Fluvanna County, Virginia.~~

~~Sec. 22-4-10.3. — Rural cluster regulations.~~

~~Any parcel of land which is otherwise susceptible to development into building lots may be divided into lots which provide for the preservation of substantial open space as hereinafter provided. Such development shall be known as rural cluster development.~~

~~(1) The gross density for any rural cluster development shall not exceed one (1) dwelling unit per two (2) acres, as provided in this district.~~

~~(2) Repealed.~~

~~(3) Not less than  $\frac{3}{4}$  of the area of any rural cluster development shall be permanently restricted to prohibit further residential, commercial or industrial development. Such restriction may be made in the form of a covenant running with the land so restricted and in favor of each building lot in the rural cluster development, and in favor of the County. In the alternative, such restriction may be effected by the conveyance or dedication of such restricted land to the County, the Commonwealth or any other public body which is empowered to accept such conveyance or dedication. The substance of any such restriction, conveyance or dedication shall be subject to the approval of the County to ensure that such restriction shall be permanent and effective, which approval shall be made at the time of final subdivision approval and shall not be unreasonably withheld. The form of each such restriction, conveyance or dedication shall be subject to the approval of the County Attorney at the time of final subdivision approval. Nothing herein shall be deemed to require the acceptance of any conveyance or dedication or land by any public body except as may be approved by the governing body of such public body in its sole discretion.~~

~~(4) Nothing contained herein shall be construed to prevent the use or development of any open space parcel for one or more of the following:~~

~~(A) The construction of a single family residence, provided that such residence shall be included in the calculation of maximum gross density permitted for the cluster option development.~~

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~~(B) Agriculture, horticulture, silviculture, including temporary sawmills, but not including any residential, commercial or industrial uses or structures.~~

~~(C) Parks; playgrounds; preserves; conservation areas; hunting and boating clubs and small boat docks; all of which shall be maintained for the use of the residents of the rural cluster development or of the public, but, in any event, not for residential, commercial or industrial use.~~

~~(D) Public utilities: Poles, lines, transformers, pipes, meters and related or similar facilities; water and sewerage distribution and collection lines.~~

~~(E) Cable communications distribution lines.~~

~~(F) Public uses and structures.~~

~~(G) Water wells and other facilities for the production, storage and distribution of water exclusively for the use of the residents and users of uses permitted within the rural cluster development; subject, in the case of any such facility which is a part of a central water system, to the issuance of a special use permit.~~

~~(H) Septic systems and other sewage disposal facilities exclusively for the use of the residents and users of uses permitted within the rural cluster development subject, in the case of any such facility which is a part of a central sewer system, to the issuance of a special use permit.~~

~~(I) Non-commercial cemeteries.~~

~~(5) Each building lot shall be so designed as to provide minimum setbacks and yards. Except for buildings lots fronting on existing public roads, such setbacks and yards shall be not less than the minimum setback and yard requirements of the R-4 residential district which are as follows:~~

~~(A) The minimum frontage for permitted uses shall be sixty (60) feet, and for each additional permitted use there shall be at least ten (10) feet of additional lot width.~~

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

~~(C) Rear. Each main structure shall have a rear yard of twenty five (25) feet or more, and no accessory building shall be placed within twenty five (25) feet of any rear line.~~

~~(D) 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.~~

~~(6) Each building lot fronting on an existing public road shall conform to the minimum frontage, setback and yard requirements for conventional development in this district. For purposes of this section, any building lot which is separated from an existing public road by any open space parcel shall be deemed to front on such existing public road for purposes of the application of such minimum frontage, setback and yard requirements unless the distance between the boundary of such open space parcel and any abutting building lot shall be at least equal to the minimum setback requirement applicable to conventional development in this district.~~

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~~(7) All building lots shall be designed with due consideration of the topography and soil suitability for the following purposes, in such a manner as to maximize the efficient use and utility of the land; minimize development cost; protect existing scenic quality; discourage congestion in adjacent public roads; and minimize land disturbance, soil erosion and other potentially adverse consequences of development:~~

