

**FLUVANNA COUNTY PLANNING COMMISSION**  
**WORK SESSION AND REGULAR MEETING AGENDA**

Morris Room

February 18, 2025

**6:00PM Work Session**

**7:00 PM Regular Meeting**

**WORK SESSION**

**A – CALL TO ORDER, PLEDGE OF ALLEGIANCE**

**B – WORK SESSION**

Food Trucks

**C – ADJOURN**

**REGULAR MEETING**

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

**2 – ADOPTION OF THE AGENDA**

**3 – DIRECTOR’S REPORT**

**4 – PUBLIC COMMENTS #1 (5 minutes each)**

**5 – MINUTES**

Minutes January 14, 2025

**6 – PUBLIC HEARING**

None-Cancelled due to weather

**7 – RESOLUTIONS**

ZTA 25-03 Amend Definitions of Outdoor Light Controls

**8 – PRESENTATIONS**

None

**9 – SITE DEVELOPMENT PLANS**

None

**10 – SUBDIVISIONS**

None

**11 – UNFINISHED BUSINESS**

Comp Plan

**12 – NEW BUSINESS**

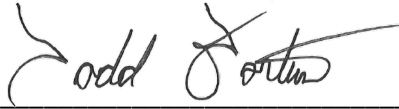
PC Bylaws Update

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

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

**13 – PUBLIC COMMENTS #2** (5 minutes each)

**14 – ADJOURN**



Planning/Zoning Administrator Review

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

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

\*\*\*\*\*

## PLEDGE OF ALLEGIANCE

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

\*\*\*\*\*

### 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.

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

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

**FLUVANNA COUNTY PLANNING COMMISSION  
MEETING MINUTES**

**132 Main Street Palmyra, VA 22963,  
Tuesday, January 14, 2025**

**Organizational Meeting 6:00 pm | Work Session 6:15 pm | Regular Meeting 7:00 pm**

**MEMBERS PRESENT:**

Barry Bibb, Chair  
Kathleen Kilpatrick, Commissioner (Arrived at 6:05 pm)  
Howard Lagomarsino, Commissioner  
Lorretta Johnson-Morgan, Commissioner  
Eddie Shifflett, Commissioner  
Mike Goad, Representative of Board of Supervisors

**STAFF PRESENT:**

Todd Fortune, Director of Planning  
Dan Whitten, Fluvanna County Attorney  
Kelly Harris, Assistant County Administrator  
Eric Dahl, County Administrator  
Margie Bamford, Administrative Assistant

**ORGANIZATIONAL MEETING:**

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

At 6:00 pm Planning Director Fortune called the January 14<sup>th</sup>, 2025 organizational meeting to order, led in the Pledge of Allegiance, and conducted a Moment of Silence.

**B. Election of the Chair-**

- Mr. Barry Bibb was nominated by Mr. Lagomarsino and voted in.

<b>MOTION:</b>	To Approve the election of Barry Bibb as the acting 2025 Chairman of the Planning Commission				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>			<b>Second</b>	<b>Motion</b>	
<b>VOTE:</b>	Aye	Absent	Aye	Aye	Aye
<b>RESULT:</b>	<b>4-0 Approved, 1 Absent</b>				

**C. Election of the Vice Chair.**

- Mr. Howard Lagomarsino was nominated by Ms. Johnson-Morgan and voted in.

<b>MOTION:</b>	To Approve the election of Howard Lagomarsino as the acting 2025 Vice Chairman of the Planning Commission				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>			<b>Second</b>		<b>Motion</b>
<b>VOTE:</b>	Aye	Absent	Aye	Aye	Aye
<b>RESULT:</b>	<b>4-0 Approved, 1 Absent</b>				

**D. Organizational Meeting Resolution:**

- The Organizational Meeting Resolution was adopted for 2025.

