



**GLOUCESTER COUNTY PLANNING COMMISSION
AGENDA**

Thursday, August 1, 2024, 6:30 p.m.

Colonial Courthouse

6504 Main Street

Gloucester, VA 23061

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GLOUCESTER COUNTY PLANNING COMMISSION MINUTES

July 11, 2024, 6:30 p.m.
Colonial Courthouse
6504 Main Street
Gloucester, VA 23061

Members Present: Natalie Q. Johnson
 James R. Gray, Jr.
 John C. Meyer
 Christopher Poulson
 Louis E. Serio, Jr.
 Douglas Johnson
 Kenneth B. Richardson
 Christopher Hutson- Board Liaison

Staff Present: Anne Ducey-Ortiz, Planning, Zoning & Environmental
 Programs Director
 Carol Rizzio- Assistant Planning, Zoning & Environmental
 Programs Director
 Tripp Little, Planner III
 Sean McNash, Planner II
 Kathy Wilmot, Administrative Coordinator III
 William Hurt, Administrative Coordinator III
 Laura Walton, Zoning Specialist
 Edwin 'Ted' Wilmot, County Attorney

1. CALL TO ORDER AND ROLL CALL

Mr. Johnson called the July 11, 2024 meeting of the Gloucester County Planning Commission to order at 6:30 PM. Roll call established that a quorum was present. Mr. Meyer was absent at the first roll call. Afterwards,

Chair Mr. Johnson made the following announcement to the audience, regarding the relocation of the meeting:

“ Ladies and Gentlemen, as you may be aware, tonight is the scheduled public hearing for proposed amendments to the County Zoning Ordinance, as well as a public hearing to consider a specific rezoning application. Due to the number of people in attendance, and the inability to accommodate their right to attend and participate in this meeting, unfortunately, it appears necessary to move this meeting to the Thomas Calhoun Walker Education Center, 609 T. C. Walker Education Center. Therefore, the chair will entertain a motion to recess this meeting and reconvene it at 7:15 P.M. tonight at the T.C Walker Education Center 609 T. C. Walker Road, Gloucester, VA. “

A motion was made by Mr. Johnson and seconded by Mr. Poulson to recess the meeting and move to T.C. Walker and carried with a unanimous voice vote.

Mr. Johnson opened the meeting at T.C. Walker Education Center at 7:15. Roll was taken. All members were present at second motion.

2. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Poulson led the Commission in the Lord’s Prayer and Pledge of Allegiance.

3. CONSENT AGENDA

Mr. Johnson asked for a motion to approve the consent agenda. A motion was made by Mr. Richardson, seconded by Mr. Serio, and carried with a unanimous voice vote.

Mr. Johnson explained that the next item on the agenda was public comments, which were not related to either of the public hearings scheduled for that evening.

Motion to approve the Consent Agenda.

- a. **Minutes of May 2, 2024 meeting**
- b. **Minutes of June 6, 2024 Meeting**
- c. **Application (s) before the BZA in July 2024**
- d. **Development Plan Review- June, 2024**

4. PUBLIC COMMENTS

Kathleen Jones of York District expressed disappointment with the poor planning for the location of the public hearing which was not considerate of the public.

Mr. James Cazeau of Hayes expressed concerns about residents skirting codes – before we change the ordinance, need to address violations. He states a neighbor that has 2 campers on property. The neighbor rents rooms, runs a business, and has a yard full of trash. He expressed that nothing has been done to stop it and that it affects property values.

Mr. Hutson responded to Mr. Cazeau that DEQ was going to visit the site, and there was a delay from a previous appointment because of a spill accident in Chesapeake.

Catherine Carter of Abingdon recited the story of Samuel (1 Samuel Chapter 8), describing judicial corruption. Next, she described how King George III was a king who stood between the people of their God-given rights. She expressed that God gives the people sovereign political power to choose the government. She pointed out that the Planning Commission is subject to the people and should be held liable.

Patrina Marshall of Hayes expressed concern for her mother's land. She stated the property of her mother's deceased neighbor was going through the process of being subdivided. She described the neighbor's land in question had no utilities hooked up and was stripped of vegetation years ago. She did not appreciate the fact the property was being subdivided and discouraged this action, adding it was sacrificing her mother's land and property value in the process. She requested that this be investigated.

Cheryl Wood Wright of Hayes described the Public Notice letter as written vaguely as politicians would have written it. She asks that the Commission consider some topics before the county is broken up and expanded as if it were Newport News. Mr. Wilmot requested she hold the comments for the Public Hearing public comment section for the Zoning Ordinance Update.

Lisa Kidd-Goodman was concerned about businesses and the requirements for removing vegetation. She was concerned about the look of certain businesses at Gloucester Point and the lack of enforcement. She noted that Dunkin Donuts had cleared their entire property. She asked what was going across from Lowes'. She recalled that The Barrens was originally supposed to

be developed but thought that had been denied. She felt that schools were overrun and the need to ask if she was in the right county. She inquired what type of residential development was planned.

Ms. Ducey-Ortiz stood up and explained that The Reserve at Gloucester Village was being developed across from Lowes and offered how people could be kept up to date about developments in the county by signing up for updates on the County's website and looking at the development charts in the Planning Commission's monthly packets. Staff also did a podcast about The Reserve based on all the questions that were out on social media about the development.

Pastor Wendy Roundy, founder and CEO of Helping the Homeless expressed her concern of developers parking in her parking lot and inquired about their work surveying the woods behind their building. She inquired if the surveyors were operating on the property, should the tenants not be notified.

Tammy Shifflett of Ware District expressed concern about the growth of Gloucester, which could become like Newport News. She was disappointed about the recent redistricting of her children into different schools. She noticed people were moving into Gloucester from Newport News and Hampton and asked what would be done to accommodate students.

Susan Austin of York District asked about which jurisdiction or constitutional authority the Planning Commission, an administrative agent, could propose changes or nullifications to any of the Zoning Ordinances of Gloucester County without expressed authority, granted by the people of Gloucester County. She stated the body does not exist within constitutional law because it wasn't granted powers by the people in any compact. She stated it was a violation of the Constitution of Virginia, Article 1, Section 1. She wanted someone to point where it was allowed in the constitution that allows the Commission to hold public hearings. Mr. Johnson clarified the Board of Supervisors is comprised of elected officials whereas the Planning Commission is appointed.

Diane Jones of Ware District suggested the meeting was an opportunity for the Planning Commission to voluntarily repent and dissolve itself and declare the purposed Zoning Ordinance unconstitutional. She suggested if someone wanted to move to Newport News, she would pay for them to move to the city.

Mr. Hurt read the public comments submitted from citizens electronically.

Renee Devitt (Hughes) of Gloucester Point commented: "My home is on a small dirt road, that ends in front of my house. The lot in front of mine was cleared I thought for a home. Turning this lot into a commercial area would be devastating to my family and me. I moved to Gloucester for the small town country charm, but unfortunately it seems as though it is turning into a city. Please note that all the mailboxes for the homes on this road are on Rt 17 in front of this lot also. I was upset when I lost my little corner of the woods but could not afford to buy that lot myself. Also, having a business there would devalue my home and others on our road. Please let it remain residential and or let me buy it for what it's worth."

Joseph Graves of Ware District commented:" The VDOT has contracted with Whitehurst Paving to destroy our streets and turn them into industrial complex dirt roads with the accompanying ruts, ripples, dirt, gravel, and sand. The situation is absolutely unsafe for 2-wheeled (motorcycle) travel and certainly hazardous for 4-wheeled travel. When I moved into Gloucester more than 20 years ago, I specifically chose a decent, growing neighborhood with well-maintained streets and law enforcement support. As the years have passed, the streets have physically become more like the aforementioned industrial complex. When my house was built in late 2002, my children were able to roller skate on their inline outdoor skates and ride their bicycles with ease on clean, smooth pavement. Not long afterward, the streets were determined by someone to need "repairing" with a failed attempt with a sort of "Cold-Cure" (?) asphalt blend that destroyed the surface such that roller skates were no longer safe, not even functional on the surface. There have been repeated spot-repair attempts with the common usage filler materials, but those at best are very temporary. What my neighborhood MUST have is a complete overhaul of the streets into what would be considered at least adequate in any local neighborhood. If I had discovered this sad state of maintenance when I was looking for a housing site to build on, I would have certainly passed and moved on. The County should immediately perform an assessment of housing values in this area and document their decline, all due to the VDOTs lack of competence, or outright disdain for my area."

5. **PUBLIC HEARING**

a. **Rezoning Application Z-24 -01 - Gas Station and Convenience Store with Drive Through**

Rezoning Application Z-24-01 – Gas Station and Convenience Store with Drive Through

Mr. McNash presented a PowerPoint to the Commission and audience. He covered:

1. Existing Conditions
2. Zoning and Surrounding Area
3. Description of the Proposed Project
4. Staff Analysis of the Comprehensive Plan
5. Transportation Impact
6. Fiscal Impact
7. Environmental Impact and other Impacts
8. Staff Comments and Recommendation

Mr. McNash presented the proposal for rezoning application for the space along George Washington Memorial Highway. He provided planning staff analysis describing the space and land usage surround the purposed gas and convenience store. The Transportation Impact Analysis to the intersection of Zandler Way and Route 17 was reviewed along with the Fiscal and Environmental Impact analyses. The applicant provided voluntary proffers for accommodations of sidewalks on the properties. Mr. McNash advised the Commission that staff recommends forwarding the proposed rezoning to the Board of Supervisors with a recommendation of approval.

Lisa Murphy and Josh Rosemore represented the applicant (George Washington Memorial Highway II, LLC) while Andrew Cider and Micheal Young were consultants on behalf of the applicant at the public hearing. Ms. Murphy, an attorney, presented their proposal before the Commission. She expressed appreciation for the Planning Department's work, described how the applicant worked with the department to keep the project within the scope of the Comprehensive Plan, and highlighted the economic and transportation benefits. Finally, she explained how the development would comply with the Comprehensive Plan, stating it would:

- Further Highway Mixed Used Designations
- Support Court House Village Sub Area

- Further the county's goals of minimal negative impacts on road systems and encourage pedestrian scale development.
- Promote economic development in appropriate areas
- Protect Wetlands and other natural resources

Mr. Poulson asked the applicant and their attorney if there would be a commitment by the developers to use local suppliers and subcontractors to bring in local jobs. Ms. Murphy stated they cannot commit to a confirmation that they will be able to use such local suppliers but expressed they have regularly done this in past projects. Mr. Rosemore followed-up, stating its "in our benefit, the community's benefit and tenant's benefit to bid out the project to local firms."

Mr. Richardson asked how wide Land Bays A and B were. Ms. Murphy stated these Land Bays were approximately 300 feet. Mr. Richardson noted there was only one entrance/exit route onto Route 17 with the parcel and asked if there were any more access points from Route 17 within the project. Ms. Murphy stated this as the only access point allowed by VDOT. Mr. McNash elaborated that this project would meet VDOT access management standards and the county's Highway Corridor Development District standards by consolidating entrances. He concluded that "based on the two sets of regulations, this access road would reflect their standards better than separating each parcel with an access point."

Mr. Meyer inquired if the gas station was not put in front of Land Bay C, then what would the applicant decide. Ms. Murphy answered that the Land Bay A and Land Bay B could possibly be used by a smaller retail use, but the land bank uses would be determined later by the applicant. She also stressed that the lot size and traffic analysis will restrict the types of business that would be developed on these land bay parcels.

Mr. Richardson asked for clarification due to discrepancies between Land Bays A and B where Land Bay B was proposed to have a building 3,000 square feet larger than Land Bay A. The traffic engineer, Micheal Young, prepared the traffic study and answered this inquiry. He informed the Commission that the differing sizes of the building allowed for different tenants to occupy and operate there, and the traffic analysis accounted for this. He stated that certain types of

businesses would be restricted from the lots due to the threshold for traffic being exceeded.

Ms. Johnson questioned the applicant about the presence of the drive-through on the proposed gas station. The applicant stated that this would be part of a Sheetz Gas Station. He also described some possible tenants for Land Bays A and B.

Mr. Johnson opened the floor to public comments for this hearing.

Wendy Roundy of Ware expressed her appreciation to the Commission for volunteering and thanked the staff for their presentation. She expressed how she was dismayed at the traffic volume at Riverbend Apartments with the recent opening of Langley Federal Credit Union while her nonprofit was conducting an event nearby. She expressed concerns about changing the traffic pattern at the intersection of US Route 17 and Zandler Way while other factors such as driver distractions would cause more traffic collisions in an already increased travel area.

Mr. Howard Mowry inquired if the county required another gas station. He also expressed concern about expanding US Route 17. In addition, he expressed concerns about a lack of Electric Vehicle (EV) charging stations at the proposed gas station. You described how we have the two choices of approving such a gas station or denying it in hopes of a different proposal.

Kathleen Jones of York District expressed dismay at the path that growth in Gloucester County has taken. She came to Gloucester from Hampton, and this is not what they came for. She informed the Commission that she is in favor of careful growth but voiced concerns about the school systems and cluster growth (sprawl) and that the Board of Supervisors is not getting the message. She encouraged the crowd to continue to attend future Board of Supervisors meetings.

Catherine Carter of Abingdon District expressed doubt that it was constitutional for the Planning Commission to approve any changes to the Zoning Ordinance. She suggested any big box retail chains or restaurants, that could possibly put local business out of business, be put up for referendum by the citizens to vote upon in the future. She expressed that she believed that the Commission has no authority to instruct the people.

Diane Jones of Ware District expressed that we did not need another gas station.

Katrina Marshall of Abingdon, on behalf of her mother, voiced concerns about what could be distributed at the new gas station, including alcoholic beverages, and how it would negatively impact the community. She expressed that she didn't want this to be a truck stop and warned that children shouldn't be there. She doesn't want this around her children and wouldn't put up with it.

Gloria Koenig of Roanes asked if the developers were a part of Gloucester and voiced concerns that outside developers did not care for Gloucester and only saw financial opportunities.

Paula Reagan of York District inquired about the economic saturation studies from the potential retailers.

Tammy Shifflett of Ware District pointed out the number of empty buildings and asked why the county is not using empty retail space. She also voiced concerns about multiple retail chains expanding their businesses in the county.

Catherine Davis of Ware District brought up the point of emotional and cultural impact that occur when development clears woodland in the county.

Jeff Haver of Dutton made a reference that Yorktown was like Gloucester in the past but developed six lane roadways and strip malls. He stated if that's what the community would like that's what it will become but he believes that it should not.

Judith Williams of York expressed concerns of expanding road networks to six lanes of traffic in Gloucester. She states she will refuse to shop at this future retail venture (if approved). Also expressed concerns about not wanting pedestrian traffic on Route 17.

Bradon Bailey of York District identified the passion of the audience and efforts of the developers to present their project. He doesn't begrudge the developer for attempting to make money. He stressed there are many vacant places in Gloucester and across the river that developers could put this gas station. He expressed fears that the criminal activity growing in Riverbend Apartments, would expand to the gas station and it would become a haven for drug traffic. He said

the traffic would become more congested if they chose to place the gas station here.

Roberta Morse of Petsworth expressed she and her husband moved from Newport News to Gloucester in 2005 from Newport News, to provide pasture for their horses. She expressed concern of traffic on the middle section of the county that would be produced from this proposed gas station.

Mark Wiatt of Peasley expressed concern for safety, as he considers Land Bay A for the gas station too compact. He described a possible scenario where there would be a tractor trailer dropping off fuel and another dropping off product, while multiple cars were coming and going. He said they are trying to do too much, and it needs to be spread out. He stated he drives trucks and wouldn't want to pull in that place to deliver products.

Constance Riley of Ware was disheartened that she does not see enough amenities for children and families in the county. She expressed that we don't need additional traffic and that the Strategic Plan is not effective.

Mike Bennett of Petsworth said he moved here from Hampton and expressed disappointment of the Commission's makeup inquiring "is there any farmers on the board?" adding the Commission is "A representation that isn't of the people... everyone has a college degree...we don't want what you are peddling tonight."

Rosalie Sanchez of Rosewell stated she moved to Gloucester in 2009 from Norfolk. She expressed that Gloucester County has enough gas in the lower section of the county. She described how the traffic in the county has changed in the past year. She pointed out 4 traffic fatalities in the past month in the county and adding more commercial business wasn't the answer to her. She felt that the environment of the county should remain rural.

There were no email submissions regarding the public hearing for Z-24-01.

Mr. Johnson closed the public comment.

The Planning Commission discussed the application and their concerns. Mr. Gray expressed similar concerns as the public related to

the number of vacant buildings and new development being proposed on vacant land and how that has bothered him for years. The concerns of market saturation and safety were addressed by Mr. Rosemore, following an inquiry for comments by Mr. Richardson. Mr. Rosemore stated he is interested in placing a larger-scale restaurant focused convenience store gas station, such as Wawa. There is currently only one within the county, being the Wawa location on Route 17 South and Hickory Fork Road. He stated it would differ from the smaller gas stations in the county. He stressed the site plan proposed for the property would increase the safety and quality of the gas station. The Commission acknowledged and appreciated the feedback from the audience and public. Mr. Cider stated the developer did a site assessment in relation to the saturation inquiry. Mr. Richardson said he would like to look at the numbers they could provide at another time.

Mr. Meyer thanked the public for the needed feedback and that it is being listened to. He stressed that the Planning Commission was an advisory board that makes recommendations to the Board of Supervisors.

Mr. Gray made a motion to move forward to rezoning Z-24-01 Gas Station & Convenience Store to the Board of Supervisors, with a recommendation of denial. Mr. Meyer seconded that motion.

Mr. Richardson offered a substitute motion to table the application until the Commission's August 1, 2024 meeting, on the condition the applicant would provide a saturation study, which was currently absent from the presentation. Mr. Wilnot notified the Commission that the motion to table would take precedent over the first motion. Mr. Serio seconded the motion.

The Motion to table the application until the August meeting failed, 4-3 with Mr. Meyer, Mr. Poulson, Mr. Gray and Mr. Johnson voting no and Ms. Johnson, Mr. Richardson and Mr. Serio voting yes.

Mr. Gray proceeded with the motion to forward the application to the Board of Supervisors with a recommendation of denial.

The Motion carried, 6-1 with Mr. Meyer, Mr. Poulson, Mr. Serio, Mr. Gray, Ms. Johnson and Mr. Johnson voted yes and Mr. Richardson voting no.

The application will be presented before the Board of Supervisors at a Public Hearing on August 6, 2024, at 6 pm.

The meeting was sent to recess at 9:20 PM. It reconvened at 9:45 PM.

b. Zoning Ordinance Update

Anne Ducey-Ortiz gave a brief overview of the ordinance, describing the six years of research and study undertaken by staff and the Planning Commission. Carol Rizzio gave a PowerPoint presentation covering the following topics: proposed changes receiving a lot of public discussion, goals of the update, overview of public outreach activities, a summary of other key changes and how the public can learn more, and the next steps. She identified that the goal of the zoning ordinance update was to simplify and modernize the ordinance, removing unnecessary regulations while conforming to the state code, to make it user-friendly and straightforward (clarifying intent and interpretation). In the presentation, Ms. Rizzio first highlighted some topics that were receiving a lot of public discussion.