~~(A) Construction of residential improvements;~~

~~(B) Provision of utilities, including, where applicable, public or common sewer and/or water facilities;~~

~~(C) Provision of roads and other transportation facilities, including pedestrian trails and other facilities designed for non-motorized traffic, and including particularly provisions for connections to existing, planned or potential transportation facilities on adjacent properties;~~

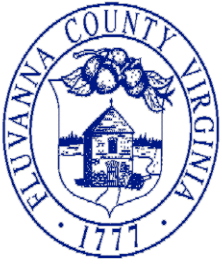
~~(D) Protection of physical features having a recognized architectural, historic, scenic and/or economic value to the County; and~~

~~(E) Provision of open space of a size, shape and character to promote the uses designated for such open space and to protect and promote the rural character of the area, and provide for contiguous greenways and wildlife corridors.~~

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

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**For the Hearing-Impaired – Listening device available in the Board of Supervisors Room upon request. TTY access number is 711 to make arrangements.  
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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 24:06  
**District:** Countywide Amendment

**General Information:** This Zoning Text Amendment request is to be heard by the Fluvanna County Planning Commission on Tuesday, November 12, 2024 at 7:00 pm in the Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

**Requested Action:** Recommend approval of amendments to the Fluvanna County Zoning Ordinance by amending §22-22-1, to include crematoriums and pet crematoriums in the definition of "Funeral home" and to include animal training in the definition of "Commercial kennel."

**Background Information:** These amendments clarify that 1. Cremation of both human and pet remains is a permitted activity at funeral homes and 2. Animal training is a permitted activity at commercial kennels.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION RECOMMENDS (APPROVAL / DENIAL / DEFERRAL) OF ZTA 24:06 – AN ORDINANCE TO AMEND AND REORDAIN "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY AMENDING § 22-22-1 TO INCLUDE CREMATORIIUMS AND PET CREMATORIIUMS IN THE DEFINITION OF "FUNERAL HOME" AND TO INCLUDE ANIMAL TRAINING IN THE DEFINITION OF "COMMERCIAL KENNEL."

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*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.*

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-22-1 TO INCLUDE CREMATORIUMS AND PET CREMATORIUMS IN THE DEFINITION OF “FUNERAL HOME” AND TO INCLUDE ANIMAL TRAINING IN THE DEFINITION OF “COMMERCIAL KENNEL”

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

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

CHAPTER 22 ZONING

ARTICLE 22. – DEFINITIONS

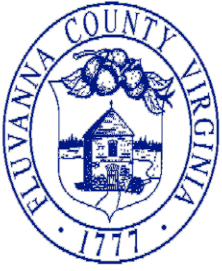
Sec. 22-22-1. - Rules of construction; definitions.

*Funeral home:* A facility ~~for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before~~ **used for undertaking services such as** burial **preparation** or cremation, **and where funeral services may be arranged and held.** Typical **Permitted** uses include funeral homes, ~~or~~ mortuaries, **crematoriums and pet crematoriums.**

*Kennel, commercial:* A place designed and used to house, board, breed, **train,** handle or otherwise keep or care for dogs, cats, or other household pets for the specific intent of sale or in return for compensation.

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

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## COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

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P.O. Box 540  
Palmyra, VA 22963  
(434) 591-1910  
Fax (434) 591-1911  
[www.fluvannacounty.org](http://www.fluvannacounty.org)

### PLANNING COMMISSION STAFF REPORT

**To:** Fluvanna County Planning Commissioners  
**From:** Dan Whitten, County Attorney; and Todd Fortune, Director of Planning  
**Case Number:** ZTA 24:07  
**District:** Countywide Amendment

**General Information:** This Zoning Text Amendment request is to be heard by the Fluvanna County Planning Commission on Tuesday, November 12, 2024 at 7:00 pm in the Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

**Requested Action:** Recommend approval of amendments to the Fluvanna County Zoning Ordinance by amending §§15-4-1 and 22-26-7 to clarify the requirements of the phrase "shielded and screened from view."