<b>MOTION:</b>	To Approve the Adoption of the Resolution for the 2025 Organizational meeting of the Planning Commission				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>			<b>Motion</b>		<b>Second</b>
<b>VOTE:</b>	Aye	Absent	Aye	Aye	Aye
<b>RESULT:</b>	<b>4-0 Approved, 1 Absent</b>				

**E. Adoption of the Planning Commission Calendar**

- The November date of the 11<sup>th</sup> was changed to the 18<sup>th</sup> due to the Veteran’s Day Holiday and the meeting in January was changed from the 7<sup>th</sup> to the 14<sup>th</sup>.

<b>MOTION:</b>	To Approve the Adoption of the Planning Commission Calendar				
<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>				

**F. Adjournment-**

- Mr. Bibb adjourned the Organizational Meeting at 6:06 pm

**WORK SESSION:**

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

At 6:15 pm Chairman Bibb Called the January 14<sup>th</sup>, 2025 work session to order, led in the Pledge of Allegiance, and conducted a Moment of Silence.

**B. Special Events-**

- Mr. Bibb checked with the Commission and verified whether other counties researched policies should to be covered. They did not. Mr. Fortune then presented the Commission the new Fluvanna County Voluntary Event Notification Form webpage to be added to the Fluvanna County website. Mr. Whitten advised that there is a separate form for events with outdoor music and went over the process for that special event permit. Mr. Goad questioned why music events were separated from other events, Mr. Whitten advised it was per the county code. Mr. Dahl wanted to know if a winery has outdoor music is that a special event permit, Mr. Whitten advised that would be covered under Agritourism. Ms. Morgan-Johnson had questions about what type of music event required a special event permit. Mr. Whitten provided the answers. Ms. Kilpatrick wanted the language changed to make the music event clearer on the application. Mr. Whitten suggested bringing a wording change to the ordinance to the Board to clarify the ordinance. Ms. Johnson-Morgan had questions about what happens when there are repeat offenders that do not use the event form and cause problems and will it be monitored. There was a discussion among several members of the Commission and staff on wording for the event webpage in reference to music. There was then discussion among several Commission members and Mr. Whitten and Mr. Dahl over events on County Property and at the schools. It was decided to bring the webpage back when the wording on music events was changed and not publish it until the wording was corrected.

**C. Subdivisions-**

- Mr. Whitten presented the suggested changes for for the “R4” zoning districts. He discussed adding wording to cover well and septic in the R-4 and presented a new proposed language for this with a lot size change and open space changes. Mr. Goad wanted clarification on open space restrictions, Mr. Whitten provided clarification. Mr. Bibb had questions about gross density and Mr. Whitten was able to clarify on the wording in the proposed ordinance. Mr. Whitten provided an explanation on the proposed wording and why the decision was made to size the lots and open space that way. The Planning Commission decided they wanted Mr. Whitten to take it to the Board in a work session

**D. Adjournment-**

- Mr. Bibb adjourned the work session at 6:51 pm.

**REGULAR MEETING:**

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

At 7:00 pm Chairman Bibb called the January 14<sup>th</sup>, 2025 special regular meeting to order, led in the Pledge of Allegiance, and conducted a Moment of Silence.

**B. Adoption of the Agenda:**

<b>MOTION:</b>	To Approve the Adoption of the Agenda of the Planning Commission meeting for January, 14 2025.				
<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>				

**C. Director’s Report:**

• **Announcements and Updates:**

- Zoning Ordinance Update-The Board of Supervisors held a public hearing on December 18, 2024 to consider and hear public comments on proposed ordinance language to clarify the requirements of the phrase “shielded and screened from view.” After the public hearing, the Board directed staff to make a change to the proposed language.
  - Specifically, Option 3 would be amended to “covering the vehicle with a fitted car cover.”
  - The Board authorized a public hearing for January 22, 2025 on the proposed change.
- Signs-The Board of Supervisors had a discussion on December 18, 2025 on enforcement of the County’s Sign Ordinance-specifically, temporary signs.
  - This is in response to the resident concerns regarding business and election signs that fall under “temporary, exempt signs” in the Ordinance.
  - If a resident has a concern about a sign, they should fill out the online “Report a Concern” form and staff will investigate.