Ms. Rizzio stated that no rezonings are proposed with the update. The current zoning district map will not change. She did mention one parcel, currently zoning RMX (the only parcel in the county zoning RMX), that is proposed to change to B-2 because the RMX district and B-2 are proposed to be combined.

She went over farming uses in SC-1 and C-2: Existing ordinance does not permit agriculture in SC-1 and C-2 which are residential districts, unless it was grandfathered use (existed prior to zoning). The proposed ordinance update will allow permits for agriculture with a Special Exception (SE) permit. Aquaculture and Agritourism are currently allowed in these zones with SE permits. RC-1 and RC-2 are agricultural districts that allow agricultural uses permitted by right.

Ms. Rizzio started that no current fees are changing. The draft proposes the addition of a new fee for zoning verification letters. These letters are typically requested by banks for financing purposes and can take a lot of staff time to complete. The draft proposes a fee of \$100 which is in line with other area localities.

Ms. Rizzio discussed camping for personal use and enjoyment – She stated that the draft will allow this new use with restrictions on the

number of days and/or number of camping units. Currently due to the way a campground is defined in the ordinance it includes any type of camping commercial or personal. She clarified that a zoning permit will not be required for landowners to camp on their own property.

Ms. Rizzio then reviewed the goals of the zoning ordinance update: to improve clarity and ease of use, to implement the community's vision as laid out in the Comprehensive Plan, and to implement the Board's strategic plan which includes removing unnecessary regulations.

Ms. Rizzio reviewed all the public outreach activities that have occurred throughout the update process. Those included: multiple Beehive articles, three public open houses in November of 2022, insert in the most recent tax bills, on-line public input survey, and multiple county podcasts on the topic.

Ms. Rizzio went on to review other key changes that the public might be interested in learning more about. She discussed the changes proposed to the districts and the ways the public could learn more about what uses are permitted where. She stated that the minimum lot sizes, maximum building heights, and setbacks did not change for residential districts.

Ms. Rizzio discussed the proposed change in the Village Business District (B-2) to allow for up to 8 dwelling units by right and up to 12 with a Conditional Use Permit. She stated that currently only one dwelling unit is allowed in association with a commercial use. She identified the one parcel currently zoning RMX that is proposed to become B-2 with the adoption of the update.

Ms. Rizzio stated that staff and the Planning Commission looked at every use currently permitted in the county. They added definitions to uses that were not defined and clarified the definitions of uses that were not clear. As a result of that process some uses were combined, some were deleted, and others were added. She stated that individuals wanting to learn more about what uses are permitted where could review the district regulations located in Article 5 or Section 5-70 to see comprehensive use table.

Ms. Rizzio reviewed Articles 9A-9C which includes regulations in addition to the district regulations such as: supplemental use regulations for uses such as solar facilities, screening and buffering

between commercial and residential uses, and temporary use regulations.

Ms. Rizzio reviewed the changes proposed to home occupations. She stated that the proposed regulations allow flexibility for outdoor storage/operations and commercial vehicles. She reviewed the differences between what is currently permitted and proposed to be permitted.

Ms. Rizzio reviewed the changes proposed to the keeping of livestock for personal use and enjoyment and commercial stables. She stated that the regulations were being simplified related to the acreage required for animals.

Ms. Rizzio reviewed the changes proposed to freight containers used as accessory structures for storage. She went over the differences between which districts and how many are currently permitted and what is proposed. She stated that under the draft ordinance freight containers will not be allowed in residential districts on lots less than 2 acres or in the Single family (SF-1), Multi-family (MF-1), and Village Business (B-2) districts where they are currently allowed.

Ms. Rizzio discussed a proposed requirement for common open space. She stated that the draft requires common open space in new single-family development greater than 50 lots and townhouse and multifamily development of 35 units or more. There is currently no requirement for common space.

Ms. Rizzio reviewed changes proposed to adjacent property owner notifications, when a development is proposed on a private road. She stated the draft requires notification of all owners along a private road when rezoning, CUP, or SE is proposed on that private road, instead of only adjacent property owners.

Ms. Rizzio reviewed changes proposed to Article 6A Highway Corridor Development District (HCDD). She stated that the HCDD regulations require sidewalks along all street frontages within designated village areas. Currently those sidewalk requirement end at Fleming Rilee Lane. Based on expanding commercial development south and the recent multimodal planning study that identified Route 17 from Gloucester Point to the Court House as the highest priority for

sidewalks, staff recommends extending the requirement for sidewalks down to T.C. Walker.

Ms. Rizzio reviewed temporary uses such as food trucks, portable vending, portable toilets, and short-term rentals. She stated that these are not specifically regulated under zoning and are not proposed to be in the draft ordinance. Food trucks, portable vending and portable toilets are generally regulated under building code and the state's health department. There are no zoning regulations for short-term rentals currently and none are proposed.

Ms. Rizzio then briefly reviewed changes proposed to Articles 10-15. She stated revisions were made to incorporate state code changes and improve clarity. In these articles regulations were reduced slightly other than the addition of a county requirement for a Traffic Impact Analysis (TIA). Currently the county relies on the state's threshold for when a TIA is required, and the draft ordinance proposes to reduce that threshold. She went over the current and proposed threshold related to the types of developments that would be impacted.

Lastly, Ms. Rizzio reviewed the next steps in the process. She stated that there is still time for members of the public to review the draft, ask questions, and make comments.

Mr. Poulson gave the public a standing invitation to attend future Planning Commission meetings. These are public meetings where citizens make public comments. These meetings are held at the Gloucester Colonial Courthouse on the first Thursday evening of the month. He urged speakers to give 'specifics' on their concerns. He stated the proposed draft Zoning Ordinance will generally create a less restrictive environment for property owners in Gloucester County.

The floor was open for public comment.

Judith Williams of York asked if Airbnb campsite share-apps such as Hipcamp were regulated under the camping ordinance. Ms. Rizzio responded that they would be regulated under camping.

Anthony Guzzardo recognized the work of the Planning Commission. He said he understood that public trust was hard to keep and wasn't casting dispersion on the staff or Commission members. He expressed disappointment related to the delay of the public hearing notice he

received twelve days after the June 18 letter date. Ms. Ducey-Ortiz explained that there was a three-day delay with the contractor the county hired to print and distribute the letter including the Post Office requiring an appointment for such a large mailing.

Catherine Kohl inquired if her residence could be added to Article 6 of Historic Overlay. She stated her residence of Kenwood is listed on the National Register of Historic Places and Virginia Register of Historic Places and wasn't listed in Article 6 Historic Overlay District. Ms. Ducey-Ortiz stated that no additions have been made to that district in a long time because generally individuals do not want more regulations on their property. She notified Ms. Cole that the Planning Dept will work with her to add this home in the district if she chooses to do so.

Diane Jones of Ware District voiced concerns of allowing eight dwelling units per acre in the B-2 village district, without a special approval process. She didn't like the prospect of more traffic. She states she noticed there was multiple units of section 8 housing for people to come from Hampton and called for a full forensic audit of every member of the Board of Supervisors and Planning Commission in order to find who financed them to make such decisions.

Katherine Carter of Abingdon questioned the constitutional authority of the Planning Commission and encouraged the audience to attend the meetings more often and stay vigilant. She stated the audience holds authority over the Commission and the Commission doesn't have the power to usurp the people's power. Mr. Richardson inquired Ms. Carter of the rights of the gas station developers. She argued that people of Gloucester have a say in that property. She showed concern for smaller mom-and-pop businesses.

Gloria Koenig of Roanes asked for clarification of from Carol Rizzio's presentation, asking if the county wanted mom-and-pop development still. Ms. Rizzio state she was referring to Traffic Impact Assessment (TIA) threshold to stay high enough so that mom-and-pop shops are not affected.

Kathleen Jones of York thanked the board and Ms. Rizzio. She noted that it appears many of the proposed changes are based on the Comprehensive Plan and that document is likely in need of updating

based on the public comments heard tonight. She thinks the public would rather have that. She thanked the Commission for hearing the public and encouraged positive criticism from the public in future meetings. Ms. Rizzio did note an update of the Comprehensive Plan was going to begin soon.

Howard Mowry of York stated we the citizen have failed themselves allowing the government to run amok over individual rights. He asked about the cost of the mailings. He inquired if the Commission is following the United Nations Agenda No. 21 and a New World Order, he wanted to know who requested the Zoning Ordinance Update. He recommended that document be reevaluated with special emphasis on B-2 and B-4 district, including disallowing section 8 housing and specific ethnic compounds to be developed. He also asked that the infrastructure sections be rewritten and that water/sewer, burying electrical power lines, and identifying all paved roads that do not meet VDOT standards be placed in the state's six-year plan for funding and upgrading.

Donna Machen recommended the book *Property Rights: As Sacred as the Laws of God* (Arthur R. Thompsen, 2022) to the Commission and public. She asked how the government can tell a person how long they are allowed to camp on their property. She read an excerpt stating that "Planning by government means the death of property rights in all its' forms- personal, intellectual, and land. This is because their planning government will assume control over all or part of these in order to move its plans forward through zoning, building projects, eminent domain, and etc. The elimination of property right's means the death of all individual rights and liberty. If you lose the ability to control your property, you lose the ability to control your future."

Jeremy Ertel from Petsworth asked the Commission to give farmers their rights and protections to farm on their lands under Virginia law.

Wendy Roundy of Ware complimented Ms. Rizzio on the presentation saying she made it clear and understandable, stating "Words do matter." She wanted to know how much it cost to send all the letters out and stated it worked to get the people to the public hearing. She wanted clarification on the Traffic Impact Analysis, whether it would only happen with rezonings. Mr. Johnson informed Ms. Roundy that the new threshold would now require fewer trips to trigger the TIA, so

more studies can be done to serve the public. Ms. Rizzio added that it allows the decision makers and the public to have more information about traffic impacts if a parcel is rezoned. Ms. Roundy continued her comments stating congestion is a major problem, and she wanted more lives saved. Finally, she stressed that she wanted to see more affordable housing and the county does not have enough. She has helped both homeless people and poorer working-class people to get out of homelessness and poverty, respectively, since 2010. Ms. Roundy realized that the public has many thoughts on the subject, but she found that not everyone is a drug addict, or an alcoholic, or has mental illnesses.

Katherine Davis of Ware said Ms. Rizzio did an amazing job. She said the letter was brilliant, bringing people to the public hearing. She appreciated the staff's work and said she would return to future meetings.

Roberta Grill of Hayes thanked the staff and commission for their undertaking. She suggested adding bookmarks to sections of the Zoning Ordinance Final Draft, displayed online on the county website. She made a comment pertaining to freight containers, asking the Commission not to allow freight containers in SC-1 districts since the minimum setbacks would make them visible from a public right-of-way, or 5 feet from property lines. She said she had concerns of salvage yards being a conditional use in the B-1 district and recommended that it only be allowed in the industrial district by conditional use. She thinks it would be extremely difficult to enforce.

Patrick Grill of Hayes asked if the county really should allow shipping containers in residential districts at all. He believes that they do not belong in Gloucester at all, and that citizens might mistake their neighbor's container for commercial use, not residential. He asked if the county would consider amortization periods. Mr. Wilmot responded to the question, stating Virginia laws forces the county's existing legal nonconforming uses to continue, provided that the activity has not been discontinued for two or more years.

Hilda Corley of Gloucester Point thanked the commission for the service and putting the meeting together. Ms. Corley brought up the topic of people in her neighborhood living as campers. She asked what the ramifications of people are who don't conform to the single family-

zoning areas and if such violations are provable. Ms. Rizzio addressed her question. She states the zoning regulation enforcement will be compliant driven but the process that is drawn out. She recognized that opening regulations to allow personal camping on personal property will make it harder to determine who is using the property lawfully or not. Mr. Wilmot stressed that such violations are provable. He points out the limited labor and resources Planning and Zoning can use in order to bring camper violation cases to the county. Ms. Ducey-Ortiz also reiterated that difficulty.

Lisa Goodman of Gloucester Point asked when the business zoning regulations would be considered for adoption. Mr. Wilmot stated that the Zoning Ordinance Update would be adopted only after approval from the Board of Supervisors on or after their public hearing, a date which has not been determined. Mr. Wilmot stated, "he would advocate the Board of Supervisor adopt immediately, but only if the Board chose to adopt said ordinance updates". Mr. Hutson also noted he would speak with her about her concerns after the meeting.

Mark Wiatt of Peasley remarked that the Zoning Ordinance Update lacks bookmarks that would help readers to understand the document. He wanted information about removing an abandoned communications tower near his residence, based off the new regulations. Mr. Wilmot answered, recommending Codes Compliance or Zoning Departments would assist him.

Jacob Baranski of Abingdon inquired about housing development in the Gloucester Courthouse area. He asked why developers have different standards with special permits for acreage while Gloucester residents struggle to create affordable housing for themselves with mobile homes. He asked how development impacts rising crime rates and how traffic will impact the first responder system and its' efficiency. He also inquired about the impact proposed sidewalks along Route 17 would bring. He expressed hope that Commission was truly listening.

Mike Bennett inquired about with neighbor with two containers. He inquired how long freight containers were allowed on a property before being grandfather into the ordinance. Mr. Wilmot responded stating if a use has been allowable since the inception of said section of ordinance, it will continue to be allowed. He Mr. Bennett expressed

great disappointment with the commission, stating there wasn't equal protection under the law. He suggested that developers were able to place multiple homes per acre as opposed to families who have to subdivide land. He stressed that liberty is what the people of Gloucester desired.

Next, Mr. Hurt read public comments submitted by residents through the county's meeting portal.

Michael Kinser of York comments:

" We are seeing way too many sub-divisions being developed in Gloucester County. This is ruining the rural living that many Gloucester residents love and enjoy. We relocated from an adjacent county to get away from high density living conditions associated with too many people and businesses in a small area. After only a few years we are seeing the dense living conditions moving to the Gloucester area. This is degrading the living conditions of Gloucester residents, causing increased crime, creating traffic congestion, schools are unable to handle the capacity, and the infrastructure is not in-place to support the population growth. In my view, Gloucester has grown too much...please stop the growth of subdivisions, multi-family units, etc. Let's get Gloucester County back to where it should be...a rural community that we all loved."

Mary Olmsted of York comments:

"I am against the new zoning changes. As a homeowner and teacher in Gloucester County I feel allowing some multifamily dwellings to skip through all the currently required regulations is unfair to current residents. We all purchased our homes based on the zoning requirements and adhere to them. I did not purchase my home with the idea that there could be an apartment building added in my neighborhood. I also feel that these big developments are a burden to our schools and infrastructure. Our schools are already challenged with the current section 8 housing at Riverbend. I had to leave my teaching position at Page Middle School due to gang violence. The students that we are receiving are so far behind that they are not interested in learning. The currently approved 1,000 homes across from Lowes is already going to change the community we live in. Route 17 is not equipped for the traffic and the schools are not equipped for

the additional students that will come in as a result. Where are we going to put the additional students? Will you update and make larger all of the schools effected by this growth? Lastly, a 254 page document where you need a land use attorney for people to understand is difficult at best. I would encourage you not to changes the current zoning regulations. I find it insulting that you tried to discourage citizen comment by claiming that you can only comment if it directly affects you. Any changes to our community affect all of us that live within the community."

Rachel Weissler of Ware comments:

"I received your letter today advising me to review what zoning district my home is in and what the proposed changes are. I was able to determine that I am in zone SC-1. After some time, I was finally able to find a link on your website to the summary of proposed changes. It is written with several undefined abbreviations that are not explained. For instance, I was unable to determine the meaning of the following: "allow more agriculture uses by SE in rural residential areas." Does this have something to do with allowing farming? There's not much explanation here. but please be more descriptive in your efforts to help people understand what you're trying to do."

Pam Douglas of Abingdon comments:

"July 1, 2024 Thank you for providing Gloucester Co. citizens with the opportunity to express our opinion. My concerns are specific to where I live but may be relevant for planning commissions considerations in the future. I live on a private road at the end of a Peninsula on the York River that borders Aberdeen Creek. There are 11 houses on the lane: four of which are rental properties, two are vacant (one of which is owned by a family living in Carter's Cove that uses it occasionally); and five are lived in part- or full time. There is also a third rental property on the land once owned by the Kings, which is one of the two vacant houses. I believe that it is owned by an LLC. My question is whether the county does or should charge an additional business tax for owners renting out a residence through an online daily/weekly agent? One of the houses purchased over a year ago is has been listed on AirBNB It is advertised as a 4-bedroom 3 bath "cottage", listed for \$275/night reduced from \$384/night. It is not so much the traffic, which I have no control over, but whether Gloucester Co. has or should

have a policy concerning running this type of venture in a residential neighborhood. I believe that some communities on the Pacific NW have tackled this issue. We moved to our home over 30 years ago because we had three young children and Gloucester seemed to be an amazing place to raise kids. However, given the fact that we no longer know who owns the buildings such as LLCs, many are vacant and how they are actually used makes the optics of the neighborhood appear less favorably to younger families, who we should strive to attract to Gloucester.

Thank you, Pam"

David Onesty of York comments:

"I am against this proposed zoning change. A catch all change like this is NOT appropriate for local government. I do like some of the proposed items but I do not like other ones. EACH change should be considered individually. I know that is more work for the local gov't BUT this way feels like you are shoving things at me that I don't like to get ...PLEASE do your job in a more effective way for our community. We have something very special here and most of us do NOT want us to become York or Williamsburg counties or God forbid NN and Hampton chasing tax dollars. I know we have people moving here that want more services but we MUST hold the line and refuse these new comers. The biggest threat to our community currently is River Bend (ask the sheriffs office) and the way it was approved was a travesty. The citizens and our board were taken advantage of in approving this sect 8 housing which now houses families from as far away as Baltimore resulting in gang activity in our schools among other things. So, to sum up I AM OPPOSED TO THIS OMNIBUS ZONING CHANGE. EACH ITEM SHOULD BE EXAMINED ON IT'S OWN MERITS AND DECIDED ON. Please do the right thing here as the local gov't has been losing credibility lately (SEE BOND ISSUE)."

Erin Johnson of Ware comments:

"This update to the zoning ordinance solves no problem specific to our community. "Modernizing" the zoning code is not a justifiable reason to further restrict the rights of local property owners. This is just an excuse for continued government overreach to push through revisions which alone would not stand up to the scrutiny of local citizens. This

effort will not only devalue the property assets by continuing to restrict legal use of property, which heretofore has not been an issue, but it will negatively impact the opportunities presented for future use and growth. This is not in the best interest of the local community, property owners, or Gloucester County. It appears to only benefit a few individuals with unclear motives. I stand firmly against this effort not only as a citizen and property owner, but as someone looking to invest in local land.”