**Background Information:** These amendments clarify that the requirement that inoperable vehicles be "*shielded or screened from view*" can be met by 1. placing the vehicle within a fully enclosed building or structure, 2. placing the vehicle within an area completely enclosed either by a solid, rigid, opaque fence composed of standard fencing materials or by a landscaped arrangement of nondeciduous trees, sufficient in height, spacing, density and circumference to eliminate visibility of the vehicle, or 3. covering the vehicle with a tarpaulin or other vehicle cover.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION RECOMMENDS (APPROVAL / DENIAL / DEFERRAL) OF ZTA 24:07 – AN ORDINANCE TO AMEND AND REORDAIN "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY AMENDING §§ 15-4-1 AND 22-26-7 TO CLARIFY THE REQUIREMENTS OF THE PHRASE "SHIELDED AND SCREENED FROM VIEW"

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*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.*

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 15-4-1 AND 22-26-7 TO CLARIFY THE REQUIREMENTS OF THE PHRASE “SHIELDED AND SCREENED FROM VIEW”

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 § 15-4-1 and 22-26-7as follows:*

CHAPTER 15 MOTOR VEHICLES AND TRAFFIC

ARTICLE 4. – INOPERABLE VEHICLES

Sec. 15-4-1. – Restriction of keeping of inoperable vehicles, etc.; removal; penalty.

(A) Definitions.

(1) As used in this section, the term *farm use* shall have the meaning ascribed to it in section 46.2-698(B) of the Code of Virginia.

(2) As used in this section, the term *inoperable* shall apply to: (i) any vehicle which is not in operating condition; (ii) any vehicle which for a period of 90 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or (iii) any vehicle on which there are displayed neither valid license plates nor a valid inspection decal. Farm use vehicles shall not be considered "inoperable" solely for failure to display valid license plates and a valid inspection decal.

(3) As used in this section, *shielded or screened from view* means ~~not visible~~ **completely precluding visibility of the subject vehicle** by someone standing at ground level from outside of the property on which the subject vehicle is located **by (i) placing the vehicle within a fully enclosed building or structure, (ii) placing the vehicle within an area completely enclosed either by a solid, rigid, opaque fence composed of standard fencing materials or by a landscaped arrangement of nondeciduous trees, sufficient in height, spacing, density and circumference to eliminate visibility of the vehicle, or (iii) covering the vehicle with a tarpaulin or other vehicle cover.**

(4) As used in this section, *vehicle* means a motor vehicle, trailer or semitrailer, as each is defined in section 46.2-100 of the Code of Virginia.

(B) It shall be unlawful for any person to keep any inoperable vehicle on any property zoned for residential or agricultural purposes except:

(1) In all zoning districts, such inoperable vehicle(s) may be kept within a fully enclosed building or structure; and

(2) In areas zoned residential, a maximum of two such inoperable vehicles to be restored may be kept if they are shielded or screened from view; and

(3) In areas zoned agricultural, a maximum of five such inoperable vehicles may be kept if they are shielded or screened from view.

(C) The owners of property zoned for residential or agricultural purposes shall remove therefrom any such inoperable vehicles that are kept in violation of this section within 30 days of receipt of written notice thereof from the County. If a property owner fails to comply with this subsection, the County, through its own agents or employees may remove any such inoperable vehicles. In the event the County, through its own agents or employees, removes any such inoperable vehicle pursuant to this subsection, the County may dispose of such inoperable vehicle no sooner than 15 days after giving written notice to the owner of the inoperable vehicle.

(D) The cost of the removal and disposal described in subsection (c) above shall be chargeable to the owner of the inoperable vehicles or premises and may be collected by the County as taxes are collected. Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against

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the property from which the inoperable vehicle was removed, the lien to continue until actual payment of such costs has been made to the County.

(E) Notwithstanding the other provisions of this section, if the owner of such inoperable vehicle can demonstrate that he is actively restoring or repairing the inoperable vehicle, and if it is shielded or screened from view, the inoperable vehicle and one additional inoperative vehicle that is shielded or screened from view and being used for the restoration or repair may remain on the property.