• **Upcoming Cases:**

- There are two public hearings originally scheduled for January that, due to the postponement of this meeting, have to be re-advertised for the February meeting:
  - ZTA-Definition of Minor Subdivisions (Zoning Ordinance)
  - AFD-Removal of Park Property.
- There is a sketch plan request on the agenda for tonight’s meeting.
  - SDP 24:09-Carysbrook Solar/Suntribe Solar
- There are two resolutions for additional ZTA’s on the agenda tonight. The Commission will be asked to approve a resolution to advertise these for a public hearing.
  - Definition of Agritourism
    - Fluvanna County Code does not currently define Agritourism
  - Definition of Solid Waste Material Recovery Facility, Solid Waste Collection Facility
    - This is related to an unidentified business prospect.

Day	Date	Time	Public Hearings and Public Meetings	Location
Tuesday	Feb 11, 2025	6pm 7PM	Work Session (TDB) Regular Meeting	Morris Rm
Tuesday	Mar 11, 2025	6pm 7PM	Work Session (TDB) Regular Meeting	Morris Rm
Tuesday	Apr 8, 2025	6pm 7PM	Work Session (TDB) Regular Meeting	Morris Rm

**D. Public Comments #1:**

- At 7:11 PM Chair Bibb opened up the first round of Public Comments.
  - Ms. Patricia Beers Block, address of 103 Island Hill Rd Palmyra, came forward with concerns in reference to Carysbrook Solar and if it would be a non-

conforming use due to the state code and pointed out a typo in the staff report. She was advised that this would be addressed during the SDP approval. No one else came forward and Mr. Bibb closed the first public comments at 7:13pm.

**E. MINUTES:**

<b>MOTION:</b>	To Approve the Regular meeting minutes of the Planning Commission of December 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>				

**F. Public Hearings:**

- None

**G. Resolutions**

- **Request for Public Hearing for ZTA 25:01 Define Agritourism**

- Mr. Fortune gave the power point presentation. Mr. Goad wanted to confirm that this wording was codifying the state code, Mr. Whitten confirmed it was. Mr. Goad also questioned Mr. Dahl this as well and Mr. Dahl provided an answer for him on the county’s need for a definition. There were no further questions

<b>MOTION:</b>	I MOVE THAT THE PLANNING COMMISSION APPROVE THE RESOLUTION TO ADVERTISE A PUBLIC HEARING ON FEBRUARY 11, 2025 TO CONSIDER ZTA 25:01 – ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §§ 22-4-2.1 AND 22-22-1 TO DEFINE AGRITOURISM ACTIVITY AND TO AUTHORIZE AGRITOURISM ACTIVITY BY-RIGHT IN THE A-1 ZONING DISTRICT.				
<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>				

- **Request for Public Hearing for ZTA 25:02, Amend the definitions of Solid Waste Material Recovery Facility and Solid Waste Collection Facility.**

- Mr. Fortune Gave a power point presentation. There were no questions.

<b>MOTION:</b>	I MOVE THAT THE PLANNING COMMISSION APPROVE THE RESOLUTION TO ADVERTISE A PUBLIC HEARING ON FEBRUARY 11, 2025 TO CONSIDER ZTA 25:02 – AN ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING §22-22-1 TO REMOVE THE WORD “MUNICIPAL” FROM THE DEFINITIONS OF “SOLID WASTE MATERIAL RECOVERY FACILITY” AND “SOLID WASTE COLLECTION FACILITY”				
<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>				

**H. Presentations:**

- None

**I. Site Development Plans:**

- **SDP 24:09 Carysbrook Solar/Suntribe Solar**

- Mr. Fortune gave a power point presentation address the site plan. Mr. Fortune did address the concerns of the first public comments that there was a typo in the staff report. Mr. Fortune provided information on the SUP that was already approved and went over the conditions of the SUP. Mr. Fortune did address the comments that were made during the TRC with the Commission. Mr. Whitten

addressed the concern that Ms. Block made during the public comment period. Ms. Johnson-Morgan had questions for the developer about the flooding situation, the developer was able to provide the information to her. There were no further questions from the Planning Commission. Mr. Lagomarsino wanted the motion to include the recommended conditions. Mr. Whitten approved the wording change.

