



## FLUVANNA COUNTY PLANNING COMMISSION

### REGULAR MEETING AGENDA

Circuit Courtroom, Fluvanna Courts Building  
October 28, 2015, at 7:00 pm

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#### TAB AGENDA ITEMS

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#### 1 - CALL TO ORDER, PLEDGE OF ALLEGIANCE

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#### 2 - DIRECTOR'S REPORT

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#### 3 - PUBLIC COMMENTS #1 (3 minutes each)

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#### 4 - APPROVAL OF MINUTES

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Minutes of September 23<sup>rd</sup>, 2015

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#### 5 - PUBLIC HEARINGS

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**SUP 15:07– Raymond Goffin** - A request for a special use permit to operate an outdoor recreation facility and Small Restaurant with respect to 46.02 acres of Tax Map 18, Section A, Parcel 12. The property is currently zoned A-1 (Agricultural, General) and is located on the northern side of State Route 619 (Ruritan Lake Road) approximately one-half mile northwest of its intersection with Sclaters Ford Road. The property is located within the Cunningham Election District and is within the Rural Residential Planning Area.

**SUP 15:09 – Rountop Limited Partnership** - A request to amend Special Use Permit SUP 14:04 to allow for an expansion of the educational facility to 75 occupants in 6 Centre Ct., and 49 occupants in 7 Centre Ct. with respect to 6.343 acres of a portion of Tax Map 18A, Section 4, Parcel 13A. The property is zoned B-1 (Business, General) and is located on the north side of Slice Road, approximately 500 feet from its intersection with Route 600 (South Boston Road). The property is located in the Palmyra Election District and is within the Rivanna Community Planning Area.

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#### 6 - PRESENTATIONS

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TJPDC Updates- Will Cockrell, Director of Planning-TJPDC

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#### 7 - SITE DEVELOPMENT PLANS

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-None

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#### 8 - SUBDIVISIONS

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-None

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#### 9 - UNFINISHED BUSINESS

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CIP Discussion

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**10 - NEW BUSINESS**

Discussion and Advertisement of the Proposed Fluvanna County Zoning & Subdivision Ordinance Updates

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**11 - PUBLIC COMMENTS #2** (3 minutes each)

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**12 - ADJOURN**

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Planning/Zoning Administrator Review

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**PLEDGE OF ALLEGIANCE**

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

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**ORDER**

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Commission wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Commission to discuss the matter.
3. No member or citizen shall be allowed to use abusive language, excessive noise, or in any way incite persons to use such tactics. The Chairman and/or the County Planner shall be the judge of such breaches, however, the Commission may vote to overrule both.
4. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

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**Fluvanna County Planning Commission  
PUBLIC HEARING RULES OF PROCEDURE**

1. Purpose:

The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action. A hearing is not a dialog or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.

## 2. Speakers:

- Speakers should approach the lectern so they may be visible and audible to the Commission.
- Each speaker should clearly state his/her name and address.
- All Comments should be directed to Commission.
- Each speaker is limited to three minutes and time may not be donated from other audience members.
- All questions should be directed to the Chairman. Members of the Commission are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion. Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
- Speakers with questions are encouraged to contact County staff prior to the public hearing.
- Speakers should be brief and avoid repetition of previously presented comments.
- County residents and taxpayers may be given priority in speaking order.

## 3. Action:

At the conclusion of the public hearing on each item, the Chairman will close the public hearing. The Commission will proceed with its deliberations and will act on or formally postpone action on such item prior to proceeding to other agenda items. Further public comment after the public hearing has been closed generally will not be permitted.



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## COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 [www.co.fluvanna.va.us](http://www.co.fluvanna.va.us)

To: Fluvanna County Planning Commission  
From: Jason Stewart, AICP  
Date: October 22, 2015  
Re: Planning Director's Report

1. Board of Supervisors Actions:

October 7, 2015:

None.

October 21, 2015:

**Approved 5-0 ZMP 15:02 – Steven L. Peters** - An ordinance to amend the Fluvanna County Zoning Map with respect to 21.5 acres of Tax Map 8, Section A, Parcel A14A to rezone the same from A-1, Agricultural, General to B-1, Business, General (conditional). The affected property is located on the northwest corner of the intersection of Thomas Jefferson Parkway (Route 53), and Lake Monticello Road. The property is located in the Palmyra Election District and is within the Rivanna Community Planning Area.