Scott Olmstead of York comments:

“Dear Planning and Zoning Department, Subject: Concerns Regarding Proposed Zoning Updates First, I would like to express my concern regarding the expectation for the public to review and comment on a 254-page document. This document is highly technical, and understanding the proposed changes requires expertise in land use law, property rights, the county review and approval process, and their implications for individual landowners—areas outside the expertise of most citizens. My primary concern is that the standard review and approval process is now proposed to be circumvented to allow new land uses as a matter of right. This is akin to buying a car and then being told years later that the terms of the deal have changed. Landowners, residents, and business owners purchase land with specific expectations, which they anticipate will be maintained in perpetuity. Altering these expectations and uses constitutes a form of taking and harms current landowners. The term "flexibility," used in the context of the proposed zoning ordinance changes, is subjective and open to wide interpretation. This is unacceptable. While it may streamline some procedures, it may equally harm others. Specifically, the proposal to allow up to eight dwelling units per acre in the B-2 Village Business District without a special approval process, and up to twelve units per acre with special approval, is unacceptable. Projects falling under this change should be evaluated based on their individual merits and not bypass the typical approval process or receive a by-right designation. Additionally, the push for "affordable housing" is a concerning trend among municipalities. It is not the county's role to engage in social engineering. The market should determine housing needs, pricing and locations, not regulations and zoning changes that often have unintended consequences. Numerous jurisdictions in Virginia and nationwide are currently facing lawsuits for pursuing affordable

housing and/or missing middle zoning changes. While these efforts may seem altruistic, they frequently fail to address the actual need and create more problems than they solve. For instance, Arlington County is currently being sued over a similar issue. Proponents claim that the loss of rights, impact on neighborhoods, public safety, infrastructure, environment and schools are minor and acceptable. However, this attitude of incremental erosion of property rights is fundamentally flawed and wrong. We become conditioned to these changes, accepting them for the "greater good." Yet, at the end of the day, I purchased a home at the end of a long street, with one way in and one way out, and I do not want multifamily projects in my neighborhood.”

David Helms of York comments:

“Dear Board and Commission Members, I respectfully provide the following comments to the proposed Zoning Ordinance, dated 26 June 2024, for your consideration: 1. In general, I am in favor of the Zoning Ordinance’s adoption. 2. Bayside Conservation District: While I support the additional flexibility in zoning to include agriculture, I am not in favor of allowing use of spray manure fertilizer by these farms out of concern for run-off into sensitive bay waters and a potential nuisance to nearby residential housing. 3. Pedestrian Facilities: I am strongly in favor of ADA compliant sidewalks and multiuse trails, particularly in the “village” districts (Gloucester Courthouse and Gloucester Point). Even incremental buildout of sidewalk network is beneficial as even a short segment is preferable to forcing pedestrians into dangerous traffic. Highest priority should be to complete a sidepath along VA14 between Main Street and the US17/VA14 intersection to safely connect communities in this area to commercial and public amenities. 4. Traffic Risk Analysis and Mitigation: Traffic volume on US17/George Washington Memorial Highway is growing, along with this volume the number of crashes, injuries and fatalities is also increasing. I strongly encourage the Board to require a full Traffic Impact Assessment for the incremental buildout of the Planning Unit Development (PUD-1). This large development will likely negatively impact communities along Belroi Rd, Burleigh Rd, Hickory Fork Rd, and US17 if necessary, traffic mitigation risks and actions are not identified and implemented. I am very grateful for the Gloucester County Planning staff’s work on the Zoning Ordinance update and

associated community outreach as it has been a heavy lift. Thank you!
Very Respectfully, David Helms”

Alfredo Coleman, Sr. of York comments:

“Hello, I do not want our easement to be changed and thank you for letting the public know about the meeting. Take Care, God bless.”

Ms. Wilmot provided the comments from voice messages.

Transcript of Terri Malonson’s Voicemail

“Voicemail call in for public comments... July 11, 2024, Planning Commission meeting

Hello, my name is Terri Malonson and I live w/in the Courthouse/Ware District. I am speaking solely of the Courthouse area zoning proposals presented in tonight’s July 11th Planning Commission meeting.

Like Mr. Myers, I am not clear why there is the drive for high density housing, especially in the Courthouse area. At the May 2nd Planning Commission meeting, there were discussions on...

-encouraging pedestrian activity to interconnecting streets and walkway of Main Street

-to include with mixed-use commercial/business on the first floor and residential on the 2nd and potential 3rd floors

-making it mandatory in residential B2 zoning a requirement as mixed-use

I see the Board as having a vision of turning the Courthouse Village into a business district by allowing mixed-use.

Here is my vision if this is approved. We now have commercial property placed in the middle of an established residential neighborhood disrupting the peace and integrity of such neighborhoods. We have no control over the type of business, it could be a vape shop, massage parlor, or even a nightclub with live bands and hours of operation until 2am.

As far as the mixed-use with potential three stories there is not only additional vehicle and pedestrian traffic but parking which is already a major issue currently on Main Street. Consider the need for the

necessity of parking for employees, customers, and the need for 3-4 parking spaces per residential unit for guests and take-home cars like our Deputies. Not enough parking spaces becomes a new issue with parking on the street.

So when considering this mixed-use in the Courthouse area, please envision Building #2 (where the Treasurer's office is located) three stories with approximately 100 parking spaces. Now envision this multiply on a 20–30-acre plot.

The integrity and lifestyle of the small-town Main Street is forever gone.

Thank you for your time.”

Erline Webb Vaughan and Alcie Webb

“We live in the Petsworth district. We have two questions: According to what we read so far on the Zoning Ordinance which is listed as parcel 036 RPC 26755 is zoned as Agricultural and Environment.

Number 1. With this zoning classification does this mean we cannot build on this property

Number 2. According to the map, on your website, 036 RPC 26755, the property line extends into the water, and could example or given some clarification on this?

If you would explain that tonight in tonight's meeting, we would appreciate it. Thank you in advance and goodbye.”

Adam Crane

“Yes, this is Adam Crane. I'm at 3672 Country Lane Hayes, VA 23072 RPC 29835. I'm going over this letter I received from you guys, and it sounds like an admin change to type of permits, parking requirements, and etc. I was wondering if this was going to change our property taxes and if so, how?

Elizabeth Onesty

My name is Elizabeth Onesty and I live at 6931 Coleman's Crossing Ave. I bought this home here about four years ago and I bought it assume that zoning would not change. There is property at the end of my street, that is vacant, owned by Zandler. He is able to put, what

looks to me, a multi- rise building there. I find this absolutely outrageous for you to change the ordinance and it looks to me like that you're working for contractors here, especially for that piece of land that you are going to put 1,000 homes upon. It looks like that's why you're changing this ordinance. I also like to know if you're getting money from the federal government to do this. I feel that it outrageous that you have to make a phone call before 4:30. You're really discouraging people's input and I really hope you reconsider the zoning."

Mr. Richardson noted the difficulty of balancing the rights of property owners and their neighbors in the development of county. Mr. Poulson reiterated this notion, stating that zoning ordinances are not popular until some neighbor does something that infringes upon the property rights of another. Mr. Meyer asked staff to document the comments from tonight and provide it to the commission for discussion at the August meeting. Mr. Gray asked the county attorney, Mr. Wilmot if the Commission could adjourn without taking any action on the Zoning Ordinance Update. Mr. Wilmot responded, yes. Mr. Meyer asked that the comments include page number from the Zoning Ordinance for easy reference.

"Mr. Wilmot clarified that the public hearing had been closed, however the public is able to share additional comments on the Zoning Ordinance update during general public comments at future Planning Commission and Board of Supervisors meetings."

6. **OLD BUSINESS**

None.

7. **NEW BUSINESS**

None.

8. **APPLICATION(S) BEFORE THE COMMISSION IN August 2024**

None.

9. **STAFF COMMENTS**

A Zoning Ordinance recommendation for the Board of Supervisor from the Planning Commission may be made at the next Planning Commission meeting on August 1, 2024.

10. **COMMISSIONERS' COMMENTS**

Mr. Meyer thanked the Planning staff, planning commission county attorney, the sheriff's department and the citizens. Mr. Hutson thanked the citizens for moving from the Courthouse to T.C. Walker to attend the meeting and public hearings. He explained that Commission could not change the initial venue of the meeting because it was advertised for the Colonial Courthouse to host that meeting.

11. **ADJOURNMENT**

Mr. Johnson made a motion to adjourn.

Ms. Johnson seconded.

The motion to adjourn was carried by a unanimous voice vote.

Meeting adjourned at 12:04 am, Friday, July 12.

Chair

Secretary

July 2024 Development Plan Status

Site/Development Plan	General Description/Use	Location/Tax Map #	Status	Zoning
Achilles Open Broadband	Broadband tower	Behind Achilles Elementary, along Guinea Road (52-519) RPC- 23815	Approved 11-1-2023	SC-1
Brent & Becky's Open Broadband	Broadband tower	Behind Brent & Becky's Bulbs, along Daffodil Lane (26-70A) RPC- 27915	Approved 11-9-2023	B-2
Camilla Solar Amendment	Amendment to 20 MW Solar Energy Facility conditional to CUP-20-05	Along Daffodil Lane, east of the intersection with Ware Neck Road (26-70B, 70C, 70D, 70E, 70F, 70G, 82) RPC- 34587	UCR Received 5-17-2024 LDP 5-3-2023	C-2
Carvers Creek Solar Phase 1 Amendment	Amendment to Phase 1 of 150 MW Utility Scale Solar Energy Facility	Along Route 17 and Glenss Road (24 Parcels, 04-50) RPC- 12536	Approved 4-30-2024 LDP 4-19-2023	RC-1
Carvers Creek Solar Phase 2 Amendment	Amendment to Phase 2 of 150 MW Utility Scale Solar Energy Facility	Along Route 17 and Glenss Road (24 Parcels, 04-50) RPC- 12536	Approved 5-1-2024	RC-1
Dutton Fire Station 4 Open Broadband	Broadband tower	Next to Dutton Fire Station 4, along Dutton Road (11-34F) RPC- 27694	Approved 11-1-2023	RC-1
Fox Mill Centre – Amended Site Plan	Shopping Center- amendment to existing approved site plan	Route 17 S., south of Wal-Mart Supercenter and Outparcels (32-17, 19, 19A, 19N) RPC- 40693	AAR CCS 6-13-2024* LDP 6-18-2024	B-1, conditional
Freeman Commercial Drive Thru Amendment	Amendment to drive-thru construction for a commercial business	Along Route 17 N, within the York River Crossing Shopping Center (51-68G) RPC- 30894	Approved 1-16-2024 LDP 11-7-2018	B-1
Gateway Private School	Conversion of a building into a private school	Along Hickory Fork Road, north of the intersection with Ark Road (30-33) RPC- 23628	UCR Received 7-3-2024	SC-1
Glenss Food Mart	Expansion of the Glenss Food Mart for diesel pumps, a motel, and associated parking	At the corner of Route 17 S and Route 33 W (4-32, 32A, 33) RPC 13618	AAR CCS 1-24-2024	B-1
Haywood Development Amendment	Amendment to Haywood Floor Covering development	Intersection of Commerce Drive and Enterprise Court (39-8J) RPC- 33427	Approved 9-14-2023 LDP 9-27-2023	I-1
Miller's Services Headquarters	Office location for Miller's Services	Intersection of Industrial Drive and Commerce Drive (39-8B) RPC- 41475	AAR CCS 12-29-2023	I-1
New Life Ministry Center	Construction of a covered pavilion	Along Route 17 S, north of the intersection with Fields Landing Road (45-231A) RPC- 18035	AAR CCS 6-24-2024	B-1
Patriot's Walk Phase II- Amendment	Residential- 79 lot phase, 214 lot subdivision	Route 3/14 S., near Ware Neck (26D(1))-3-1, 26D(1)-C, I, J, K, L) RPC- 42798	UCR Received 7-11-2024	SC-1
Patriot's Way	Residential- 39 lot subdivision	Patrick Henry Way, adjacent to the Patriot's Walk Subdivision (26-35E) RPC- 13991	AAR CCS 7-3-2024	SC-1
The Reserve at Gloucester Village (The Villages of Gloucester)- Phase 2	Residential (141 single-family lots and 71 townhouse lots)	Along Route 17S, south of the intersection with Burleigh Road (31-102) RPC- 16480	AAR CCS 5-20-2024	PUD-1, conditional
River Club at Twin Island Amendment	Amendment to condominium section of the development (54 units)	Along Stokes Drive, southwest of the Abingdon Volunteer Fire & Rescue station (50S(1))-63, 64) RPC- 42211	Approved 5-3-2024	PUD-1, conditional

Note: To view each location, visit: <http://gis.gloucesterva.info/>

Note: Approved items will be taken off the list once a Final Certificate of Occupancy (CO) is granted

Note: Plan approval is valid for 5 years

*Based on General Assembly action, approvals valid as of 7/1/2020 are valid until 7/1/2025

Last updated: July 18, 2024

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UCR = Under County Review

ZP = Zoning Permit

July 2024 Development Plan Status

Site/Development Plan	General Description/Use	Location/Tax Map #	Status	Zoning
Riverside Hayes Medical Center Parking Amendment	Amendment to approved site plan to expand parking lot	Along Route 17S, between intersections with Guinea Road and Tidemill Road (51E(4)-A) RPC-35093	Approved 4-30-2024	B-1
Riverside Walter Reed Cancer Center- Amendment	Amendment to addition to existing medical center building	Within the Riverside Walter Reed Hospital Complex (11 Parcels, 24-127A) RPC-41587	Approved 11-17-2023 LDP 12-13-2023	B-1
Shephard's Way Apartment	Construct multi-family building	Intersection of Route 17N and Belroi Road (32A1(1)-3) RPC- 35149	UCR Received 7-3-2024	MF-1
Swiss Legacy Development Plan Amendment	Amendment to approved Development Plan to revise site lighting arrangement	Behind Beckwith Farms connected to Beckwith Drive (Rte. 1095) (51-232, 248, 249) RPC- 12613	UCR Received 7-3-2024 LDP 8-15-2023	SF-1
Verizon Wireless- Figg Shop (Co-Location)	Construct monopole cell tower	Along Indian Rd. near Beaverdam Park (18-57) RPC- 22791	UCR Received 6-21-2024*	RC-1
Ware Academy Phase 2 Amendment	Amendment to site plan for expansion of the existing school building to include additional educational areas	At the intersection of Route 3/14 and Indian Road (25-135) RPC- 10016	AAR CCS 6-24-2024 LDP 5-23-2024	SC-1
Wells Fargo ATM at York River Crossing Shopping Center	Amendment to existing shopping center site plan to add a drive through ATM	Along Route 17N and Guinea Road (51-68) RPC-26396	Approved 2-9-2024	B-1
Art Colony	Artist studios with 4 accessory residential units	East side of Botetourt Avenue, south of Main Street (32A2(2)BK F-81, 82, 83, 86) RPC- 15510	AAR CCS 8-24-2020	B-2
Baylor Medical- Amendment	Medical Office	Route 17S., across from Riverside Walter Reed Hospital (24-120) RPC- 33048	AAR CCS 9-29-2020 LDP 1-11-2013	B-1
Burger King	Addition of second drive-thru lane to existing restaurant	Intersection of Route 17S and First Fox Street (32-20) RPC- 24114	AAR CCS 9-24-2021	B-1
Care-A-Lot Pet Supply	Retail pet supply store	Along Route 17N at the intersection of Route 17 and Providence Road (45-531) RPC- 13630	AAR CCS 6-10-2022	B-1
Classic Car Café	Deli - Sandwich and fountain drinks (Renovation of existing building)	Intersection of John Clayton Mem Hwy and Burkes Pond Rd (20-32A, 32B) RPC-23870	Approved 5-4-2009*	B-1
Coleman's Crossing- Amendment	Residential & Business- 82 townhouse units and mixed-use business	Route 17 S., north of Crewe Road (45-120, 45Z(1)-Z) RPC-43966	AAR CCS 10-19-2017* LDP 11-17-2010	MF-1, B-2, conditional
Cow Creek Solar	1 MW Solar Energy Facility conditional to CUP-20-03	Southeast of Foster Road (25-120C) RPC- 12629	AAR CCS 12-2-2022	SC-1, CUP-20-03
The Crossings at York River	Residential- 109 multi-family units	South of York River Crossing Shopping Center (51-78) RPC- 40099	Approved 9-29-2017* LDP 10-2-2012	RMX, conditional
Dollar General Gloucester (John Clayton)	Dollar General store	Intersection of John Clayton Mem Hwy and Burkes Pond Rd (20-32A, 32B) RPC-23870	AAR CCS 2-9-2018*	B-1

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Dove Field Farms	Residential- 17 lot subdivision	Gum Fork Rd (38-43) RPC-26266	Approved 4-22-2009* LDP 5-29-2024	SC-1
Dunkin Donuts	Drive-thru restaurant	Intersection of Route 17N and Greate Road (51A(3)Bk B-55-59, 72-75) RPC- 20163	Approved 10-24-2022 LDP 4-29-2024	B-1
Fiddler's Green Road Plan	Residential- 88 lot subdivision	Fiddler's Green Road (31-149) RPC- 21400	Approved 7-25-2012*	SF-1, conditional
Fiddler's Green Pump Station	Pump station for subdivision	In the subdivision (31-149) RPC- 21400	Approved 7-25-2012*	SF-1, conditional
Fox Mill Centre – Outparcel #5 Amended Site Plan	Outparcel lot for commercial development (amendment to existing site plan)	Route 17 S, east of Wal-Mart Supercenter, outparcel (32-17K, 19H) RPC- 41274	AAR CCS 2-26-2019*	B-1
Girl Scout Camp- Burkes Mill Pond	Cabin for Girl Scout camp	On Burkes Pond Rd along Burkes Pond (20-19) RPC- 34759	Approved 9-6-2018*	C-2
Gloucester Toyota	Expanded outdoor display area	Route 17 N, north of the Gloucester Business Park (32-51A, 51B, 39-1) RPC- 41026	AAR CCS 3-2-2016*	B-1, conditional
Legacy Springs	Assisted living center	Route 17 N, south of the Lighthouse Worship Center (45-438) RPC- 30154	AAR CCS 6-19-2019*	B-1
Oak Bridge Meadow Event Hall Barn	Event Venue pursuant to SE-17-05	Off Woods Cross Road near the Beaverdam Swamp (16-77) RPC- 22028	AAR CCS 3-20-2018* LDP 4-3-2018	RC-1 SE-17-05
Old Dominion Ice Company	Ice House/Parking	Route 17 N., at N-Out Food Mart (51A(3)BK B-62 thru 68, 68A) RPC- 42734	Approved 8-28-2012*	B-1
The Other Moving Company (TOMCO)	Retail and Storage Facility (After-the-fact Site Plan)	Route 17 N, south of Route 17-Brays Point Road intersection (45-532) RPC-27410	AAR CCS 9-24-2015*	B-1
Patriot's Walk Phase I Amendment	Residential- 79 lot phase, 214 lot subdivision	Route 3/14 S., near Ware Neck (26D(1)-2-2) RPC- 42798	AAR CCS 8-19-2019*	SC-1
Patriot's Walk Phase IIIA	Residential- 79 lot phase, 214 lot subdivision	Route 3/14 S., near Ware Neck (26D(1)-3-1, 26D(1)-J) RPC- 42799	AAR CCS 2-23-2019*	SC-1
The Ponds	Residential- 21 lot subdivision	Figg Shop Rd next to Pinebrook (formerly The Meadows) (18-80, 80A) RPC-41236	AAR CCS 8-14-2007*	SC-1
The Reserve at Gloucester Village (The Villages of Gloucester)- Phase 1	Residential (28 single-family lots and 95 townhouse lots) and commercial	Along Route 17S, south of the intersection with Burleigh Road (32-34D, 36) RPC- 41259	Approved 6-21-2023 LDP 11-22-2022	PUD-1, conditional
Riverside Walter Reed Wellness Center Parking Lot Expansion	Parking lot expansion	Within the Riverside Walter Reed Hospital Complex (24-127A, 127D, 127E, 127H) RPC- 43410	AAR CCS 11-17-2017*	B-1
Safe Harbor Self Storage Expansion	Expansion of the existing mini-storage (self-storage units) use onto the adjacent parcel	Along Route 17N, behind the 17 Plaza Shopping Center (45-389A) RPC- 11991	Approved 1-13-2023 LDP 2-27-2024	B-1 & I-1, conditional