<b>MOTION:</b>	I MOVE THAT THE PLANNING COMMISSION ACCEPT SDP 24:09, A SKETCH PLAN REQUEST TO CONSTRUCT A 3-MW GROUND-MOUNTED SOLAR FACILITY ON APPROXIMATELY 27 ACRES OF 361.3-ACRE PARCEL IDENTIFIED AS TAX MAP 42, SECTION 1, PARCEL 1, <b>WITH RECOMMENDED CONDITIONS.</b>				
<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>				

**J. Subdivisions:**

- None

**K. Unfinished Business:**

- **Comprehensive Plan-Todd Fortune, Director of Planning:**
  - Mr. Fortune presented his power point advising that staff was still working on updating the plan sections that are data intensive. Mr. Fortune confirmed with Mr. Shifflett that community meetings for Rivanna and Palmyra Districts were able to be combined, to which Mr. Shifflett confirmed with him. Mr. Fortune went over the different groups and the amount of people that have currently applied. Mr. Fortune had questions for the Commission if they wanted to allow individuals to serve in multiple groups and if Planning Commission members were to oversee the advisory groups, or be able to serve on the advisory groups. Ms. Johnson-Morgan wanted to know if applicants expressed why they wanted to serve on multiple committees, which Mr. Fortune replied they did not. The Commission discussed concerns with the last advisory committees during the last Comprehensive Plan update and the changes they wanted addressed during this process. The Commission then addressed the desire to be involved in the committees. Ms. Johnson-Morgan suggested auditing several of the meetings, Ms. Kilpatrick agreed she would like to do the same. Mr. Lagomarsino had concerns on coordinating members auditing meetings per FOIA. Ms. Johnson-Morgan had questions on the Planning Commission’s role in the Comprehensive Plan, Mr. Fortune explained the Planning Department’s role to the Planning Commission. The Commission decided to go through the Clerk to the Commission to schedule which meetings they want to attend. Mr. Fortune then stated that the Planning Department would have the names for the Chairman in the next meeting packet for assignment.

**L. New Business:**

- None

**M. Public Comments #2:**

- Mr. Bibb opened the second round of public comments at 7:55pm, Mr. Tom Diggs, 947 Jefferson Dr. wanted clarification from the Commission on the use of the word Consensus, no one else came forward and Mr. Bibb closed the second round of public comments at 8:01pm.

**N. ADJOURNMENT**

- Chair Bibb called for a motion to adjourn the December 10, 2024 Planning Commission regular meeting.



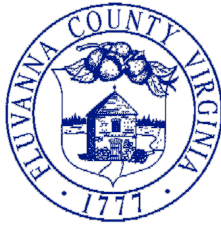
<b>MOTION:</b>	Motion to Adjourn the December 10, 2024 Planning Commission regular meeting at 8:55 pm.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>				<b>Motion</b>	<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Approved</b>				

Minutes were recorded by Margie Bamford, Administrative Programs Specialist.

---

**Barry Bibb, Chair**  
**Fluvanna County Planning Commission**

DRAFT



---

# COUNTY OF FLUVANNA

---

*"Responsive & Responsible Government"*

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

## PLANNING COMMISSION STAFF REPORT

**To:** Fluvanna County Planning Commissioners  
**From:** Dan Whitten, County Attorney  
**Case Number:** ZTA 25:03  
**District:** Countywide Amendment

**General Information:** This is a request for a public hearing to be held on Tuesday, March 11, 2025 at 7:00 pm to be heard by the Fluvanna County Planning Commission in the Morris Room in the County Administration Building, 132 Main Street, Palmyra VA 22963.

**Requested Action:** Recommend advertisement for a public hearing to approve an amendment to the Fluvanna County Zoning Ordinance by amending §22-25-4 to remove the phrase, "Refer to Example Graphics" from Paragraph (E) – description of "Full Cutoff Angle."

**Background Information:** This amendment removes the reference to "Example Graphics" from the description of "Full Cutoff Angle." The Ordinance does have a section for example graphics; therefore, the reference need to be removed.