(F) Violations of this section shall be punishable as a Class 1 misdemeanor.

(G) The provisions of this section shall not apply to a licensed business which on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.

## CHAPTER 22 ZONING

### ARTICLE 26. – OFF-STREET PARKING AND LOADING SPACES

Sec. 22-26-7. - Interpretations of off-street parking and loading requirements.

(A) The off-street parking and loading requirements are in addition to space for the storage of trucks or other vehicles used in connection with any use.

(B) The off-street parking and loading requirements do not limit special requirements that may be imposed in the case of planned unit developments, conditional uses, or special exceptions.

(C) Where fractional spaces result, the parking spaces and loading spaces required shall be construed to be the next highest whole number.

(D) No inoperable vehicle shall be parked or stored on a lot in any zoning district unless the vehicle is ~~within a fully enclosed building or structure, or are otherwise~~ shielded or screened from view from all public roads and adjoining properties. **“Shielded or screened from view” means completely precluding visibility of the subject vehicle by someone standing at ground level from outside of the property on which the subject vehicle is located by (i) placing the vehicle within a fully enclosed building or structure, (ii) placing the vehicle within an area completely enclosed either by a solid, rigid, opaque fence composed of standard fencing materials or by a landscaped arrangement of nondeciduous trees, sufficient in height, spacing, density and circumference to eliminate visibility of the vehicle, or (iii) covering the vehicle with a tarpaulin or other vehicle cover.**

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



# BUILDING INSPECTIONS MONTHLY REPORT

County of Fluvanna

<b>Building Official:</b>	<b>Period:</b>
Andrew Wills	Oct-2024

Category	Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL
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## BUILDING PERMITS ISSUED

<b>NEW - Single Family Detached (incl. Trades permits &amp; SWMH)</b>	2020	12	13	23	14	8	19	19	17	16	20	22	11	194
	2021	15	9	19	20	16	22	15	11	8	22	13	8	178
	2022	17	11	20	11	18	32	10	9	11	12	9	4	164
	2023	5	6	6	12	12	6	10	5	7	8	9	7	93
	2024	9	7	13	7	8	12	16	8	11	12	0	0	103

<b>NEW - Single Family Attached (Town Homes)</b>	2020	0	0	0	0	1	6	0	0	6	0	0	0	13
	2021	0	0	0	0	0	0	0	0	6	0	0	0	6
	2022	0	0	0	0	0	0	0	0	0	0	0	0	0
	2023	0	8	0	0	0	0	0	0	0	0	0	7	15
	2024	0	0	0	0	0	0	0	0	6	0	6	0	12

<b>Multi Family (Apartment, Duplex)</b>	2020	0	0	0	0	0	0	0	0	1	0	0	0	1
	2021	0	0	0	0	0	0	0	0	1	0	0	0	0
	2022	0	0	0	0	0	0	0	5	0	0	0	0	5
	2023	1	0	0	0	0	0	0	0	0	0	0	0	1
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0

<b>Additions and Alterations</b>	2020	37	38	23	30	30	22	27	20	30	34	35	23	349
	2021	28	14	43	39	31	40	30	29	26	30	35	33	378
	2022	33	48	60	45	47	50	51	63	45	63	51	44	600
	2023	52	34	51	34	36	28	36	35	45	39	43	37	470
	2024	39	33	45	31	43	29	39	27	38	32	0	0	356

\* Trade permits count not in .