Note: To view each location, visit: <http://gis.gloucesterva.info/>

Note: Approved items will be taken off the list once a Final Certificate of Occupancy (CO) is granted

Note: Plan approval is valid for 5 years

*Based on General Assembly action, approvals valid as of 7/1/2020 are valid until 7/1/2025

Last updated: July 18, 2024

AAR = Awaiting Applicant Resubmittal

CCS = County Comments Sent

LDP = Land Disturbance Permit

UCR = Under County Review

ZP = Zoning Permit

July 2024 Development Plan Status

<u>Site/Development Plan</u>	<u>General Description/Use</u>	<u>Location/Tax Map #</u>	<u>Status</u>	<u>Zoning</u>
Steider & Associates	Construct two office buildings	Along Steider Drive, west of Business Route 17 (32C(1)-16A, 17A, 35) RPC- 43460	Approved 7-28-2022	B-2
Stillwater Landing- Roadway Plan	Roadway Plan for Stillwater Lane improvements within Stillwater Landing Subdivision	Along Stillwater Lane, southeast of the intersection with Farys Mill Road (17-22) RPC- 40557	Approved 1-28-2022	SC-1, conditional
Tractor Supply Site Plan Amendment	Amendment to the approved Site Plan for a drive through pick up area	Along Route 17 and Beehive Drive (32-181) RPC- 41250	Approved 4-6-2021	B-1
Under The Stars	Event Venue conditional to CUP-20-01	Along Dutton Road, north of the intersection with Harcum Road (11-16 (In Part)) RPC- 11136	AAR CCS 2-8-2023	RC-1
Village Lane Condominiums	Residential- 12 condominium units	Next to Village Lanes & Hillside Cinema (32- 277B) RPC-19636	AAR CCS 4-18-2013*	MF-1, conditional
WaWa, Inc.- Hickory Fork	Amendment to existing site plan to modify diesel pumps facilities	Southern corner, intersection of Hickory Fork (Rte. 614) and Rte. 17 (39-109A) RPC-20958	AAR CCS 4-15-2019*	B-1
Wawa, Inc.- Tidemill	Gas station and convenience store	Northeastern corner, intersection of Tidemill (Rte. 641) and Route 17 N (51-81) RPC- 30084	AAR CCS 2-13-2020*	B-1, conditional
Yorkshire Woods Subdivision	Residential- 9 lot Subdivision	Pinetta Rd (22-126A) RPC-32764	Approved 1-09-2009*	SC-1

Note: To view each location, visit: <http://gis.gloucesterva.info/>

Note: Approved items will be taken off the list once a Final Certificate of Occupancy (CO) is granted

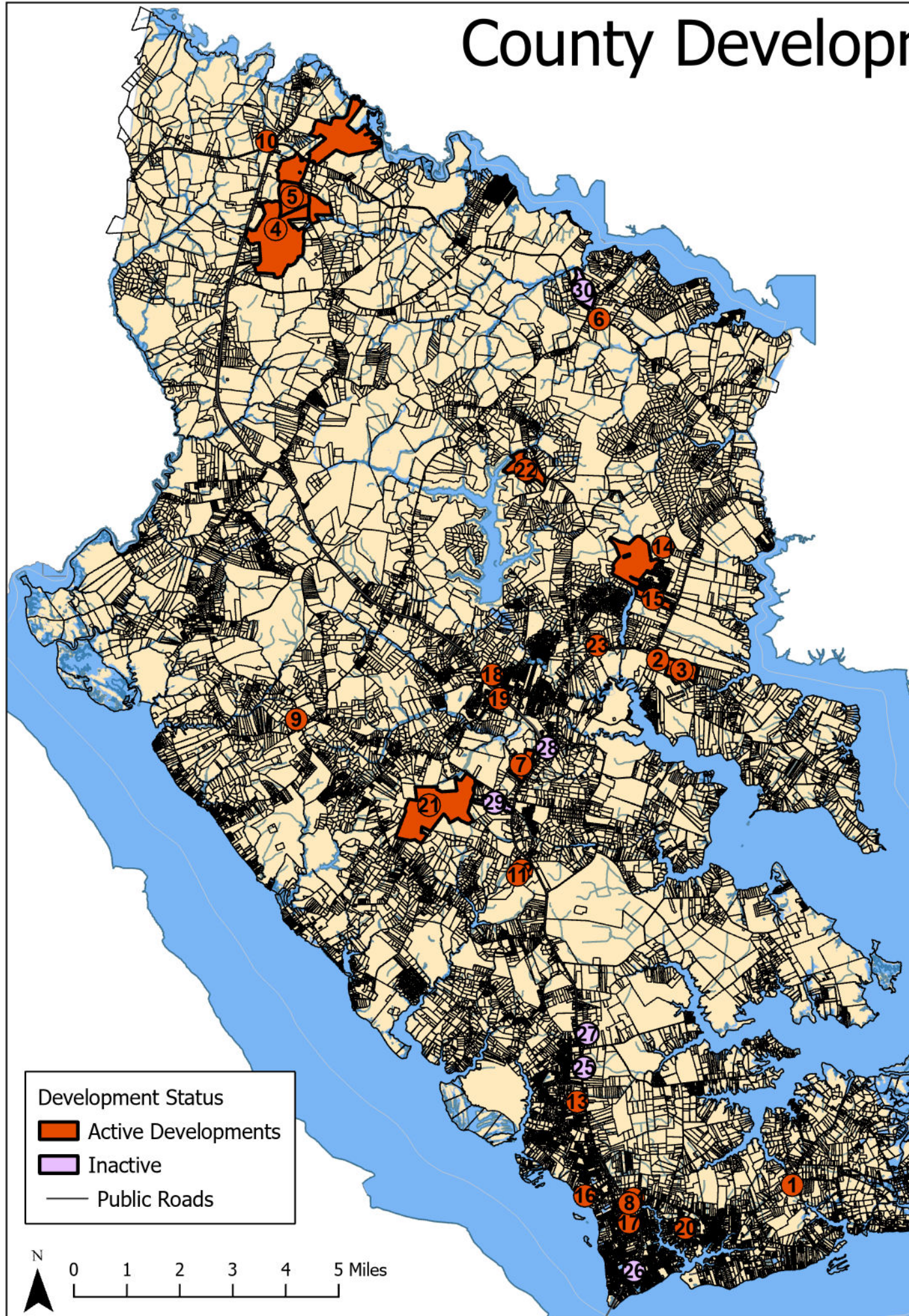
Note: Plan approval is valid for 5 years

*Based on General Assembly action, approvals valid as of 7/1/2020 are valid until 7/1/2025

Last updated: July 18, 2024

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County Developments- 2024 2nd Quarter

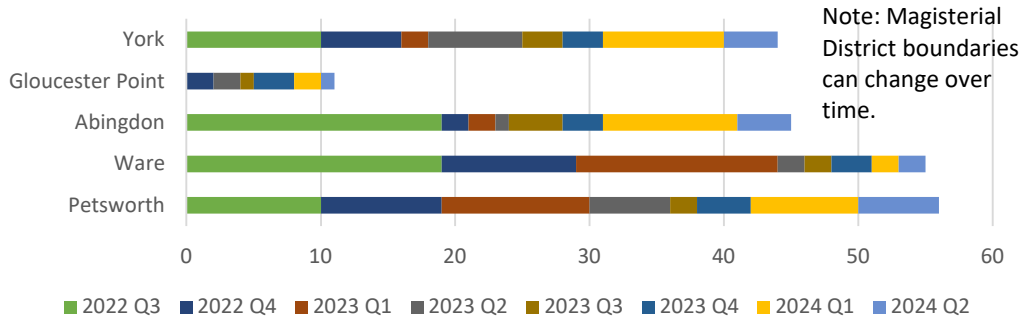


Number	Development	Active Status	Review Status
1	Achilles Open Broadband	Active	Awaiting LDP Application
2	Brent & Becky's Open Broadband	Active	Awaiting LDP Application
3	Camilla Solar Amendment	Active	Under Staff Review
4	Carvers Creek Solar Phase 1 Amendment	Active	Approved
5	Carvers Creek Solar Phase 2 Amendment	Active	Awaiting LDP Application
6	Dutton Fire Station 4 Open Broadband	Active	Awaiting LDP Application
7	Foxmill Centre Site Plan Amendment	Active	Awaiting Resubmittal
8	Freeman Commercial Drive Thru Amendment	Active	Approved
9	Gateway Private School	Active	Under Staff Review
10	Glenns Food Mart	Active	Awaiting Resubmittal
11	Haywood Development Amendment	Active	Approved
12	Miller's Services Headquarters	Active	Awaiting Resubmittal
13	New Life Ministry Center	Active	Awaiting Resubmittal
14	Patriot's Walk Phase 2 Amendment	Active	Under Staff Review
15	Patriot's Way	Active	Awaiting Resubmittal
16	River Club at Twin Island Amendment	Active	Awaiting LDP Application
17	Riverside Hayes Medical Center Parking Amendment	Active	Awaiting LDP Application
18	Riverside Walter Reed Cancer Center Amendment	Active	Approved
19	Shephard's Way Apartment	Active	Under Staff Review
20	Swiss Legacy Development Plan Amendment	Active	Under Staff Review
21	The Reserve at Gloucester Village- Phase 2	Active	Awaiting Resubmittal
22	Verizon Wireless Figg Shop (Co-Location)	Active	Under Staff Review
23	Ware Academy Phase 2	Active	Awaiting Resubmittal
24	Wells Fargo ATM (York River Crossing Shopping Center)	Active	Awaiting LDP Application
25	Care-A-Lot Pet Supply	Inactive	Awaiting Resubmittal
26	Dunkin Donuts	Inactive	Approved
27	Safe Harbor Self Storage Expansion	Inactive	Approved
28	Steider & Associates	Inactive	Awaiting LDP Application
29	The Reserve at Gloucester Village- Phase 1	Inactive	Approved
30	Under The Stars	Inactive	Awaiting Resubmittal

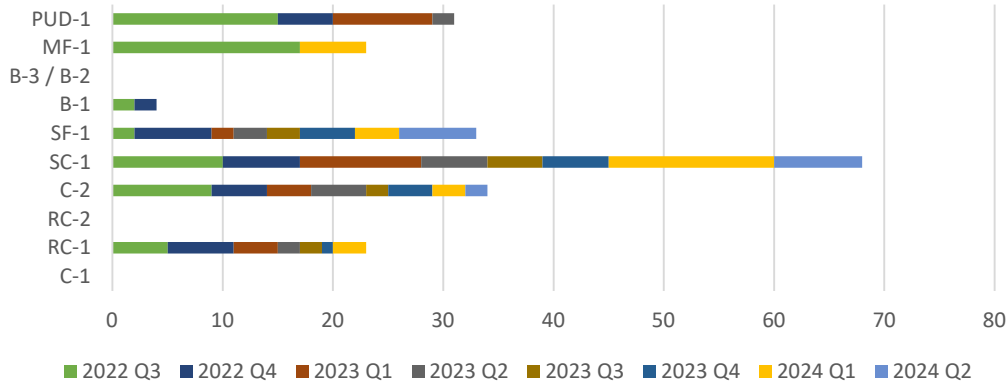
Note: "LDP" refers to a Land Disturbance Permit, which can be issued following site plan approval, but must be issued prior to site development.

Housing Location Trends Over Last Two Years

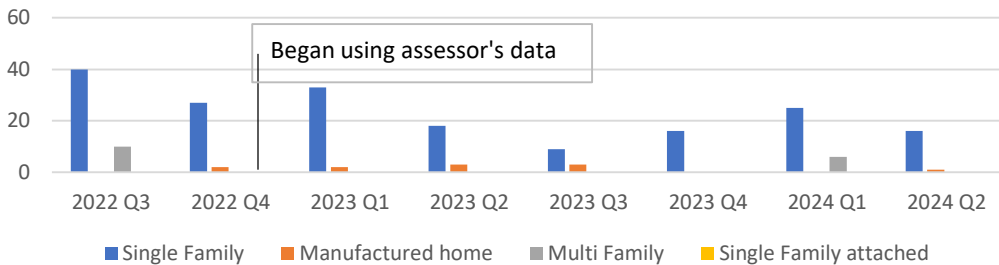
Housing Development By Magisterial District



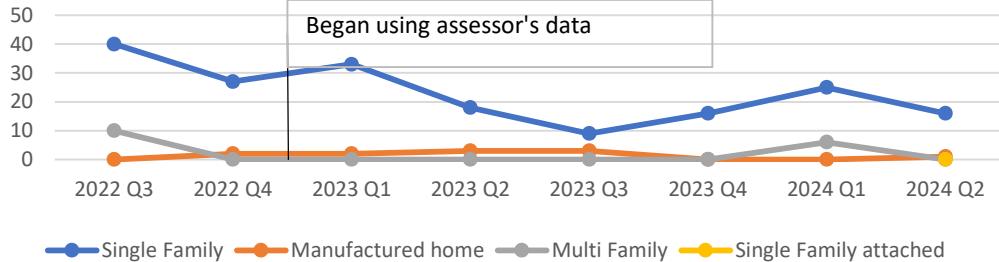
Housing Development By Zoning District



New Housing Type



New Housing Type





Department of Planning & Zoning

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M E M O R A N D U M

TO: Board of Supervisors / Planning Commission

CC: Carol Steele, County Administrator
George Bains, Deputy County Administrator
Ted Wilmot, County Attorney

FROM: Carol Rizzio, Senior Comprehensive Planner
Anne Ducey-Ortiz, Planning, Zoning and Environmental Programs Director

DATE: July 24, 2024, for August 1, 2024

SUBJECT: Zoning Ordinance Update – Review of Public Comments

At the Planning Commission’s July meeting we held the public hearing for the zoning ordinance update and received numerous public comments. At your request, staff has prepared and attached a summary of the public comments identifying the general topics addressed and/or specific ordinance sections that the comments related to. However, many of the comments were general in nature and do not relate to a specific section of the ordinance. The comments that appear to refer to specific code sections are displayed in dark gray on the attached document and are listed in the order presented at the public hearing. If you want more details about any specific comment, please refer to the meeting minutes. Below is a summary listing the specific sections addressed in the comments either in support of or opposed to the changes as best as we could determine.

Topic	Section	Number of individuals in support of	Number of individuals opposed to
Village Mixed Use District (B-2) Regulations.	Section 5-40.1(3) p.79	1 – Need more affordable housing	12 – No more growth
Junkyards and salvage yards	Section 5-70.4 Table of Permitted Industrial and Utility Uses p.106 and Section 9B-7.20 Junkyard and salvage yard p.140		1 – Do not permit in B-1 (proposed to be permitted by CUP)
Historic Overlay District	Article 6, Section 6-1 p. 109		1 – Wants to be included in district
Sidewalks required by the Highway Corridor Development District	Article 6A, Section 6A-4 Access p.111	1 – Support sidewalks in our Village areas	1 – Sidewalks are not needed on Rte. 17
Campgrounds and Camping for personal use and enjoyment	Section 9B-4.10 p.130 and Section 9D-10 p.170	1 – Question related to enforcement process for violators	1 – We should be able to camp as long as we want

Topic	Section	Number of individuals in support of	Number of individuals opposed to
Home occupations	Section 9B-9.70(c) p.166		1 – Do not allow two commercial vehicles
Freight containers	Section 9D-20(3) p.171		1 – Do not allow in residential districts
Traffic Impact Analysis reduced threshold	Article 14, Sections 14-2(4)(a)(xv) p.216, 14-3(3)(g) p. 224, and 14-4(3)(c)(ix) p. 231.	1 – Support TIAs for larger developments	

In addition to these topics, several comments related to regulations not included in the Zoning Ordinance such as property maintenance and short term rentals. Those are identified in *light gray* on the attached comment summary document. Staff will summarize all this information for you at the August 1st meeting and will be prepared to discuss with you any changes you may want to suggest – along with your recommendation to the Board of Supervisors.

As mentioned at the public hearing, there is one parcel (RPC 40099) currently zoning Residential Mixed Use (RMX) that is proposed to become Village Mixed Use (B-2) due to the recommendation to combine those districts. Staff has reached out to the property owner for his feedback on the proposed change. He would like the parcel to become B-1 instead of B-2. He has an existing approved site plan for residential development consisting of a mix of 78 apartments and 31 townhouse style rental units. Based on the General Assembly’s extension, the approved site plan is valid until 2025. Under the B-2 zoning he could development the site either residentially or commercially once the site plan expires. He owns the parcels to the north that make up the York River Crossing shopping center, all of which are zoned B-1. We will be interested to hear your feedback related to that change.

Staff has also been working on updating the Zoning Ordinance Update web page to include a version of the draft ordinance that contains links to specific sections (from the table of contents) and a version that identifies the changes in **bold** text. We hope to have those changes completed by August 1st.

We will be happy to answer any questions you may have about other changes not specifically mentioned.

Attachments:

- Summary of public comments received

PC Action: Listen to staff’s presentation and make a recommendation to the Board as to whether to adopt the proposed changes to Appendix B - Zoning of the County Code as presented or with modifications based on public input.

Planning Commission, July 11, 2024 Meeting

Item 4: General Public Comments

	Comments	Main Topic	ZO Section and Page Number
1	Poor planning, not considerate, disappointed	Not happy w/ process	N/A
2	Resident skirting codes and before we change anything we should address this violation. Has campers and rents rooms, basically runs a business. Yard full of trash. Nothing is being done. Works till after 5 pm and property values are being impacted.	Complaint about violations that should be addressed prior to any changes.	N/A
3	She expressed that God gives the people sovereign political power to choose the government. She points out that the Planning Commission is subject to the people and should be held liable.	Planning Commission is subject to the people.	N/A
4	Plans in Hayes, Thomas Landing Road, subdivided. Give up part of her land.	Civil matter RE Subdivision	N/A
5	Letter was written like a true politician. As elected people we need to give more information.	Letter not descriptive enough	N/A
6	Recently opened a business in Hayes and wasn't able to cut down any trees. However, all the vegetation was removed on the Dunkin Donuts lot. What is going across the street from Lowes... the Barrens. Schools are overrun, need to know what is going on.	Lack of enforcement; regulations not evenly applied – ADO reached out to her about the trees.	N/A
7	Developers are parking in their parking lot to survey the woods behind them. They should not be allowed to do that.	Civil matter	N/A
8	What are we doing about growth in the county? Schools are redistricting. How are we handing all these people moving from Newport News and Hampton?	Too much growth	Possibly Village Mixed Use District (B-2) Regulations... Section 5-40.1(3) p.79
9	*Chevron Deference, unconstitutional action.	Planning Commission does not have constitutional authority	N/A
10	Repent and Dissolve the Planning Commission. Love and peace of Gloucester County. Pay for them to move to Newport News.	Planning Commission does not have constitutional authority	N/A
11	Lot in front of her home was cleared. Doesn't want a business there.	Too much growth	Possibly Village Mixed Use District (B-2) Regulations... Section 5-40.1(3) p.79
12	Road is not maintained by VDOT adequately and it is affecting property values.	Lack of roadway maintenance (VDOT)	N/A

**Chevron deference” is (was) not applicable to the Planning Commission. It was an old Supreme Court case that held that FEDERAL agencies (like the EPA) had broad authority to interpret the meaning of the regulations they enforced –

especially when they were ambiguous. The “deference” part said that the Courts would/could not substitute their opinion for those of the subject matter experts within those agencies.