Recommended Motion:

I MOVE THAT THE PLANNING COMMISSION (APPROVE / DENY / DEFER) THE RESOLUTION TO ADVERTISE A PUBLIC HEARING ON FEBRUARY 11, 2025 TO CONSIDER ZTA 25:03 – AN ORDINANCE TO AMEND AND REORDAIN "THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA" BY AMENDING §22-25-4 TO REMOVE THE PHRASE "REFER TO EXAMPLE GRAPHICS" FROM THE DESCRIPTION OF "FULL CUTOFF ANGLE."

**ZTA 25:2**

ORDINANCE TO AMEND AND REORDAIN “THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA” BY AMENDING § 22-25-4 TO MAKE A CLERICAL CORRECTION REMOVING AN OBSOLETE REFERENCE FOR OUTDOOR LIGHT CONTROLS

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 § 22-25-4 as follows:*

CHAPTER 22 ZONING

ARTICLE 25. – OUTDOOR LIGHT CONTROL

Sec. 22-25-4. - General terms.

(A) *Outdoor Light Fixtures* shall mean outdoor artificial illuminating devices, outdoor fixtures, lamps or other devices, permanent or portable, used for illumination, direction or advertisement. Such devices shall include, but are not limited to search, spot, or flood lights for:

- (1) Buildings and structures, including canopies and overhangs;
- (2) Parking lot lighting;
- (3) Landscape lighting;
- (4) Signs; and
- (5) Display and service areas.

(B) *Installed* shall mean the initial installation of outdoor light fixtures defined herein, following the effective date of this article, but shall not apply to those outdoor light fixtures installed prior to such date.

(C) *Shielded, fully* shall mean fixtures that are shielded in such a manner that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below a horizontal plane running through the lowest point on the fixture where light is emitted. This means that a fully shielded fixture is one used in such a way that it allows no direct or internally reflected light to shine above the light fixture or beyond the property line. The terms 'source shield' and 'full cutoffs' shall mean fully shielded.

(D) *Footcandle* shall mean a quantitative unit of measure referring to the measurement of illumination incident at a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

(E) *Full Cutoff Angle* shall mean the angle formed by a line drawn from the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted. ~~Refer to example graphics.~~

(F) *Initial Lumens* shall mean the lumens emitted from a lamp, as specified by the manufacturer of the lamp.

(G) *Lamp* shall mean the component of a luminaire that produces and directs light. A lamp is also commonly referred to as a bulb.

(H) *Lumen* shall mean a standard unit of measurement referring to the amount of light energy emitted by a light source, without regard to the effectiveness of its distribution.

(I) *Luminaire* shall mean a complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.

(J) *Outdoor Luminaire* shall mean a luminaire that is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign.

(K) *Photometric Plan* shall mean a point-by-point plan depicting the intensity and location of lighting on the property and spillover on to adjacent properties or rights-of-way.

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



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

**RESOLUTION No. 2025-03**

**A RESOLUTION OF INTENTION TO AMEND THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY AMENDING § 22-25-4 TO MAKE A CLERICAL CORRECTION REMOVING AN OBSOLETE REFERENCE FOR OUTDOOR LIGHT CONTROLS**

**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 §22-25-4 to remove the phrase, “Refer to Example Graphics” from Paragraph (E) – description of “Full Cutoff Angle” from the Lighting Ordinance, 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 §22-25-4 to remove the phrase, “Refer to Example Graphics” from Paragraph (E) – description of “Full Cutoff Angle.” and

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

**BE IT FURTHER RESOLVED**, the Planning Commission authorizes the Director of Planning to advertise the proposed amendment for a public hearing on March 11, 2025; and

**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Fluvanna County Planning Commission at a meeting of the Commission held on the 11<sup>th</sup> day of February, 2025:

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

Attest:

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

# **Fluvanna County Planning Commission**

## **BYLAWS AND RULES OF PRACTICE AND PROCEDURES**

**Adopted:** \_\_\_\_\_

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

**II. PRINCIPAL ADDRESS.** 132 Main Street, Palmyra, Virginia 22963; Mailing Address: Post Office Box 540, Palmyra, Virginia 22963.