<b>Accessory Buildings</b>	2020	2	4	4	4	5	5	1	7	8	3	5	1	49
	2021	1	3	3	6	3	6	1	3	2	4	4	2	38
	2022	3	4	13	6	5	2	5	4	5	3	0	2	52
	2023	7	2	7	5	6	2	5	8	4	7	5	6	64
	2024	1	6	5	3	9	3	5	2	8	1	0	0	43

<b>Swimming Pools</b>	2020	0	1	3	3	1	2	3	1	1	0	0	0	15
	2021	0	0	7	1	5	2	3	4	1	0	1	2	26
	2022	0	2	4	4	1	0	3	3	0	0	0	0	17
	2023	1	0	6	1	2	4	0	0	0	2	0	0	16
	2024	0	0	1	3	3	0	0	0	0	0	0	0	7

<b>Commercial/ Industrial Build/Cell Towers</b>	2020	0	0	1	0	1	0	0	3	0	0	2	0	7
	2021	1	0	1	0	0	0	1	0	0	0	2	0	5
	2022	0	0	0	0	0	2	3	2	0	2	1	0	10
	2023	1	1	0	1	0	0	0	0	0	0	0	0	3
	2024	0	0	0	0	0	1	0	1	0	0	0	0	2

<b>TOTAL BUILDING PERMITS</b>	2020	51	56	54	51	46	54	50	48	63	57	54	40	624
	2021	51	26	73	66	55	70	50	47	37	56	55	45	631
	2022	54	65	97	66	71	86	72	77	61	80	61	50	840
	2023	67	51	64	52	51	40	52	48	56	56	57	57	651
	2024	49	46	64	44	63	45	60	44	57	49	0	0	521

\* Trade permits count not included as in previous years

## BUILDING VALUES FOR PERMITS ISSUED

<b>TOTAL BUILDING VALUES</b>	2020	\$2,292,161	\$3,206,055	\$7,238,708	\$2,997,448	\$2,245,411	\$4,389,903	\$3,644,002	\$5,555,492	\$5,271,906	\$4,201,357	\$3,513,834	\$2,954,193	\$ 47,506,500
	2021	\$5,397,000	\$1,687,484	\$2,506,869	\$4,952,702	\$3,473,256	\$5,766,891	\$2,885,146	\$2,506,053	\$2,046,134	\$3,637,390	\$4,633,868	\$2,712,396	\$ 41,734,789
	2022	\$5,073,054	\$3,017,155	\$5,012,175	\$2,937,240	\$5,694,955	\$9,371,750	\$11,374,772	\$17,974,068	\$2,743,309	\$4,363,026	\$6,842,941	\$1,046,000	\$ 75,410,524
	2023	\$3,929,572	\$4,916,308	\$3,029,674	\$3,087,131	\$6,370,476	\$3,088,398	\$4,234,315	\$3,224,163	\$2,474,897	\$2,332,220	\$3,542,065	\$4,921,239	\$ 45,140,458
	2024	\$4,126,791	\$1,874,058	\$5,852,079	\$2,471,063	\$3,280,586	\$3,890,154	\$4,188,990	\$3,864,595	\$5,369,898	\$7,528,119	\$0	\$0	\$ 42,443,333