Current Supreme Court said no – now we’re (judicial branch) going to interpret those ambiguities – or Congress can fix them.

The PC is not a regulatory agency.

Item 5b: CA-24-01 Zoning Ordinance Update Public Hearing Comments

	Comments	Main Topic	ZO Section and Page Number
1	Asked if Air B&B camping would be regulated as a campground. Yes, it would.	Camping	Section 9B-4.10 Campground p. 130 and Section 9D-10 Camping for personal use and enjoyment p. 170
2	Letter sent took 12 days to get to him, don't believe we sent it out on the date stated on the letter.	Letters arriving late.	N/A
3	Letter sent. Article 6 Historic Overlay District – wants her property to be added.	Historic District additions	Article 6 Historic Overlay District p.109
4	Doesn't like 8 units per acre in B-2. Edgehill Street doesn't like it, no more section 8 housing. Believes the PC and Board members are financed to make such decisions.	8 dwelling units by-right in B-2 No section 8 housing.	Village Mixed Use District (B-2) Regulations, Section 5-40.1(3) p.79
5	Chevron lawsuit – bill of rights.	Process	N/A
6	Concern for mom and pop shops	Support for small businesses	N/A
7	Need to redo the comp plan. Heard the public.	No more growth.	Possibly Village Mixed Use District (B-2) Regulations... Section 5-40.1(3) p.79
8	How much did mailing costs? Allowing government to control private property. Agenda 21 – controlling how to use one's private property. No section 8 and no ethnic compounds. Power lines and all roads on six-year plan for improvements.	Private property rights. No Section 8 housing.	Possibly Village Mixed Use District (B-2) Regulations... Section 5-40.1(3) p.79
9	Property rights – how can the government tell me how many days I can camp on my property? Should be able to camp as long as we want. Eliminate property rights... and the ten commandments will take care of it.	Property rights and camping.	Section 9D-10 Camping for personal use and enjoyment p.170
10	In 1984 with zoning took away right to farm – give it back! County said they would sponsor rezonings back to agriculture in areas that farming continued.	Right to Farm (only applies to RC-1 and RC- 2)	N/A.

	Comments	Main Topic	ZO Section and Page Number
11	Words matter. Letters worked, got everyone here. Wants to downzone for affordable housing (Section 8)	Affordable housing is needed.	Possibly Village Mixed Use District (B-2) Regulations... Section 5-40.1(3) p.79
12	Complemented Carol and thanked the Planning Commission.	Thank you.	N/A
13	Asked if we could bookmark the PDF. Doesn't like freight containers. They rust. Please don't allow in SC-1 or in B-1 commercial district. Don't allow junkyard / salvage yards in B-1. Only allow in I-1 by a CUP.	No freight containers. No salvage yards/junkyard in B-1.	Section 9D-20 Freight containers p.170; Section 5-70.4 Table of Permitted Industrial and Utility Uses p. 106 and Section 9B-7.20 Junkyard and salvage yard p. 140
14	Shipping containers – why allow them in residential districts? Home occupations – reduced regulations, doesn't think it's a good idea to allow 2 commercial vehicles (would look more like a business) Nonconforming uses – consider amortization so they can't continue forever	No freight containers. Don't allow 2 commercial vehicles w/ HOPs	Section 9D-20 Freight containers p. 171; Section 9B-9.70 Home occupations p. 166
15	Thanked Planning Commission. Asked about the camper guidelines. What are the ramifications where people don't follow the regulations?	Enforcement processes related to proposed camping regulations	Section 9D-10 Camping for personal use and enjoyment p. 170
16	Concerned about Gloucester Point and doesn't understand why someone is allowed to stack tires up.	Lack of property maintenance at the point.	N/A
17	Would like to be able to easier see what changed and what didn't. Noticed that a tower not in use has to be removed after 2 years. There is a tower near him that has not been removed yet (Willis Road) – it's been over 2 years. Would like it removed.	Wants to be able to easily see what has changed. Removal of unused communication tower.	N/A
18	Housing 8-12 units – why can developers do what others can't, how will more housing help w/ all other issues in the county such as the volunteer fire / rescue and traffic? Pedestrians don't need to be on Rte. 17 – how would sidewalks make it better?	No more growth, no multi-family. No sidewalks.	Possibly Village Business District (B-2) Regulations... Section 5-40.1(3) p.79; Article 6A Highway Corridor Development District, Section 6A-4 Access p. 111

	Comments	Main Topic	ZO Section and Page Number
19	Containers on people's properties – how many years till they are grandfathered? Not equal protection under the law.	Developers are able to do what others are not.	Section 9D-20 (3) Freight containers p. 171
20	Too many sub-divisions. Too much growth that is causing increased crime, traffic congestion, schools' capacity and lack of appropriate infrastructure.	Keep Gloucester rural.	Possibly section 5-40.1(3) p.79 Village Mixed Use District (B-2) Regulations...
21	Against zoning changes. No apartment buildings added to my neighborhood. They are a burden for schools and infrastructure	No by right multi-family.	Village Mixed Use District (B-2) Regulations, Section 5-40.1(3) p.79
22	Doesn't understand the changes	Wants more information	N/A
23	Concerned about AirBNB in her neighborhood and thinks it should be regulated.	Regulate short-term rentals such as AirBNBs.	N/A
24	Doesn't want to adopt all the changes at once, agrees with some but not all. Does not want Gloucester to become York or Williamsburg.	Keep Gloucester as it is. No more Section 8 housing.	Possibly section 5-40.1(3) p.79 Village Mixed Use District (B-2) Regulations...
25	Update solves no problem specific to our community. It is just an excuse for continued government overreach. Will devalue property assets by continuing to restrict legal use of property.	Do not adopt ZO update.	N/A
26	Concerned that the standard review and approval process is not proposed to be circumvented to allow new land uses as a matter of right. Landowners, residents, and business owners purchase land with specific expectations. Altering these expectations and uses harms current landowners. Doesn't think localities should push for affordable housing. Let the market determine it. I purchased my home at the end of a long street and don't want multifamily projects in my neighborhood.	Doesn't agree with by right of up to 8 dwelling units in B-2.	Section 5-40.1(3) p.79 Village Mixed Use District (B-2) Regulations
27	In favor of the ZO update with the following considerations. Not in favor of allowing use of spray manure fertilizer on farms in Bayside Conservation. Strongly in favor of ADA compliant sidewalks particularly in village areas. In support of TIAs for large developments.	Agree w/ changes.	Article 6A Highway Corridor Development District, Section 6A-4 Access p. 111; TIA threshold - Article 14, Sections 14-2(4)(a)(xv) p.216, 14-3(3)(g) p. 224, and 14-4((3)(c)(ix) p. 231.
28	Doesn't want their easement to be changed.	Unclear	N/A

	Comments	Main Topic	ZO Section and Page Number
29	Opposed to multi-family in Court House. Opposed to mixed-use due to parking and traffic. Consider Building 2 and the amount of parking needed. With these changes the integrity and lifestyle of the small-town Main Street is forever gone.	No multi-family. No mixed-use.	Section 5-40.1(3) p.79 Village Mixed Use District (B-2) Regulations
30	RPC 26755 Can we build on this property – property line extends into water...	N/A	N/A
31	Will zoning amendments change taxes? If so, how?	Impact to taxes.	N/A
32	Outrageous to change the ordinance. When I bought this home, I assumed that zoning would not change. Are you getting money from the federal government?	Colemans Crossing development. No changes to zoning to allow more development.	Possibly section 5-40.1 (3) p.79 Village Mixed Use District (B-2) Regulations...



Department of Planning & Zoning

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M E M O R A N D U M

TO: Planning Commission

CC: Carol Steele, County Administrator
George Bains, Deputy County Administrator
Ted Wilmot, County Attorney

FROM: Tripp Little, Planner III
Anne Ducey-Ortiz, Planning, Zoning and Environmental Programs
Director

DATE: July 23, for August 1, 2024, meeting

SUBJECT: Discussion of other localities' major/minor subdivision standards

At the Planning Commission's (PC) May 2024 meeting, the PC requested that staff research other localities' ordinances with reference to differences between their definitions of "major" (MJR) and "minor" (MNR) subdivisions and ours. Although staff did not recommend changing the MNR definition from the current three-lot maximum, the Commission tentatively settled on a 5-lot maximum for MNRs for purposes of the subdivision ordinance rewrite.

Planning staff reached out to a total of ten (10) localities with a survey drafted by Will Hurt. The table on the following page summarizes their definitions of MJR/MNR subdivisions; staff will provide a more detailed presentation and opportunity for discussion at the PC's August 1 meeting.

We hope you will find this information helpful in your deliberations.

PC Action: Listen to staff's presentation, ask any questions you might have, and relay your thoughts (as related to the Subdivision Ordinance definitions) to staff.

Locality	Major	Minor	Special requirements
Chesapeake	Six (6) or more	Up to five (5)	If any lot (of 5) has the ability to be resubdivided, then MJR
Hampton/NN	N/A	N/A	
Isle of Wight	Ten (10) or more	Up to nine (9)	
James City County	Six (6) or more	Up to five (5)	
King & Queen	Eight (8) or more	Up to seven (7)	All reviewed/approved by BOS. MJR review fee is \$1000 + \$25/lot; MNR review is \$700 + \$25/lot
Mathews	Six (6) or more	Up to five (5)	
Middlesex	Seven (7) or more	Up to six (6)	If private road is involved, then: a) private road sign must be submitted for approval, and (b) Homeowners Association req'd for maintenance
Suffolk	Five (5) or more	Up to four (4)	
York	Any new street created	No new street created	



Departments of Planning, Zoning, & Environmental Programs

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M E M O R A N D U M

TO: Planning Commission

FROM: Tripp Little, Planner III
Anne Ducey-Ortiz, AICP; Director of Planning, Zoning, & Environmental

DATE: July 23, 2024 for the August 1, 2024 meeting

SUBJECT: Legislative Update - A review of 2024 General Assembly actions impacting Planning & Zoning

In this month's meeting packet, Staff has included a publication from the Virginia Chapter of the American Planning Association (APAVA) entitled "Key Bills – Final Report 2024 General Assembly;" this document recaps the bills from the 2024 General Assembly regular session. Staff will provide an overview of those bills, as well as others which may impact the work of Planning & Zoning staff and/or the Planning Commission.

The presentation will be similar to what has been provided at previous PC meetings, with the focus being on those bills of greatest importance to Gloucester County. Prior to the meeting, if you should have questions on any of the bills in the summary document, please feel free to contact Tripp Little.

PC Action: Listen to Staff's update and ask any questions.



Key Bills for Planners
APA Virginia Legislative
Program Final Report
2024 General Assembly



May 18, 2024

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The bills and resolutions listed here are those tracked by the Chapter and enacted.

Energy and Environment

Energy Efficiency

HB 106/SB 253 Shared solar programs; amends existing program provisions to apply to Dominion Energy Virginia.

Amends existing shared solar program provisions applicable to Dominion Energy Virginia. The bill provides that a customer's net bill for participation in the shared solar program means the resulting amount a customer must pay the utility after the bill credit, defined in relevant law, is deducted from the customer's monthly gross utility bill. The bill divides the shared solar program into two parts, the first of which has an aggregate capacity of 200 megawatts. The bill provides that upon a determination that at least 90 percent of the megawatts of the aggregate capacity of part one of such program has been subscribed, as defined in the bill, and that project construction is substantially complete, the State Corporation Commission shall approve up to an additional 150 megawatts of capacity as part two of such program, 75 megawatts of which shall serve no more than 51 percent low-income customers, as defined in relevant law. The bill directs the Commission to initiate a proceeding to recalculate the minimum bill within 30 days of a final order in a proceeding establishing the value of a solar renewable energy certificate as required by relevant law. The bill specifies that the Commission shall update its shared solar program consistent with the requirements of the bill by March 1, 2025, and shall require each utility to file any associated tariffs, agreements, or forms necessary for implementing the program by December 1, 2025. Additionally, the bill requires the Department of Energy to convene a stakeholder work group to determine the amounts and forms of certain project incentives and to submit a written report to the Chairmen of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor no later than November 30, 2024.

HB 108/SB 255 Shared solar programs; SCC to establish by regulation, etc.

Requires the State Corporation Commission to establish by regulation a shared solar program, as defined in the bill, through which customers of American Electric Power may purchase electric power through a subscription in a shared solar facility, as defined in the bill. The bill requires the Commission to establish a minimum bill, which shall include the costs of all utility infrastructure and services used to provide electric service and administrative costs of the shared solar program, taking into account certain considerations. The bill directs the Commission to initiate a proceeding to recalculate such minimum bill within 30 days of its final order in a proceeding establishing the value of a solar renewable energy certificate as required by relevant law. The bill specifies that the Commission shall establish the shared solar program consistent with the requirements of the bill by January 1, 2025, and shall require each utility to file any associated tariffs, agreements, or forms necessary for implementing the program by July 1, 2025. Additionally, the bill requires the Department of Energy to convene a stakeholder work group to determine the amounts and forms of certain project incentives and to submit a

written report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor no later than November 30, 2024.

HB 151/SB 245 Energy, Department of; building standards for certain local buildings.

Requires the Department of Energy, upon request, to provide technical assistance to localities, subject to available budgetary resources, as localities implement mandates related to onsite renewable energy generation, energy storage, and resilience standards for construction or renovation of certain public buildings. The bill also makes several technical and clarifying changes to the existing statute, in part by defining or redefining existing terms found in the statute.

HB 746/SB 565 Energy efficiency programs; definitions, incremental annual savings.

Provides that for the 2029 program year and all subsequent years, "in the public interest" for the purpose of assessing energy efficiency programs means that the State Corporation Commission determines that the program is cost-effective. The bill directs the Commission to promulgate regulations no later than September 30, 2025, establishing a single, consistent cost-effectiveness test for use in evaluating proposed energy efficiency programs. The bill requires Dominion Energy Virginia and Appalachian Power Company to track, quantify, and report to the Commission the incremental annual savings, as defined in the bill, achieved by such utility's energy efficiency programs.

HB 862 Electric utilities; integrated resource plans, grid-enhancing technologies and advanced conductors.

Requires an electric utility to include in an integrated resource plan (i) a comprehensive assessment of the potential application of grid-enhancing technologies and advanced conductors, as those terms are defined in the bill, in a manner that ensures grid reliability and safeguards the cybersecurity and physical security of the electric distribution grid and (ii) if applicable, a detailed explanation of why such technologies or conductors are not included in such plan.

HB 1062/SB 271 Net energy metering; eligible customer-generators and agricultural customer-generators.

Provides that no contract, lease, or arrangement by which a third party owns, maintains, or operates an electrical generating facility on an eligible customer-generator's property shall constitute the sale of electricity or cause the customer-generator or the third party to be considered an electric utility by virtue of participating in net energy metering. The bill prohibits an eligible customer-generator or eligible agricultural customer-generator from being required to provide proof of liability insurance or to purchase additional liability insurance as a condition of interconnection. The bill exempts eligible customer-generators and eligible agricultural customer-generators that operate a battery storage device of capacity commensurate with and

equal to or greater than that of the electrical generating facility and in conjunction with the electrical generating facility from standby charges. The bill provides that any eligible customer-generator or eligible agricultural customer-generator may participate in demand response, energy efficiency, or peak reduction from dispatch of onsite battery service, provided that the compensation received is in exchange for a distinct service that is not already compensated by net metering credits for electricity exported to the electric distribution system or compensated by any other utility program or tariff.

HB 1491 Phase I Utility; recovery of development costs associated with small modular nuclear facility.

Permits American Electric Power, prior to the filing of an application for a certificate to construct a small modular nuclear facility, to request the State Corporation Commission to review such utility's decision to incur project development costs, as defined in the bill. The bill has an expiration date of July 1, 2034.

HJ 6 Energy Efficiency Day; designating as October 4, 2024, and each succeeding year thereafter.

Designates October 4, in 2024 and in each succeeding year, as Energy Efficiency Day in Virginia.

SB 454 Electric utilities; recovery of development costs associated with small modular reactor.

Permits Dominion Energy Virginia to petition the State Corporation Commission at any time for the approval of a rate adjustment clause for the recovery of small modular reactor project development costs for up to one small modular reactor facility. The bill also permits the utility to petition the Commission for project development cost recovery along separate development phases. The bill has an expiration date of December 31, 2029.

SB 495 RPS eligible sources; falling water generation facilities.

Provides that, notwithstanding contrary provisions of law, any falling water generation facility, as defined in the bill, located in the Commonwealth and commencing commercial operations prior to July 1, 2024, shall be considered a renewable energy portfolio standard eligible source.

SB 508 Renewable energy portfolio standard; geothermal heating and cooling systems.

Provides that geothermal heating and cooling systems, as defined in the bill, located in the Commonwealth are eligible for compliance with renewable energy portfolio standard requirements. The bill also requires the State Corporation Commission (the Commission) to convene a stakeholder work group to examine the feasibility of establishing renewable energy portfolio standard program (RPS program) requirements that require each Phase I and Phase II Utility to procure and retire renewable energy certificates (RECs) from geothermal heating and

cooling systems placed in service after August 16, 2022, as a percentage of the number of RECs used for RPS program compliance. The work group shall include representatives from the geothermal industry, Phase I and Phase II Utilities, the Department of Energy, environmental advocacy organizations, environmental justice organizations, consumer advocates, and other interested stakeholders. The Commission is required to report the findings and recommendations of the work group to the Chairmen of the Senate Committee on Commerce and Labor, the House Committee on Labor and Commerce, and the Commission on Electric Utility Regulation no later than December 1, 2024. Portions of the bill have a delayed effective date of January 1, 2025.

Environment and Water Resources

[HB 71/SB 372](#) Combined sewer overflow outfalls; compliance with regulations, Chesapeake Bay Watershed.

Extends from July 1, 2025, to July 1, 2026, the date by which certain combined sewer overflow (CSO) outfalls that discharge into the Chesapeake Bay Watershed must be in compliance with Virginia law, the federal Clean Water Act, and the Presumption Approach described in the EPA CSO Control Policy, unless a higher level of control is necessary to comply with a total maximum daily load.

[HB 85](#) Mineral mining and processing; use of cyanide or a cyanide compound prohibited.

Prohibits any miner or other person from using cyanide or a cyanide compound in any mineral mining or processing operation.

[HB 122/SB 580](#) Environmental Quality, Department of; judicial review, authorization of projects, hearing & appeal.