**III. COMMISSION CHAIR.** At the first regular meeting of the year, the Commission selects one of its members to serve as Chair. The Chair is a voting member and serves for one (1) year.

**IV. COMMISSION VICE CHAIR.** At the first regular meeting of the year, the Commission selects one of its members to serve as Vice Chair. The Vice Chair is a voting member and serves for one (1) year.

**V. DIRECTOR OF PLANNING.** The Director of Planning shall be Clerk to the Commission and his or her general duty is set forth in the Code of Virginia, Section 15.2-2217. He or she shall maintain an office at the same address as the Commission.

**VI. COUNTY ATTORNEY.** The County Attorney assists the Commission in analyzing the facts; provides advice and action in legal matters and represents the Commission in civil actions.

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

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

### **IX. PUBLIC SESSIONS.**

A. Except as otherwise directed the regular public meeting of the Commission shall be held on the 1st Tuesday after the 1st Wednesday of the month at 7:00 p.m. The meetings shall generally be held in the Morris Room, of the County Administration Building, located at 132 Main Street, Palmyra, VA 22963.

B. A special meeting may be held at the call of the Chair or by the application of three members given to the Director of Planning. There shall be at least seventy-two (72) hours written notice for a special meeting.

**X. MEETING AND ATTENDANCE.**

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

B. Meetings will be held on the 1st Tuesday after the 1st Wednesday of the month. If the meeting date falls on a holiday, a new meeting date will be scheduled by the Chair. Meetings shall start at the appointed time, and if the Chair is not present, the Vice Chair shall preside. If neither the Chair nor the Vice Chair is present, the Director of Planning shall call the meeting to order and preside for the election of a Temporary Chair.

C. Any person making a written or electronic presentation or demonstrating a matter by way of a picture, slides or a similar document for inclusion in the record of the hearing shall provide the Director of Planning a copy of such item three (3) days prior to the meeting at which such person wishes to make a presentation.

D. The Director of Planning shall list all items requested on the agenda. If, in the opinion of the Director of Planning, an agenda item is not appropriate for consideration by the Commission, he shall inform the Chair, and if the Chair is in agreement, the Commission shall first discuss whether to entertain the agenda item.

E. The Director of Planning and Chair shall allocate time to items on the agenda, as is necessary, for appropriate consideration by the Commission.

F. The Commission shall consider all items docketed on the agenda before taking any other items unless an undocketed item is brought by consent of the Commission.

G. Time permitting, items not on the agenda shall be heard as the final items of the Commission's business. If time does not, in the opinion of the Chair, permit hearing items on the agenda, they shall be carried over to the next regular or special meeting.

H. The Chair's vote on all issues before the Commission shall be recorded as being given with the prevailing side, unless the Chair clearly votes otherwise.

I. Meetings shall be adjourned no later than 11:00 pm unless continued by unanimous vote of the Commission members.

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

A. Authority and Scope

1. This policy shall govern participation by an individual member of the Planning Commission of Fluvanna County, Virginia, by electronic communication means in public meetings of the Planning Commission of Fluvanna County, Virginia, and any closed session of the Commission held in accordance with applicable law, from and after the date of adoption of this policy.
2. This policy is adopted pursuant to the authorization of Va. Code § 2.2-3708.3 and is to be strictly construed in conformance with the Virginia Freedom of Information Act (VFOIA), Va. Code § 2.2-3700 et seq.
3. Any reference to a specific provision of federal, state, or local law referenced in this policy shall mean such provision of law, as amended from time to time, or as set forth in any successor provision dealing with substantially the same subject.