Category	Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL
<b>LAND DISTURBING PERMITS ISSUED</b>														
<b>LAND DISTURBING PERMITS</b>	2020	11	10	26	13	8	24	13	19	20	19	13	16	192
	2021	22	10	18	20	18	22	16	11	4	23	13	8	185
	2022	16	13	19	11	18	34	11	10	8	13	8	3	164
	2023	5	14	9	15	10	7	10	5	10	8	8	14	115
	2024	8	6	15	8	9	11	16	12	12	16	0	0	113
<b>INSPECTIONS COMPLETED</b>														
<b>TOTAL INSPECTIONS</b>	2020	213	197	302	369	371	304	434	368	439	464	407	412	4,280
	2021	430	349	465	431	402	426	333	355	419	453	422	356	4,841
	2022	304	414	551	449	439	486	594	589	523	400	300	351	5,400
	2023	350	298	321	308	288	285	261	294	287	375	297	300	3,664
	2024	272	200	226	226	256	266	308	435	352	366	0	0	2,907
<b>FEES COLLECTED</b>														
<b>Building Permits</b>	2020	\$12,863	\$15,468	\$18,152	\$16,803	\$13,147	\$28,068	\$23,193	\$28,887	\$24,237	\$19,359	\$15,359	\$15,871	\$ 231,407
	2021	\$18,733	\$15,400	\$15,654	\$21,333	\$16,184	\$23,031	\$27,000	\$11,923	\$9,144	\$20,620	\$15,563	\$9,211	\$ 203,796
	2022	\$21,100	\$19,347	\$23,488	\$15,404	\$19,739	\$23,621	\$18,713	\$54,782	\$11,348	\$34,994	\$17,567	\$6,021	\$ 266,124
	2023	\$11,925	\$20,870	\$11,256	\$15,385	\$21,848	\$9,751	\$9,429	\$8,207	\$10,590	\$11,603	\$11,462	\$14,778	\$ 157,104
	2024	\$21,425	\$8,680	\$19,958	\$9,063	\$8,812	\$17,936	\$21,896	\$18,824	\$19,968	\$27,219	\$0	\$0	\$ 173,781
<b>Land Disturbing Permits</b>	2020	\$1,375	\$1,250	\$6,365	\$1,625	\$1,000	\$3,000	\$2,125	\$8,369	\$2,500	\$2,375	\$4,294	\$1,875	\$ 36,153
	2021	\$5,678	\$1,250	\$14,463	\$2,500	\$2,250	\$2,750	\$13,581	\$2,824	\$500	\$4,848	\$1,625	\$1,000	\$ 53,268
	2022	\$2,000	\$2,050	\$9,963	\$1,375	\$2,250	\$10,014	\$1,375	\$2,175	\$27,725	\$3,649	\$2,175	\$375	\$ 65,126
	2023	\$625	\$1,875	\$1,125	\$2,300	\$1,625	\$5,000	\$2,408	\$625	\$4,975	\$1,000	\$1,000	\$1,750	\$ 24,308
	2024	\$1,000	\$750	\$9,584	\$1,000	\$3,713	\$1,375	\$2,000	\$1,500	\$2,375	\$2,000	\$0	\$0	\$ 25,297
<b>Zoning Fees collected by Building Dept starting February 2024</b>	2020	\$1,650	\$1,600	\$3,000	\$1,700	\$15,550	\$3,050	\$2,350	\$2,300	\$2,900	\$2,850	\$1,600	\$1,700	\$ 26,250
	2021	\$2,150	\$1,150	\$3,650	\$2,950	\$2,650	\$3,400	\$2,450	\$1,850	\$1,300	\$2,900	\$1,900	\$1,150	\$ 27,500
	2022	\$1,900	\$1,400	\$3,900	\$1,650	\$2,300	\$3,900	\$1,800	\$1,500	\$1,500	\$2,000	\$1,450	\$750	\$ 24,050
	2022	\$1,350	\$1,950	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$ 3,300
	2024	\$0	\$800	\$2,250	\$1,150	\$1,800	\$2,250	\$2,250	\$1,650	\$1,750	\$2,300	\$0	\$0	\$ 16,200
<b>TOTAL FEES</b>	2020	\$15,888	\$18,318	\$27,517	\$20,128	\$15,697	\$34,118	\$27,668	\$39,556	\$29,637	\$24,584	\$24,584	\$19,446	\$ 293,810
	2021	\$25,000	\$22,797	\$37,351	\$18,429	\$24,289	\$37,535	\$21,888	\$58,457	\$40,573	\$40,643	\$24,584	\$7,146	\$ 290,061
	2022	\$25,001	\$22,797	\$37,351	\$18,429	\$24,289	\$37,535	\$21,888	\$58,457	\$40,573	\$40,643	\$24,584	\$7,146	\$ 335,300
	2023	\$13,900	\$24,395	\$12,381	\$17,685	\$23,473	\$14,751	\$11,837	\$8,834	\$15,565	\$12,603	\$12,462	\$16,528	\$ 184,714
	2024	\$22,425	\$10,230	\$31,792	\$11,213	\$14,325	\$21,561	\$26,146	\$21,974	\$24,093	\$31,519	\$0	\$0	\$ 215,278