Allows any person aggrieved by the final decision of the Department of Environmental Quality regarding the authorization of a project and who has participated in a proceeding for a permit to construct or operate a small renewable energy project under procedures adopted by the Department to seek judicial review of such action in accordance with the Administrative Process Act in the Circuit Court of the City of Richmond within 30 days of such decision. The bill requires the court to hear and decide such action as soon as practicable after the date of filing.

[HB 199/SB 25](#) Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program; allocation of funds.

Removes the prohibition on the allocation of funds to the Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program unless federal funds are available in an amount that would cover the entire cost of such an allocation.

HB 220 Water facilities; staffing of licensed operators.

Requires sewage treatment works, classified waterworks, and classified water treatment facilities to employ a licensed operator. The bill establishes a protocol for responding to an unexpected vacancy of the licensed operator position. The bill also permits remote monitoring of the facility by the licensed operator upon a demonstration of sufficient technology for the remote operator to adequately monitor the waterworks or treatment facility and manage onsite operators.

HB 309/SB 461 Forestland and Urban Tree Canopy Conservation Plan; Department of Forestry shall establish.

Requires the Department of Forestry, in coordination with a Technical Advisory Committee composed of stakeholders, to develop a Forestland and Urban Tree Canopy Conservation Plan no later than November 1, 2026, and update such plan at least once every five years thereafter. The bill requires the Department to post and maintain on its website the most recent version of the Plan and to submit the Plan to the Governor and Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources no later than November 30, 2026, and following any update to such plan.

HB 320 Pesticide control exemptions; herbicide applications by unpaid volunteers.

Exempts from the provisions of state pesticide laws and regulations any unpaid volunteer who uses any nonrestricted herbicide with the express authorization of a local political subdivision for the sole purpose of controlling invasive plants or noxious weeds on properties owned by such local political subdivision. The bill provides that such unpaid volunteer shall use such herbicide under the direct supervision of a certified commercial applicator and the local political subdivision shall provide instruction by a certified commercial applicator to the unpaid volunteer prior to application on (i) the risks associated with the herbicide utilized, (ii) the proper use of equipment used to apply the herbicide, (iii) the proper use of personal protective equipment, (iv) other information to prevent an unreasonable adverse effect on the environment, and (v) any other information relevant to the specific herbicide utilized.

HB 517 European honeybee; designating as the official state pollinator.

Designates the honeybee (*Apis mellifera*) as the official state pollinator. The bill contains a technical amendment.

HB 596/SB 464 Fisheries Innovation for Sustainable Harvest Fund; established.

Establishes the Fisheries Innovation for Sustainable Harvest Fund for the purposes of supporting and promoting the economic growth and development of Virginia's seafood economy. The Fund shall be administered by the Marine Resources Commission for the sole

purpose of supporting and promoting the economic growth and development of Virginia's seafood economy while enhancing the sustainability of Virginia's marine fisheries resources through the awarding of grants, revolving loans, or other financial tools. The bill provides that the Commercial Fishing Advisory Board shall advise the Commission on expenditures from the Fund.

HB 656/SB 365 Regulated land-disturbing activities; submission and approval of erosion and sediment control plan.

Prohibits a person from engaging in any land-disturbing activity until, where Virginia Pollutant Discharge Elimination System (VPDES) permit coverage is required, the Virginia Erosion and Sediment Control Program (VESCP) authority has obtained evidence of such permit coverage from the Department of Environmental Quality's online reporting system prior to issuing its land-disturbance approval. Current law requires the VESCP authority to obtain such evidence of VPDES permit coverage prior to approving an erosion and sediment control plan.

HB 673 Resilient VA Revolving Fund; projects located in locality having low community resilience rating.

Provides that the Department of Conservation and Recreation shall give additional weight to projects located in low-income geographic areas and projects that incorporate nature-based solutions when distributing loans or grants from the Resilient Virginia Revolving Fund to particular local governments.

HB 870 Sewage sludge regulations; relief from administrative requirements, adverse and unusual weather.

Requires the State Water Control Board, with the assistance of the Department of Conservation and Recreation and the Department of Health, to adopt regulations that include procedures for addressing administrative, staging, signage, and additional on-site and alternative storage site requirements when routine and on-site storage facility capacity and holding times are anticipated to be exceeded for the purpose of protecting against the release of sewage sludge into state waters and to account for increased intensity, frequency, and duration of storm events. The bill directs the Department of Environmental Quality to form a regulatory advisory panel consisting of certain stakeholders for the purpose of assisting the Board in developing the regulations as required by the bill.

HB 1085/SB 243 PFAS Expert Advisory Committee; established, monitoring sources.

Requires, for every public water system, as defined in the bill, the Department of Health (VDH) to assist the Department of Environmental Quality (the Department) by transferring to the Department quarterly all validated monitoring results available to VDH that indicate PFAS maximum containment level, as defined in the bill, exceedances. In such circumstances, the bill provides that the Department is required to develop and implement a plan to prioritize and

conduct PFAS assessments for identifying significant sources of PFAS in such public water system's raw water source or sources. The bill requires any facility, if deemed by the Department to be a potentially significant source of PFAS in the public water system's raw water source, (i) to perform and promptly report the results of quarterly discharge monitoring for one year and (ii) to report to the Department, within 90 days after being directed by the Department, its manufacture or use of PFAS. The bill establishes a PFAS Expert Advisory Committee to assist the Department and VDH in its PFAS-related efforts and requires the Committee to meet at least two times per year through June 30, 2027. The bill requires the Department to annually report certain information to the Governor and the General Assembly by October 1.

HB 1135/SB 402 Blue catfish; DACS, et al., to review efforts to create a market.

Requires the Department of Agriculture and Consumer Services to convene a work group of relevant stakeholders in order to support and encourage coordination regarding efforts to create a robust and resilient market for blue catfish. The work group shall (i) review past and ongoing efforts to promote the creation of a market for blue catfish, (ii) identify and explore potential sectors for the blue catfish market, and (iii) identify any actions that the Commonwealth can take to promote and expand the market for blue catfish. The Department shall submit a report of the findings and recommendations of the work group to the Governor, the Secretary of Agriculture and Forestry, the Secretary of Natural and Historic Resources, and relevant committees of the General Assembly no later than September 1, 2025.

HB 1157 Federally recognized Tribal Nations in the Commonwealth; agencies to consult on permits and reviews.

Requires the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Historic Resources, and the Virginia Marine Resources Commission to establish policies and procedures for consulting with federally recognized Tribal Nations in the Commonwealth when evaluating certain permits and reviews relating to environmental, cultural, or historic resources that potentially impact those federally recognized Tribal Nations in the Commonwealth. The bill directs the Secretary of the Commonwealth to designate an Ombudsman for Tribal Consultation to facilitate communication and consultation with federally recognized Tribal Nations in the Commonwealth and requires the Ombudsman to develop by January 1, 2025, a list of localities in which federally recognized Tribal Nations in the Commonwealth shall be consulted to effectuate the provisions of the bill. The bill codifies Executive Order 82 (2021).

HB 1379 Environmental Quality, Department of; consolidation of annual report.

Consolidates varying due dates for certain reports relating to the Department of Environmental Quality to the Governor and the General Assembly to October 1 and requires such reports be submitted as part of one annual report. The bill has a delayed effective date of January 1, 2025.

HB 1431 Alternative onsite sewage systems; approval of treatment units.

Requires the Department of Health to approve treatment units for alternative onsite sewage systems if they meet certain NSF/ANSI standards or certain testing requirements.

HB 1458 Chief Resilience Officer of the Commonwealth; moves position under the Governor, etc.

Amends certain provisions relating to the functions and duties of the Chief Resilience Officer (CRO) of the Commonwealth. The bill requires the CRO to convene an Interagency Resilience Management Team to support the coordination of planning and implementation of resilience efforts, eliminates the position of Special Assistant to the Governor for Coastal Adaptation and Protection, and requires the Director of the Department of Conservation and Recreation to convene an Advisory Review Committee to assist in the distribution of loans and grants from the Virginia Community Flood Preparedness Fund. The bill also requires the Director to convene an Advisory Review Committee to assist in the distribution of loans and grants from the Resilient Virginia Revolving Fund and adds the Secretary of Natural and Historic Resources and the CRO to the list of those with whom the Virginia Resources Authority is required to consult in directing the distribution of loans or grants from such Fund. The bill requires, for the two Funds, the Department of Conservation and Recreation to (i) make available for public inspection at the office of the Department and on a publicly accessible website records of each application for grants and loans and the actions taken thereon and (ii) provide an opportunity for a 30-day public comment period prior to each new grant or loan offering to solicit feedback on proposed revisions to the Funds' manuals. **The provisions of subsection C of § 10.1-659 of the Code of Virginia, as amended by this act, shall expire on February 1, 2025; The provisions of subsection D of § 10.1-659 of the Code of Virginia, as amended by this act, shall become effective on February 1, 2025; the Chief Resilience Officer of the Commonwealth shall submit a report on funding and staffing needs to the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation and Natural Resources, and the Senate Committee on Finance and Appropriations no later than December 31, 2025.**

SB 337 Eastern Virginia Groundwater Management Area; continued withdrawal permit for residential well.

Directs the State Water Control Board to waive the expiration of any ground water withdrawal permit for a well that serves exclusively residential users, is located in the Eastern Virginia Groundwater Management Area north of the Occoquan River, and is located within five miles of any commercial or industrial permitted ground water withdrawal. The bill provides that such waiver shall continue in force until the commercial or industrial permitted ground water withdrawals have been halted for five years. The Department of Environmental Quality shall then assess whether the termination of the commercial or industrial permitted ground water withdrawals has substantially mitigated the stress upon the aquifer and redetermine whether the permit for the residential well shall be renewed.

SB 342 Virginia Waste Management Board; open burning of solid wastes, transportation of vegetative waste.

Requires the Virginia Waste Management Board to amend regulations to allow for vegetative waste to be transported to another location for open burning if it is impractical or unsafe to destroy such waste on the premises of private property.

SB 581 Environmental Quality, Department of; groundwater and surface water withdrawal permits.

Authorizes the Department of Environmental Quality to utilize and incorporate comprehensive groundwater, surface water, and aquifer data in its decision-making processes related to the issuance and renewal of groundwater withdrawal permits and surface water withdrawal permits. Such data may include information relating to water levels, flow rates, and water quality.

SB 674 Virginia Coastal Resilience Collaborative; changes references relating to coastal resilience policy

Changes references relating to coastal resilience policy from the Coastal Policy Center at William and Mary School of Law to the Virginia Coastal Resilience Collaborative at The College of William and Mary in Virginia to reflect the dissolution of the Coastal Policy Center. The bill also adds the Collaborative to the list of entities with whom the Secretary of Natural and Historic Resources may seek input and consultation in setting coastal resilience policies.

SJ 25 Groundwater supply in the Commonwealth; Department of Environmental Quality to study.

Requests that the Department of Environmental Quality complete a one-year study of the groundwater supply in the Commonwealth with technical assistance provided by the State Water Control Board. The Department shall complete its meetings by November 30, 2024, and submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations no later than the first day of the 2025 Regular Session of the General Assembly.

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Housing and Building Codes

Building Codes

[HB 151/SB 245](#) Energy, Department of; building standards for certain local buildings.

Requires the Department of Energy, upon request, to provide technical assistance to localities, subject to available budgetary resources, as localities implement mandates related to onsite renewable energy generation, energy storage, and resilience standards for construction or renovation of certain public buildings. The bill also makes several technical and clarifying changes to the existing statute, in part by defining or redefining existing terms found in the statute.

[HB 285](#) Uniform Statewide Building Code; construction of bus shelters.

Delegates enforcement of the Uniform Statewide Building Code to the local building official for bus shelters that do not exceed 256 square feet that are to be constructed for transit agencies receiving state money. The bill exempts the state from liability for any such bus shelter constructed on state-owned property. The bill has an expiration date of July 1, 2025.

[HB 368/SB 195](#) Uniform Statewide Building Code; Board of HCD to convene advisory group to evaluate.

Directs the Board of Housing and Community Development (the Board) to convene a stakeholder advisory group including fire code officials to evaluate and recommend revisions to the Uniform Statewide Building Code to permit Group R-2 occupancies to be served by a single exit, provided that the building has not more than six stories above grade plane. The bill requires the stakeholder advisory group to submit its findings and recommendations to the Board and to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology no later than December 1, 2024.

[HB 578/SB 538](#) Uniform Statewide Building Code; violations, increases fines.

Increases from \$2,500 to \$5,000 the minimum amount and from \$5,000 to \$10,000 the maximum amount that any person, firm, or corporation shall be fined when convicted of a third or subsequent offense of violating the provisions of the Uniform Statewide Building Code committed within 10 years of another such offense after having been at least twice previously convicted of such an offense. The bill also adds penalties for similar violations committed by owners of a blighted multifamily property.

HB 1425 Virginia Passenger Rail Authority; exempts railway tunnels and bridges from Building Code.

Exempts railway tunnels and bridges owned by the Virginia Passenger Rail Authority from the Uniform Statewide Building Code and the Statewide Fire Prevention Code Act. The bill requires the Virginia Passenger Rail Authority to report annually to the State Fire Marshal on the maintenance and operability of installed fire protection and detection systems in its railway tunnels and bridges.

HB 1486/SB 48 Vacant buildings; registration.

Permits any county, city, or town to require, by ordinance, the owner of any building that has been vacant for at least 12 months and (i) that meets the definition of "derelict building" in relevant law, (ii) that meets the definition of "criminal blight" in relevant law, or (iii) in which a locality has determined a person is living without the authority of the owner to register such building annually. Under current law, any city and certain towns are permitted to require the owner of any building that has been vacant for at least 12 months and meets the definition of "derelict building" in relevant law to register such building annually. This bill is a recommendation of the Virginia Housing Commission.

Housing

HB 477/SB 50 Eviction Diversion Pilot Program; extends expiration of Program to July 1, 2025.

Extends the expiration of the Eviction Diversion Pilot Program to July 1, 2025. Currently, the Program is set to expire on July 1, 2024. This bill is a recommendation of the Virginia Housing Commission.

HB 478/SB 49 Community revitalization fund; expanding use for all localities.

Expands the current provisions of law allowing for the establishment of a community revitalization fund for the purpose of preventing neighborhood deterioration to apply to all localities. Currently, only the City of Richmond is authorized to establish such a fund. This bill is a recommendation of the Virginia Housing Commission.

HB 572/SB 232 Manufactured home parks; resident rights.

Provides that a rental agreement with a term of one year or more will not be automatically renewed if the tenant notifies the landlord in writing 60 days prior to the expiration date of such tenant's intent to not renew the agreement. The bill permits a tenant to not renew a rental agreement due to a change in terms of the agreement by the landlord if such tenant notifies the landlord of his intent to not renew the rental agreement within 30 days of receiving

the notice of the change in terms. The bill allows a landlord to include in a written rental agreement a late fee, not to exceed 10 percent of the amount of the rent due and owed, for unpaid rental payments. The bill removes the right of a tenant or landlord to terminate a rental agreement with a term of 60 days or more by written notice at least 60 days prior to the termination date of the agreement.

HB 701 Virginia Residential Landlord and Tenant Act; routine maintenance, notice to tenant.

Requires landlords to include in the tenant's notice of routine maintenance the last date on which such maintenance may possibly be performed. The bill also requires landlords to perform routine maintenance within 14 days of delivering such notice to the tenant.

HB 1397 Manufactured Home Lot Rental Act; manufactured home park, notice of sale and relocation expenses.

Requires a manufactured home park owner to provide notice to the Department of Housing and Community Development and each manufactured home park tenant 90 days prior to unconditionally accepting an offer to purchase a manufactured home park. The bill grants a right of first refusal for localities located in Planning District 8. The bill provides for \$5,000 in relocation expenses for a manufactured homeowner if a rental agreement is terminated due to the sale of the manufactured home park to a buyer that is going to redevelop the park and change its use.

HB 960/SB 556 Historic rehabilitation; maximum amount of tax credit.

Increases from \$5 million to \$7.5 million, beginning in taxable year 2025, the maximum amount of the historic rehabilitation tax credit, including amounts carried over from prior taxable years, that may be claimed by a taxpayer in any taxable year.

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Administration of Local Government

Elections and Redistricting

HB 55/SB 131 Primary elections; candidates for nomination, withdrawal of candidacy.

Provides that if a person who is a candidate for nomination by a political party at a primary election and who appears on the ballot for such election withdraws his candidacy on or after the forty-fourth day before but prior to the Tuesday immediately preceding the primary election, and the result of such withdrawal is one remaining candidate who is now unopposed, the remaining candidate will be declared the party's nominee for the office sought and the primary election will be canceled. The bill requires the notice of withdrawal to be signed and notarized and to be submitted to the general registrar, who then transmits it to the local electoral board and the State Board of Elections along with a certification that the remaining candidate is now unopposed for nomination. The State Board is required to declare the remaining candidate to be the nominee within one calendar day of receiving such notice, and the local electoral board is then required to petition the circuit court for the cancellation of the primary election. Finally, the bill directs the State Board to prescribe procedures for canceling a primary election, including instructions for locking and securing voting systems, disposition of marked and unmarked absentee ballots, and voter notification. The bill has a delayed effective date of January 1, 2025.

HB 90/SB 109 Candidates; declaration of candidacy for primary.

Provides that the declaration of candidacy include a statement that if the signer's name appears on the primary ballot and he is not nominated then his name is not to be printed on the ballots for that office in the succeeding general election.

HB 111 President and Vice President; binding of electors, filling vacancies.

Provides that an elector who is selected by the state convention of any political party and who, at the convening of the electors after the election, refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of his oath stating that he would, if elected, cast his ballot for the candidates for President and Vice President nominated by the party that selected the elector, or as the party may direct in the event of the death, withdrawal, or disqualification of the party nominee, is deemed to vacate the office of elector. The bill provides that the other electors present shall immediately fill such vacancy in the same manner as a vacancy due to an elector's death or failure or inability to attend. The bill applies the same provisions to electors who are named in a petition of qualified voters not constituting a political party. The bill contains technical amendments that consolidate into a single chapter the provisions of Title 24.2 relating to presidential electors.

HB 128 Door-to-door vendors; local regulation, political parties exempted.

Provides that local ordinances regulating the activities of door-to-door vendors shall not apply to any person participating in certain specified political activities.

HB 441/SB 605 Polling place; assistance for certain voters, clarifies definition of "person with a disability."

Amends the definition of "person with a disability" for purposes of the Elections title to mean any person who has a physical or mental impairment that substantially limits one or more of his major life activities or who has a record of such impairment. The bill provides that any qualified voter who is a person with a disability shall be eligible for assistance outside of the polling place and makes technical amendments for consistency. The bill requires the training required for all officers of election to include specific training on voting outside of a polling place and directs the Department of Elections to incorporate into guidance documents for election officials the processes and procedures for voting outside of the polling place, including best practices for providing assistance for voters with disabilities.

HB 730/SB 692 Campaign finance; independent expenditure reports, electronic filing required.

Requires independent expenditure reports to be filed electronically. Current law allows such reports to be filed either electronically or in writing. The bill has a delayed effective date of July 1, 2025.