#### B. Definitions

1. **“Caregiver” means a caregiver as defined by Va. Code § 2.2-3701.**
2. “Member” means any member of the Planning Commission.
3. “Remote participation” means participation by an individual member of the Commission by electronic communication means in a public meeting where a quorum of the Commission is physically assembled, as defined by Va. Code § 2.2-3701. **For purposes of determining whether a quorum is physically assembled, an individual member who is a person with a disability as defined in Va. Code § 51.5-40.1 or is a caregiver and uses remote participation counts toward the quorum as if the individual was physically present.**
4. “Meeting” means a meeting as defined by Va. Code § 2.2-3701.
5. “Notify” or “notifies,” for purposes of this policy, means verbal or written notice that is reasonable under the circumstances, with written notice, such as by email or letter, being the preferred means of notice. Notwithstanding the foregoing, notice does not include text messages or communications via social media.
6. “VFOIA” means the Virginia Freedom of Information Act, Va. Code § 2.2-3700, et seq.

#### C. Mandatory Requirements

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



1. A quorum of the Commission must be physically assembled at the primary or central meeting location; and
2. Arrangements have been made for the voice of the remotely participating member to be heard by all persons at the primary or central meeting location. If at any point during the meeting the voice of the remotely participating member is no longer able to be heard by all persons at the meeting location, the remotely participating member shall no longer be permitted to participate remotely.
3. **For purposes of determining whether a quorum is physically assembled, an individual member who is a person with a disability as defined in Va. Code § 51.5-40.1 or is a caregiver and uses remote participation counts toward the quorum as if the individual was physically present.**

#### D. Process to Request Remote Participation

1. On or before the day of the meeting, and at any point before the meeting begins, the requesting member must notify the Commission Chair (or the Vice-Chair if the requesting member is the Chair) that such member is physically unable to attend a meeting due to (i) a temporary or permanent disability or other medical condition that prevents the member's physical attendance, (ii) a family member's medical condition that requires the member to provide care for such family member, thereby preventing the member's physical attendance, **or the member is a caregiver who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance,** (iii) such member's principal residence location more than 60 miles from the meeting location, or (iv) a personal matter and identifies with specificity the nature of the personal matter.
2. If the requesting member is unable physically to attend the meeting due to a personal matter, the requesting member must state with specificity the nature of the personal matter and that such matter renders the requesting member unable physically to attend. Remote participation due to a personal matter is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. There is no limit to the number of times that a member may participate remotely for the other authorized purposes listed in (i) - (iii) above.
3. The requesting member is not obligated to provide independent verification regarding the reason for such member's nonattendance, including the temporary or permanent disability or other medical condition or the family member's medical condition that prevents the member's physical attendance at the meeting.
4. The Chair (or the Vice-Chair if the requesting member is the Chair) shall promptly notify the requesting member whether the request is in conformance with this policy, and therefore approved or disapproved.

#### E. Process to Confirm Approval or Disapproval of Participation from a Remote Location

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

1. The Chair's decision to approve or disapprove the requesting member's request to participate from a remote location was in conformance with this policy; and
2. The voice of the remotely participating member can be heard by all persons at the primary or central meeting location.

#### F. Recording in Minutes

1. If the member is allowed to participate remotely due to a temporary or permanent disability or other medical condition, a family member's medical condition that requires the member to provide care to the family member, **or the member is a caregiver who must provide care for a person with a disability**, or because the member's principal residence is located more than 60 miles from the meeting location the Commission shall record in its minutes (1) the foregoing circumstance due to which the member is participating remotely; (2) the Commission's approval of the member's remote participation; and (3) a general description of the remote location from which the member participated.
2. If the member is allowed to participate remotely due to a personal matter, the Commission shall record in its minutes (1) the specific nature of such personal matter that renders the requesting member unable to attend stated by the requesting member; (2) how many times the member has attended remotely due to a personal matter; (3) the Commission's approval of the member's remote participation; and (4) a general description of the remote location from which the member participated.
3. If a member's request to participate remotely is disapproved, the disapproval, including the grounds upon which the requested participation violates this policy or VFOIA, shall be recorded in the minutes with specificity.

#### G. Closed Session

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

#### H. Strict and Uniform Application of this Policy

This Policy shall be applied strictly and uniformly, without exception, to the entire membership, and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. Unless independently received by County staff, the Chair (or Vice-Chair) shall provide County

staff with copies of the member's written request to participate remotely and the written response, as applicable, if the request or response is in writing, to be retained by County staff for a period of one year, or other such time required by records retention laws, regulations, and policies.