HB 989 Elections administration; duties of Dept. of Elections, required election and voter participation.

Requires the Department of Elections to provide information for voters on its website, including (i) the role of and contact information for the State Board of Elections, the Department of Elections, local electoral boards, and general registrars and (ii) information about absentee voting, polling hours, Virginia's voter identification requirements and acceptable forms of identification, the casting of ballots, and a means for voters to find their polling place. The bill requires such website to allow a voter to review his current voter registration information and voting history. The bill also requires that the Department provide a version of its website in which all parts are translated into any language that is spoken by a language minority group, including that any page linked to a translated page also be translated.

SB 165 Candidates for office; petition of qualified voters, start date.

Clarifies the date from which valid signatures for petitions of qualified voters can be collected for persons seeking to become candidates in certain elections.

SB 364 Elections; protection of election officials, penalty.

Adds to the list of protected voters any current or former elector for President and Vice President of the United States and any person who is or has been a member of the State Board of Elections, the Commissioner of Elections, an employee of the Department of Elections, a member of a local electoral board, a general registrar, a deputy registrar, an employee in the office of the general registrar, or an officer of election. Protected voters are permitted by law to provide on the application for voter registration, in addition to the voter's residence street address, a post office box address located within the Commonwealth, which would be the address included on (i) lists of registered voters and persons who voted, (ii) voter registration records made available for public inspection, and (iii) lists of absentee voter applicants.

The bill makes it a Class 5 felony to, by bribery, intimidation, threats, coercion, or other means in violation of election laws, willfully and intentionally hinder or prevent an election official or employee of an election official from administering elections. Under current law, it is only a Class 5 felony to hinder or prevent an officer of election at a location being used for voting from holding an election. The bill also makes it a Class 5 felony to commit such acts against an elector for President and Vice President of the United States.

The bill creates a civil action for any election official, employee of an election official, or elector who is intimidated, threatened, or coerced by another person who thereby willfully and intentionally hinders or prevents, or attempts to hinder or prevent, such official, employee, or elector from fulfilling his duty.

FOIA

HB 816/SB 244 FOIA; meetings held through electronic communication during declared states of emergency.

Provides that the provisions for conducting a meeting by electronic means due to a state of emergency stated in the Virginia Freedom of Information Act (FOIA) are declarative of existing law since March 20, 2020, with respect to the Governor's declared state of emergency due to COVID-19. Under the bill, any meeting by a public body using electronic communication means occurring from that date until July 1, 2021, and any otherwise lawful action taken at it is validated with respect to FOIA if the body provided public notice, public access, and public comment commensurate with the requirements of existing FOIA provisions regarding electronic and closed meetings. The bill is a response to the case *Berry v. Bd. of Supervisors* (Va. 2023) and is a recommendation of the Virginia Freedom of Information Advisory Council.

HB 818/SB 36 Virginia Freedom of Information Act; amends definition of meeting, provisions of Act.

Exempts certain public meetings from the definition of "meeting" under the Virginia Freedom of Information Act to clarify that three or more members of a public body may appear and participate in such public meeting without violating the Act, provided that no public business is transacted or discussed. The bill also exempts members of a public body who attend a public meeting of a second public body without violating the Act, provided that no public business is transacted or discussed. Finally, the bill defines "public business" as activity that a public body has undertaken or proposed to undertake on behalf of the people it represents. The bill states that its provisions are declarative of existing law.

HB 894/SB 734 Virginia Freedom of Information Act; electronic meetings.

Amends the number of all-virtual public meetings that public bodies, with certain exceptions, may convene in a calendar year to no more than two times per calendar year or 50 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. Current law limits the number of all-virtual public meetings to no more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater. The bill also provides that with respect to all-virtual public meetings, when audio-visual technology is available, a member of a public body shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails.

HB 1040/SB 85 Virginia Freedom of Information Act; definition of "caregiver," remote participation in meetings.

Provides that for purposes of determining whether a quorum is physically assembled, an individual member of a public body who is a person with a disability or a caregiver, defined in the bill, and uses remote participation counts toward the quorum as if the individual was physically present. The bill also provides that the participation policy adopted by a public body, as required by the Virginia Freedom of Information Act, shall not prohibit or restrict any individual member of a public body who is participating in an all-virtual meeting or who is using remote participation from voting on matters before the public body. As introduced, the bill was a recommendation of the Virginia Freedom of Information Advisory Council.

HB 1412 Virginia Freedom of Information Act; exemption for complainant personal contact information.

Amends an existing exemption from mandatory disclosure under the Virginia Freedom of Information Act for names, addresses, and phone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code or the Statewide Fire Prevention

Code made to a local governing body to exempt personal contact information of such complainants as defined in the bill.

SB 204 Virginia Freedom of Information Act; release of criminal investigative files exception.

Exempts a victim's insurance company and attorney from the prohibition on releasing photographic, audio, video, or other records depicting such victim. The bill also permits a victim, a victim's immediate family members if the victim is deceased, a victim's parent or guardian, the victim's insurance company, or the victim's attorney to waive the 14-day period for a public body to respond to a request for criminal investigative files.

SB 215 FOIA; removal of Virginia residency requirement for access to certain criminal investigation files.

Removes the requirement that persons to whom non-ongoing criminal investigation files shall otherwise be disclosed be citizens of the Commonwealth. Current law limits disclosure of public records to individuals who are citizens of the Commonwealth unless a clear exception applies.

SB 324 Virginia Freedom of Information Act; charges for production of public records.

Prohibits a public body from charging a requester for any costs incurred during the first hour spent accessing, duplicating, supplying, or searching for records requested in conjunction with the requester's first request. The bill provides that for any additional time spent accessing, duplicating, supplying, or searching for such records, or for any additional record requests, the public body shall not charge an hourly rate for accessing, duplicating, supplying, or searching for the records exceeding the lesser of the hourly rate of pay of the lowest-paid individual capable of fulfilling the request or \$40 per hour. The bill allows a public body to petition the appropriate court for relief from the \$40-per-hour fee cap upon showing by a preponderance of the evidence that there is no qualified individual capable of fulfilling the request for \$40 per hour or less and requires such petition to be heard within seven days of when the petition is made, provided that the public body has sent and the requester has received a copy of the petition at least three working days prior to filing. The bill also provides that in certain instances a hearing on any petition shall be given precedence on a circuit court's docket over all cases that are not otherwise given precedence by law and that the time period the public body has to respond to a record request shall be tolled between the requester's receipt of the petition and the final disposition of the court. The bill prohibits a public body from charging a requester for any court costs or fees resulting from a petition. The bill directs the Virginia Freedom of Information Advisory Council to study whether public bodies should charge requesters pursuant to the bill and report on its findings by December 2024. The provisions of the bill amending the Code of Virginia do not become effective unless reenacted by the 2025 Session of the General Assembly.

Local Authority

[HB 62/SB 93](#) Local animal cruelty registries; any locality may establish, etc., a computerized registry.

Allows any locality to establish an animal cruelty registry for public access on the website of such locality or its local police department. The bill provides that such registry may include the names and relevant information of persons convicted of certain felony offenses for animal cruelty and that a person on such registry may request removal of his name after 15 years, provided that he has no additional felony convictions of an animal cruelty offense. The bill directs that all costs relating to a locality's animal cruelty registry shall be borne by such locality.

[HB 69](#) Vacancies in elected local offices; interim appointments, notice requirement.

Requires the local governing body or elected school board making an interim appointment to fill a vacancy in the membership of such body or board to hold a public meeting at least seven days prior to making such appointment. The bill specifies that at such meeting, the body or board shall announce the names of all persons being proposed for the interim appointment and shall make available for inspection each person's resume and any other materials required by the body or board.

[HB 233/SB 135](#) Virginia Economic Development Partnership Authority; eligible site for site development grant.

Provides that the Virginia Economic Development Partnership Authority may determine a site of at least 50 contiguous acres to be an eligible site if such site meets certain criteria provided in the bill to receive a site development grant from the Virginia Business Ready Sites Program Fund.

[HB 234/SB 516](#) All-terrain vehicles and off-road motorcycles; seizure, impounding, and disposition.

Authorizes the governing body of any city to provide by ordinance for the lawful seizure, impounding, and disposition of an illegally operated all-terrain vehicle or off-road motorcycle operated on a highway or sidewalk within such city. This bill is identical to SB 516.

[HB 242/SB 242](#) Virginia Public Procurement Act; competitive negotiation, exceptions to contractual terms.

Removes the prohibition on a public body from requiring an offeror to state in a proposal any exception to any liability provisions contained in a Request for Proposal for information technology. The bill also requires an offeror to state any exception to any contractual terms or conditions in writing at the time of responding to such Request for Proposal, if so requested by the public body, which exception shall be considered during negotiations, but prohibits the

public body from basing the scoring or evaluation on such exceptions when selecting offerors for negotiations. Current law only prohibits a public body from requiring an offeror to state in a proposal any exception to the liability provisions of the Request for Proposal. As introduced, the bill was a recommendation of the Public Body Procurement Work Group.

HB 258 Nonjudicial sale of tax delinquent real properties; unimproved properties w/in urban redevelopment.

Allows the nonjudicial sale of tax delinquent property when such property is (i) unimproved, (ii) one-half acre or less in size, and (iii) located within a designated urban redevelopment or revitalization zone.

HB 264/SB 157 Legal notices and publications; online-only news publications, requirements.

Provides that, where any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement instead may be published in an online-only news publication subject to certain requirements specified in the bill. The bill sets out a process by which an online-only news publication shall petition the circuit court of the appropriate jurisdiction to publish such ordinances, resolutions, notices, or advertisements and authorizes the court to grant such online-only news publication the authority to publish such ordinances, resolutions, notices, or advertisements for a period of one year. The bill also describes the process by which an online-only news publication may continue renewing such authority to publish in each successive year.

HB 275 Public utilities; delay of termination of service for certain residential customers, report.

Requires the State Corporation Commission to conduct a proceeding to establish limitations on the authority of public utilities and cooperatives that provide electric, gas, water, or wastewater services to terminate service to any residential customer who provides certification that the customer has a serious medical condition or the customer resides with a family member with a serious medical condition. The bill directs the Commission to adopt regulations to implement such limitations after consulting with certain stakeholders. The bill requires the Commission to submit a report by November 1, 2026, and every three years thereafter, on the effectiveness of the serious medical condition policy after implementation of the regulations and include any suggested changes to such policy for residential utility and cooperative customers.

HB 311 Virginia Public Procurement Act; submissions of bids or proposals on electronic procurement system.

Mandates that all local public bodies provide an option to submit bids or proposals for procurement contracts through the Commonwealth's statewide electronic procurement system, known as eVA, or other electronic means. Current law only encourages local public

bodies to use eVA for such submissions. The bill has a delayed effective date of January 1, 2025.

HB 356/SB 510 Investment of public funds; qualified public entity allowed to invest in asset-backed securities.

Allows any qualified public entity of the Commonwealth to invest in asset-backed securities that are guaranteed by the United States or any agency thereof.

HB 525 Casino gaming; limits on required local referendums.

Provides that the governing body of any eligible host city that holds a local referendum on the question of whether casino gaming should be permitted in such city that subsequently fails shall be prohibited from holding another referendum on the same question for a period of three years from the date of the last referendum.

HB 755 Industrial and commercial areas; civil penalties for certain local property violations.

Allows localities by ordinance to charge enhanced civil penalties for certain local property violations on property that is zoned or utilized for industrial or commercial purposes.

HB 852 Local government ordinances related to fire departments; billing on behalf of volunteer fire depts.

Provides that the governing body of any county, city, or town in which a fire department or fire company is established may make such ordinances in relation to the powers and duties of such fire departments or fire companies as it deems proper, including billing on behalf of volunteer fire departments for the provision of emergency medical services.

HB 906/SB 480 Public utilities; municipal utilities, disconnection of service, consumer protections.

Suspends electric, gas, water, and wastewater utilities subject to the regulation of the State Corporation Commission from disconnecting service to a residential customer for nonpayment of bills or fees during a state of emergency declared by the Governor and provides that such suspension lasts for 30 days after such declaration of the state of emergency. The bill suspends such electric and gas utilities from disconnecting service to a residential customer for nonpayment of bills or fees when the forecasted temperature low is at or below 32 degrees Fahrenheit and suspends electric utilities from disconnecting any such customer from service when the forecasted temperature high is at or above 92 degrees Fahrenheit within the 24 hours following the scheduled disconnection. The bill further suspends electric, gas, water, and wastewater utilities from disconnecting residential customers from service on Fridays, weekends, state holidays, and the day immediately preceding a state holiday. The bill requires each such utility to notify its residential customers of such utility's disconnection for

nonpayment policy and to deliver notice of nonpayment of bills or fees to such customers prior to disconnection.

HB 914 Local historic district; locality that establishes district may provide tax incentive.

Allows a locality that establishes a local historic district to provide tax incentives for the conservation and renovation of historic structures in such district. The bill provides that such incentives may include tax rebates to the extent allowed by the Constitution of Virginia.

HB 1019 Health insurance; locality to allow local employees to participate in its group insurance programs.

Permits any locality to allow participation in its group health insurance program by any non-benefitted employee, including members of governing bodies, if such non-benefitted employee or governing body member is not otherwise entitled to participate, provided that such non-benefitted employees reimburse the locality for the full cost of their participation. The bill provides that reimbursement may include forgoing all or a part of a local government salary.

HB 1022/SB 207 Law-enforcement officers, certain; universal certification, necessary training.

Provides that any sworn law-enforcement officer with at least one year of experience (i) whose training qualifications meet or exceed current training standards established by the Board of Criminal Justice Services and who is in compliance with the minimum qualifications, (ii) who has not had a break in service of more than 24 months, and (iii) who is leaving the transferring agency in good standing with no pending investigations or disciplinary actions shall be eligible for employment at any law-enforcement agency within the Commonwealth or its political subdivisions. Prior to any conditional offer of employment, the bill requires the hiring law-enforcement agency to request certain specified information from all prior law-enforcement agencies and to employ all reasonable means to obtain personnel records for law-enforcement officers transferring from an out-of-state or federal law-enforcement agency. The bill requires that upon the receipt of all requested information by the hiring law-enforcement agency, the applicant law-enforcement officer shall complete a sworn declaration that the provided information or records are, to the best of the applicant's knowledge, a true, correct, and complete response to such request.

HB 1053 Abandoned watercraft; destruction and disposal by localities and state agencies.

Allows localities and state agencies to apply, under certain conditions, to the Department of Wildlife Resources for an authorization to destroy and dispose of an abandoned watercraft.

HB 1071 Speed limits; expands authority of any locality to reduce limit to less than 25 miles per hour.

Expands the current authority of any locality to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on highways within its boundaries that are located in a business district or residence district to include highways within the state highway system, provided that such reduced speed limit is indicated by lawfully placed signs. The bill authorizes a locality to restore a speed limit that has been reduced pursuant to this authority and requires the locality to notify the Commissioner of Highways of a change in speed limit.

HB 1108/SB 18 Virginia Public Procurement Act; construction management and design-build contracting.

Requires state public bodies, covered institutions, and local public bodies to provide documentation of the processes used for the final selection of a construction contract to all the unsuccessful applicants upon request. The bill adds certain requirements for covered institutions, including posting all documents that are open to public inspection exchanged between the Department of General Services and the covered institution on the central electronic procurement website eVA. The bill requires approval by a majority vote of the covered institution's board of visitors or governing board if the covered institution chooses to proceed with construction management or design-build against the recommendation of the Department for (i) projects funded by funds other than those provided from the state general fund or (ii) projects of \$65 million or more funded in whole or in part from state general funds. For projects under \$65 million funded in whole or in part by state general funds, the bill provides that the covered institution shall obtain approval from the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations, or their designees, and a representative of the Department.

The bill requires a local public body to adopt a resolution or motion to use construction management or design-build, if required by its local governing body, prior to issuing a Request for Qualifications and to publish notice of such resolution or motion on its website or eVA. The bill provides that the Department shall report annually, for any construction management or design-build project, on the qualifications that made such project complex. Finally, the bill requires the Department, with the assistance of staff of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations, to assess the implementation and administration of construction management and design-build projects and report its findings and recommendations to the General Assembly by November 1, 2029.

HB 1113 Virginia Public Procurement Act; job order contracting, limitations.

Increases from \$6 million to \$10 million the maximum threshold above which the sum of all jobs performed in a one-year job order contract term shall not exceed. The bill also increases the maximum threshold amount for any individual job order from \$500,000 to \$1 million. Finally, the bill increases from two to three the number of additional one-year terms for which

job order contracts may be renewable, and the bill only applies to contracts entered into on or after the bill's effective date.

HB 1116 Virginia Public Procurement Act; methods of procurement, certain construction projects.

Allows a public body to establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for non-transportation-related construction projects if the aggregate or the sum of all phases is not expected to exceed \$300,000. Current law places the limit at \$200,000.

HB 1361 Va. Public Procurement Act; preference for goods produced in Virginia, U.S., & Va. resident bidders.

Provides preference as it relates to procurement for a bidder who is a resident of Virginia and then a bidder whose goods are produced in the United States. For the procurement of goods by manufacturers, when the lowest responsive and responsible bidder is not a resident of Virginia and the bid of any Virginia resident is within 10 percent of such bid, the bill gives the lowest responsive and responsible bidder that is a Virginia resident the option to match the price of the lowest responsive and responsible bidder. Furthermore, if the lowest responsive and responsible bidder is a resident of another state and such state allows a resident a percentage preference or price-matching preference for the procurement of goods, the bill grants a like preference to responsive and responsible bidders who are residents of Virginia. Under the bill, an eligible bidder that is a Virginia resident shall be granted the greater of either preference. The bill exempts a public body from the provisions of the bill if such public body is rendered ineligible to receive federal funding due to the provisions of the bill. The bill has an expiration date of July 1, 2027.

Finally, the bill directs the Department of General Services to report to the General Assembly regarding the bill's efficacy, including any retaliatory action taken by other states, no later than the first day of the 2025 Regular Session.

HB 1392 Local government; employee insurance programs.

Authorizes any locality to include in its group life, accident, and health insurance programs any person to whom coverage could be extended under the provision of current law that sets out who may be covered under a private group accident and sickness insurance policy.

HB 1415 Historic structures; civil penalty for demolition.

Authorizes any locality to adopt an ordinance establishing a civil penalty for the razing, demolition, or moving of a building or structure that is located in a historic district or that has been designated by a governing body as a historic structure or landmark in violation of an ordinance that no such building or structure shall be razed, demolished, or moved without the

approval of a review board. The bill provides that such civil penalty shall not exceed the market value of the property as determined by the assessed value of the property at the time of razing, demolition, or moving of the building or structure.

HB 1488/SB 413 Local government; standardization of public notice requirements for certain meetings, hearings, etc.

Standardizes the frequency with which and length of time in which notices of certain meetings, hearings, and other intended actions of localities must be published. The notice provisions included in the bill are organized into three groups: (i) publication required at least seven days before the meeting, hearing, or intended action; (ii) publication required twice, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the meeting, hearing, or intended action; and (iii) publication required three times, with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the meeting, hearing, or intended action. The bill also standardizes descriptive information in such notices related to (a) proposing, amending, or repealing ordinances; (b) local budget adoption; and (c) zoning ordinances and planning-related actions.

SB 9 Orange County; authorization to establish department of real estate assessment, etc.

Authorizes Orange County to establish a department of real estate assessment and to enter into an agreement with a contiguous county or city to establish a joint department of real estate assessment. Under current law, real estate assessments are made by the commissioner of the revenue, except in Accomack, Goochland, James City, and Powhatan Counties, and among those, only James City and Powhatan Counties may enter into an agreement to establish a joint department of real estate assessment.

SB 260 Va. Public Procurement Act; preference for goods produced in Virginia, U.S., & Va. resident bidders.

Provides first preference for goods produced in Virginia and then provides for preference to goods produced in the United States before a tie bid is decided by lot in determining the award for any contract for goods, services, or construction under the Virginia Public Procurement Act.

SB 336 Photo speed monitoring devices; high-risk intersection segments.

Permits a state or local law-enforcement agency to place and operate a photo speed monitoring device at a high-risk intersection segment, defined in the bill, located within the locality for the purpose of recording violations resulting from the operation of a vehicle in excess of the speed limit, provided that such law-enforcement agency certifies that a traffic fatality has occurred since January 1, 2014, in such segment. The bill provides the same requirements for such devices, information collected from such devices, and any enforcement

actions resulting from information collected from such devices as current law applies to the use of such devices in school crossing zones and highway work zones.

[SB 487](#) Artificial intelligence by public bodies; Joint Commission on Technology & Science to examine use.

Directs the Joint Commission on Technology and Science (JCOTS), in consultation with relevant stakeholders, to conduct an analysis of the use of artificial intelligence by public bodies in the Commonwealth and the creation of a Commission on Artificial Intelligence. JCOTS shall submit a report of its findings and recommendations to the Chairmen of the House Committees on Appropriations and Communications, Technology and Innovation and the Senate Committees on Finance and Appropriations and General Laws and Technology no later than December 1, 2024.

Local Revenue

[HB 25/SB 116](#) Retail Sales and Use Tax; establishes an annual tax holiday that takes place in August.

Establishes an annual retail sales and use tax holiday that takes place on the first full weekend in August beginning on July 1, 2025, through July 1, 2030. During such weekend, state retail sales and use tax will not apply to certain (i) school supplies, (ii) clothing and footwear, (iii) qualified products designated as Energy Star or WaterSense, (iv) portable generators, or (v) hurricane preparedness equipment.

[HB 558/SB 4](#) Constitutional amendment; property tax exemption for certain surviving spouses (voter referendum).

Provides for a referendum at the November 5, 2024, election to approve or reject an amendment to the Constitution of Virginia that would expand the real property tax exemption that is currently available to the surviving spouses of soldiers killed in action to be available to the surviving spouses of soldiers who died in the line of duty with a Line of Duty determination from the U.S. Department of Defense. House Joint Resolution 45 is the second reference legislation for this Constitutional Amendment. If a majority of those voting in the November 2024 election vote in favor of the amendment, it would become effective January 1, 2025.

[HB 574](#) Recordation tax; value of interest conveyed.

Provides that for purposes of recordation taxes, the value of a property interest conveyed shall be the most recent property tax assessment for such property at the time the property is conveyed.

HB 639/SB 677 Real property tax; notice of rate and assessment changes.

Provides that in certain localities (any county, city, or town that conducts an annual or biennial reassessment of real estate or in which reassessment of real estate is conducted primarily by employees of the county, city, or town under direction of the commissioner of the revenue), in the event that the total assessed value of real property would result in an increase of one percent or more in the total real property tax levied, the notice of assessment changes shall state the tax rate that would levy the same amount of real estate tax as the previous year when multiplied by the new total assessed value of real estate.

HB 912 Correctional facilities, local; stores and telephone systems, fees.

Provides that the net profits from the operation of stores and telephonic communication systems in local correctional facilities shall be used within each facility respectively for educational, recreational, or medical purposes for the benefit of the inmates to include behavioral health, substance abuse, reentry, and rehabilitative services and may be expended to pay for the training, salaries, and benefits of employees or contractors whose primary job is to provide such programs and services to the inmates.

HB 944/SB 129 Forest Sustainability Fund; fund allocation.

Provides that moneys from the Forest Sustainability Fund must be allocated proportionally among localities that forgo tax revenues as a result of the use value assessment and taxation for real estate devoted for forest use. The bill specifies that no locality shall receive an allocation of more than four percent or less than one-half of one percent of available funds from the Fund.

HB 1211 Tax assessment districts; establishes, petition by parcel owners.

Changes the threshold for petitioning a city or town for establishment of a tax assessment district from not less than three-fourths of the landowners affected to the owners of not less than three-fourths of the parcels affected.

HB 1429/SB 483 Tangible personal property tax; exemption for indoor agriculture equipment and machinery.

Specifies that farm machinery, farm equipment, and farm implements used by an indoor, closed, controlled-environment commercial agricultural facility are a class of farm machinery and farm implements that a locality may exempt from personal property taxation.

HB 1502/SB 194 Tangible personal property tax; classification of certain vehicles, removes sunset date.

Removes the sunset on authorization for localities to assign a rate of tax or assessment different from the general tangible personal property rate on certain automobiles, trucks, motor vehicles for use by the handicapped, motorcycles, mopeds, all-terrain vehicles, off-road motorcycles, campers, and other recreational vehicles. Under current law, such authorization is limited to taxable years 2022 through 2024. **(That the provisions of this act shall apply to taxable years beginning on or after January 1, 2022)**

HB 1538 Manufactured home; conversion to real property.

Establishes a process whereby a manufactured homeowner who is not listed as the owner of such manufactured home on its title may detitle such manufactured home in order to convert the home to real property.

SB 240 Property tax; exemption for surviving spouses of armed forces members who died in the line of duty.

Expands the real property tax exemption that is currently available to the surviving spouses of soldiers killed in action to the surviving spouses of soldiers who died in the line of duty with a Line of Duty determination from the U.S. Department of Defense. This bill is enabling legislation for a constitutional amendment to be presented during the November 2024 general election.

SJ 3 Constitutional amendment; property tax exemption for certain surviving spouses.

Expands the current tax exemption for real property available to the surviving spouses of soldiers killed in action to the surviving spouses of soldiers who died in the line of duty with a Line of Duty determination from the U.S. Department of Defense.

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Planning and Land Use

Land Conservation

[HB 892/SB 616](#) Farmland Preservation, Office of; transfers Office to Dept. of Forestry.

Transfers from the Department of Agriculture and Consumer Services to the Department of Forestry the Office of Farmland Preservation and its powers and duties and reporting requirements, the Virginia Farm Link Program, the Century Farm Program, and the Virginia Farmland and Forestland Preservation Fund. The bill renames the Office as the Office of Working Lands Preservation. The bill makes technical amendments to effectuate the transfer and requires the Department of Environmental Quality to report to the Department of Forestry by July 1 of each year certain enumerated information about nonpoint source nutrient credits certified in the previous year that involve land use conversion.

[HB 944/SB 129](#) Forest Sustainability Fund; fund allocation.

Provides that moneys from the Forest Sustainability Fund must be allocated proportionally among localities that forgo tax revenues as a result of the use value assessment and taxation for real estate devoted for forest use. The bill specifies that no locality shall receive an allocation of more than four percent or less than one-half of one percent of available funds from the Fund.

Land Use and Growth Management

[HB 281/SB 13](#) Child day programs; use of office buildings, waiver of zoning requirements.

Permits any locality to by ordinance provide for the waiver of any requirements for zoning permits for the operation of a child day program in an office building, as defined by the bill, provided that such facility satisfies the requirements for state licensure as a child day program.

[HB 459/SB 121](#) Trees; conservation during land development process in certain localities.

Expands authority of certain localities to adopt an ordinance providing for the planting and replacement of trees during the development process by allowing a tree canopy fund that currently applies to the planting of trees on public property to include maintenance of trees on public property and planting and maintenance of trees on private property. The bill removes a provision that requires that any funds collected for the purposes of the tree canopy fund be returned to the original contributor if not spent within five years but maintains the requirement that such funds be spent within five years. The bill also includes an expansion of the canopy credit.

HB 619/SB 343 Military centered community zones; localities may establish, by ordinance, one or more zones.

Allows localities to establish, by ordinance, one or more military centered community zones, defined in the bill as a community that has a significant presence of military personnel living or working in the designated area and where such presence drives, or has the potential to drive, significant economic activity. The bill provides that a locality, or another political subdivision acting on behalf of the locality, may offer unique benefits to businesses looking to locate within a zone for the purpose of serving the needs of the military personnel, including reduction of certain fees and taxes. In addition, the bill provides that local governing bodies are authorized to enter into agreements for the payment of economic development incentive grants to such businesses. The bill also allows a governing body to provide for certain regulatory flexibility and incentives and provides that the establishment of a military centered community zone shall not preclude the area from also being designated as an enterprise zone or from receiving support under the Virginia Military Community Infrastructure Grant Program.

HB 634/SB 308 Residential dwelling units; rentals for 30 consecutive days or longer.

Prohibits a locality from enacting or enforcing an ordinance that bans the rental of residential dwelling units for 30 consecutive days or longer. The bill allows a locality by ordinance to regulate such rental if such regulations (i) are reasonable and (ii) do not exceed the requirements for an owner-occupied residential property or a residential property rented for a lease term of 12 months or more in the same zoning district.

HB 650 Zoning; solar photovoltaic and energy storage projects.

Provides that the conditions of a special exception or special use permit may include a period of validity; however, in the case of a special exception or special use permit for residential and electrical generation projects, the period of validity shall be no fewer than three years. The bill provides that for so long as a special exception, special use permit, or conditional use permit remains valid, no change or amendment to any local ordinance, map, resolution, rule, regulation, policy, or plan adopted subsequent to the date of approval of the special exception, special use permit, or conditional use permit shall adversely affect the right of the developer or his successor in interest to commence and complete an approved development in accordance with the lawful terms of the special exception, special use permit, or conditional use permit unless the change or amendment is required to comply with state law or there has been a mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare.

HB 656/SB 365 Regulated land-disturbing activities; submission and approval of erosion and sediment control plan.

Prohibits a person from engaging in any land-disturbing activity until, where Virginia Pollutant Discharge Elimination System (VPDES) permit coverage is required, the Virginia Erosion and

Sediment Control Program (VESCP) authority has obtained evidence of such permit coverage from the Department of Environmental Quality's online reporting system prior to issuing its land-disturbance approval. Current law requires the VESCP authority to obtain such evidence of VPDES permit coverage prior to approving an erosion and sediment control plan.

HB 947 Local government; regulation by ordinance for locations of tobacco products, etc.

Allows a locality to regulate the retail sale locations of tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking for any such retail sale location and may prohibit a retail sale location on property within 1,000 linear feet of a child day center or a public, private, or parochial school.

HB 1461 Short-term rental property; locality's ability to prohibit lessee or sublessee operator.

Prohibits a locality from barring an operator, as defined in existing law, from offering such property as a short-term rental solely on the basis that the operator is a lessee or sublessee of such property, provided that the property owner has granted permission for its use as a short-term rental. The bill adds an attestation that the property owner has granted such permission if the operator is a lessee or sublessee to the information that an operator must provide to annually register such short-term rental. The bill permits a locality to limit a lessee or sublessee to one short-term rental.

HB 1486/SB 48 Vacant buildings; registration.

Permits any county, city, or town to require, by ordinance, the owner of any building that has been vacant for at least 12 months and (i) that meets the definition of "derelict building" in relevant law, (ii) that meets the definition of "criminal blight" in relevant law, or (iii) in which a locality has determined a person is living without the authority of the owner to register such building annually. Under current law, any city and certain towns are permitted to require the owner of any building that has been vacant for at least 12 months and meets the definition of "derelict building" in relevant law to register such building annually. This bill is a recommendation of the Virginia Housing Commission.

HB 1488/SB 413 Local government; standardization of public notice requirements for certain meetings, hearings, etc.

Standardizes the frequency with which and length of time in which notices of certain meetings, hearings, and other intended actions of localities must be published. The notice provisions included in the bill are organized into three groups: (i) publication required at least seven days before the meeting, hearing, or intended action; (ii) publication required twice, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the meeting, hearing, or intended action; and (iii) publication required three times, with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the meeting, hearing, or intended action. The bill also

standardizes descriptive information in such notices related to (a) proposing, amending, or repealing ordinances; (b) local budget adoption; and (c) zoning ordinances and planning-related actions.

SB 296 Local planning commission; action on proposed plats, site plans, and development plans.

Requires local planning commissions to use the same approval process for residential development projects as is currently required for commercial development projects.

SB 339 Blockchain technology, digital asset mining, etc.; Jt. Commission on Technology & Science to study.

Directs the Joint Commission on Technology and Science to conduct an analysis of and make recommendations regarding the use of blockchain technology, digital asset mining, and cryptocurrency in the Commonwealth. The bill requires the Commission to submit its findings to the Chairmen of the House Committees on Appropriations and Communications, Technology and Innovation and the Senate Committees on Finance and Appropriations and General Laws and Technology no later than December 1, 2024.

SB 544 Short-term rental property; locality's ability to prohibit use of accessory dwelling unit.

Prohibits a locality from barring the use of or requiring that a special exception, special use, or conditional use permit be obtained for the use of a residential dwelling as a short-term rental where the dwelling unit is also legally occupied by the property owner as his primary residence.

SB 679 Enterprise zones; extension.

Provides that any enterprise zone in existence as of June 30, 2024, shall be extended for a period of four years in addition to any renewal periods currently authorized by law and authorizes the Governor, upon the recommendation of the Director of the Department of Housing and Community Development, to renew enterprise zones for up to four five-year renewal periods for zones designated on or after July 1, 2005, and for up to two five-year renewal periods for zones designated before July 1, 2005.

SB 701 Vested rights; building permits.

Provides that if a locality has issued a building permit, despite nonconformance with the zoning ordinance, and a property owner, relying in good faith on the issuance of the building permit, incurs extensive obligations or substantial expenses in diligent pursuit of a building project that is in conformance with the building permit and the Uniform Statewide Building Code, the locality shall not treat such building as an illegal use but rather as a legal nonconforming use. Current law requires that such project be completed and a certificate of occupancy issued in order to receive such protection.

Transportation

Funding – Roads

[HB 74/SB 644](#) Unpaved secondary highways; improvement of secondary hwy. includes improvements other than paving.

Clarifies that the improvement of non-surface treated secondary highways includes improvements other than paving, as described in the bill. The bill also clarifies that the local governing body of the county receiving funds for such improvements will select the highways or highway segments to be improved, after consulting with the Department of Transportation.

[HB 1254](#) Bridges; state of good repair, allocation of funds.

Designates bridges with a general condition rating, defined in the bill, of no more than five for at least one major bridge component as eligible for state of good repair funds. Currently, bridges must be structurally deficient to be eligible. The bill authorizes the use of state of good repair funds for improvements anticipated to extend the useful life of a bridge by at least 10 years. The bill applies to new project allocations made by the Commonwealth Transportation Board after June 1, 2025.

Funding – Transit

[SJ 28](#) Public transit systems, joint subcommittee to study funding needs.

Establishes a joint subcommittee to study long-term, sustainable, dedicated funding and cost-containment controls and strategies to ensure the Washington Metropolitan Area Transit Authority, the Virginia Railway Express, and the public transit systems that serve the Northern Virginia Transportation Commission and Potomac and Rappahannock Transportation Commission transportation districts meet the growing needs of public transit in the region.

Policy

[HB 143](#) Utility work database; VDOT to establish and maintain a publicly accessible database.

Requires the Department of Transportation to establish and maintain a publicly accessible database and map of all utility work that has been approved by the Department and will occur within a highway right-of-way in a residential neighborhood. The bill has a delayed effective date of January 1, 2025.

HB 144 Speed limits; notification to primary liaison in each locality when change occurs.

Requires the Department of Transportation, if the Commissioner of Highways increases or decreases a speed limit, to notify the primary liaison with the Department in each locality within which such speed limit change will occur. The bill also requires the locality to notify the governing body of any property owners' association or condominium association if any such speed limit change will occur in a community subject to such association.

HB 201 Transportation entities, certain; membership.

Requires, rather than permits, the four members of the Northern Virginia Transportation Commission, the two members of the Potomac and Rappahannock Transportation Commission, and the two members of the Northern Virginia Transportation Authority who are appointed by the Speaker of the House of Delegates to be members of the House of Delegates.

HB 282 Highway work zones; creates a traffic infraction for any moving violation in a work zone.

Creates a traffic infraction for any moving violation in a highway work zone punishable by a fine of not less than \$300 for the first offense and not less than \$500 for any subsequent offense. The bill provides that for any subsequent offense that occurs within the same 12-month period as another such offense such fine shall be not less than \$750.

HB 425 Motor Vehicles, Department of; release of privileged information.

Permits the Department of Motor Vehicles to release to a party that is subject to an administrative proceeding conducted by the Department nonmedical privileged information necessary to participate in such administrative proceeding. The bill limits such information to matters of fact and law asserted or questioned by the Department and prohibits the dissemination of such information to any third party that is not a party to the administrative proceeding.

HB 1071 Speed limits; expands authority of any locality to reduce limit to less than 25 miles per hour.

Expands the current authority of any locality to reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on highways within its boundaries that are located in a business district or residence district to include highways within the state highway system, provided that such reduced speed limit is indicated by lawfully placed signs. The bill authorizes a locality to restore a speed limit that has been reduced pursuant to this authority and requires the locality to notify the Commissioner of Highways of a change in speed limit.

HB 1109/SB 205 Toll invoices; mail.

Authorizes the use of a trackable correspondence equivalent to certified mail for sending invoices for unpaid tolls to a vehicle owner prior to the Department of Motor Vehicles placing a registration stop on such vehicle due to unpaid tolls. Current law requires such invoices to be mailed by certified mail.

HB 1425 Virginia Passenger Rail Authority; exempts railway tunnels and bridges from Building Code.

Exempts railway tunnels and bridges owned by the Virginia Passenger Rail Authority from the Uniform Statewide Building Code and the Statewide Fire Prevention Code Act. The bill requires the Virginia Passenger Rail Authority to report annually to the State Fire Marshal on the maintenance and operability of installed fire protection and detection systems in its railway tunnels and bridges.

SB 572 School buses; increases maximum width of vehicles.

Increases from 100 inches to 102 inches the maximum total outside width permitted for school buses.

Project Size: 4.64 +/- acres
Magisterial District: Ware
Location: 8473 Baileys Wharf Road
Current Owner(s): Robert E. Simpson Living Trust; William M. Simpson Living Trust
Current Zoning: C-2, Bayside Conservation
Current Use: Single-Family Residential
Purpose of Application: Requesting a Conditional Use Permit (CUP) to operate an event venue

Comp Plan Designation: Bayside Residential
Future Land Use Map: Suburban Countryside within the Development District

Brief description: The applicant is seeking approval of a Conditional Use Permit (CUP) to operate a wedding venue and event facility per Section 14-23 of the Zoning Ordinance. The proposal envisions hosting events, with up to 150 guests, two to three times per month.

PC Action required at the August 1, 2024 meeting:
 Authorize staff to schedule the public hearing for the first available date once application review is complete.