#### I. Meetings Held Through Electronic Communication Means During Declared States of Emergency

1. In addition to the foregoing, pursuant to the Code of Virginia Section 2.2-3708.2(A)(2) the Planning Commission may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with the Code of Virginia Section 44-146.17, or Fluvanna County has declared a local state of emergency pursuant to Code of Virginia Section 44-146.21, provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to address the emergency provide for the continuity of operations of the Commission or the discharge of its lawful purposes, duties, and responsibilities. The Planning Commission when convening a meeting in accordance with this subdivision (I) shall:
  - a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the Planning Commission conducting the meeting;
  - b. Make arrangements for public access to such meeting through electronic communication means;
  - c. Provide the public with the opportunity to comment at those meetings of the Commission when public comment is customarily received;
  - d. Otherwise comply with the provisions of the Code of VFOIA; and
  - e. State in its minutes the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held.
- J. Nothing in this Section XI shall be construed to prohibit the use of interactive audio or video means to expand public participation.

## **XII. CONDUCT OF BUSINESS**

- A. When the question is called and there is no dispute, the Chair shall call for the vote.
- B. Whenever any member wishes to abstain from voting on any question, he or she shall so state and, if because of a conflict, shall indicate in accordance with the Virginia Conflict

of Interests Act, Virginia Code § 2.2-3100 et seq., or as amended, and his or her abstention shall be announced by the Chair and recorded by the Clerk.

C. Exhibits or electronic slides before the Commission shall become the property of the Commission and shall be filed with the Director of Planning.

D. Citizens shall not speak at a meeting until they are recognized by the Chair. Citizens shall request recognition by addressing the Chair and then await acknowledgement. At his or her discretion, the Chair may permit a dialogue without individual recognition between members of the Commission or between a member and a citizen if such dialogue is orderly and contributes to the expedition of the business. Such discussion will be discouraged.

E. Prior to opening a meeting at which one or more public hearings will be held, the Chair shall recount the rules under which the hearing shall be operated, but he or she may amend the rules during the hearing by giving notice of the change to the Commission.

F. At the beginning of the public hearing, the Chair shall call upon the Director of Planning or the Chair of the committee handling the matter at hand or shall recount a description of the issue placed before the hearing.

G. Subject to revocation or extension by the majority of the commission assembled, the Chair may in all matters establish a maximum time for consideration of the matter, and/or limit the amount of time available to each speaker on a matter and/or limit the number of times each speaker may address the Commission on a matter. Notwithstanding the foregoing statement, every Commission member shall be entitled to make a statement on every matter before the Commission and the call for the question shall not be entertained until all members who wish to exercise this right shall have done so.

H. All members or citizens shall limit their comments before the Commission. The Chair has the option of requiring speakers to sign up before being authorized to address the Planning Commission.

I. The Commission has set forth the following rules for presentation time limits:

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

5. The above limitations may be extended only by majority consent of the Commission.

### **XIII. ORDER**

A. It shall be the duty of the Chair to maintain order and decorum at meetings. The Chair shall speak to points of order in preference to all other members.

B. In maintaining decorum and propriety of conduct, the Chair shall not be challenged and no debate shall be allowed until after the Chair declares that order has been restored. In the event the Commission wishes to debate the matter of the disorder or the bringing of order, the regular business may be suspended by vote of the Commission to discuss the matter.

C. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chair shall be the judge of such breaches.

D. When a person engages in such a breach, the Chair may:

1. Order the person to stand silent,
2. Order the person's removal from the building, or,
3. Order the person removed from the County Property.

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

### **XV. RULES**

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

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

**XVI. RECORD OF THE MEETING.** The Clerk of the Commission or another person acting in the capacity shall electronically record each regular meeting. Recordings are the property of Fluvanna County. A stenographic record shall not be admissible as evidence of what transpired at a meeting, unless the person taking the record has been sworn prior to making the record. Audio recordings are available on the county website at [www.fluvannacounty.org/meetings](http://www.fluvannacounty.org/meetings)