2. Board of Zoning Appeals Actions:

*No October meeting.*

3. Technical Review Committee:

*No October meeting.*



**FLUVANNA COUNTY BUILDING INSPECTIONS  
MONTHLY BUILDING INSPECTION REPORT  
SEPTEMBER 2015**

USE	Sep-14	VALUE	YTD 14	VALUE	Sep-15	VALUE	YTD 15	VALUE	Sep/Diff	VALUE	YTD	
											PERMITS	VALUE
New Homes	6	1,012,902	66	12,935,118	2	544,000	81	15,863,824	-4	(468,902)	15	2,928,706
Duplex	0	0	0	0	0	-	0	-	0	-	0	-
Single Family (Attached)	0	0	6	750,000	0	-	4	837,000	0	-	-2	87,000
Adds&Alterations	31	286,957	216	2,122,340	23	557,363	238	8,094,333	-8	270,406	22	5,971,993
Garages & Carports	0	0	6	383,500	3	90,000	13	267,500	3	90,000	7	(116,000)
Accessory Buildings	1	2,300	9	122,800	2	80,500	8	400,839	1	78,200	-1	278,039
Single Wide MH	1	51,312	4	113,312	0	-	4	67,488	-1	(51,312)	0	(45,824)
Swimming Pools	0	0	3	63,674	1	5,700	5	106,200	1	5,700	2	42,526
Recreational Bldgs	0	0	0	-	0	-	0	-	0	-	0	-
Business Bldgs	0	0	0	-	1	1,300,000	1	1,300,000	1	1,300,000	1	1,300,000
Industrial Bldgs	0	0	0	-	0	-	0	-	0	-	0	-
Other Buildings	0	0	3	1,543,385	1	48,000	4	777,000	1	48,000	1	(766,385)
<b>TOTALS</b>	<b>39</b>	<b>1,353,471</b>	<b>313</b>	<b>18,034,129</b>	<b>33</b>	<b>2,625,563</b>	<b>358</b>	<b>27,714,184</b>	<b>-6</b>	<b>1,272,092</b>	<b>45</b>	<b>9,680,055</b>

FEES	Sep-14	PREV TOT	YTD 14	Sep-15	PREV TOT	YTD 15	DIFFERENCE	DIFFERENCE YTD
Building Permits	\$ 8,080.33	83,976.07	92,056.40	\$ 10,410.57	\$ 108,883.10	\$ 119,293.67	2,330.24	27,237.27
Land Disturb Permits	\$ 625.00	23,448.75	24,073.75	\$ 1,085.00	\$ 16,762.50	\$ 17,847.50	460.00	(6,226.25)
Zoning Permits/Proffers	\$ 1,400.00	41,700.00	43,100.00	\$ 1,650.00	\$ 14,050.00	\$ 15,700.00	250.00	(27,400.00)
<b>TOTALS</b>	<b>\$ 10,105.33</b>	<b>149,124.82</b>	<b>159,230.15</b>	<b>\$ 13,145.57</b>	<b>\$ 139,695.60</b>	<b>\$ 152,841.17</b>	<b>\$ 3,040.24</b>	<b>(6,388.98)</b>

INSPECTIONS	Sep-14	PREVIOUS	YTD 14	Sep-15	PREVIOUS	YTD 15		
	155	1,169	1,324	208	1,372	1,580	53	256

  
 Darius S. Lester  
 Building Official

( ) represents a negative

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## Monthly Approval Report August 2015

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<i>District</i>	<i>Action</i>	<i>ID#</i>	<i>Description</i>	<i>Tax Map</i>	<i>Parcels</i>	<i>Total Acreage</i>	<i>Number of Lots</i>
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**Palmyra**

*Approved*

BSP 15-016	Physical Survey	8	(A) 27	0
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*Text75:*

Wednesday, October 21, 2015

Page 1 of 1

*AFD - Agricultural Forestal District*

*BZA - Board of Zoning Appeals (Variance)*

*CPA - Comprehensive Plan Amendment*

*SUB - Subdivisions*

*ZMP - Zoning Map Proposal (Rezoning)*

*BSP - Boundary Survey Plat*

*CCE - Code Compliance Enforcement*

*SDP - Site Development Plan*

*SUP - Special Use Permits*

*ZTA - Zoning Text Amendment*

# Code Compliance Enforcement Activity Report

ID#	Tax Map Parcels	Reported Against	Type of Violation	Comments	Status	Status Date
<b>Columbia</b>						
CCE 13-012	33 (9)-1A	Liberty Homes, LLC, Et Al	Trash	Property address is located west of No.3049 Cedar Lane. Complaint is in regards trash, debris and junk. Site inspection 3-05-2013 noted an accumulation of trash and debris that could be providing a habitat for rodents and vermin. 1st letter sent 4-25-2013. Site inspec. 5-30-2013 noted some progress during new house construction. Monitoring continues.	Awaiting Action	6/27/2013
CCE 13-011	33 (A)-57	Gail Bruce, Et, Al	Trash	Complaint is in regards trash, debris and junk. Site inspection 3-05-2013 noted an accumulation of trash and debris that could be providing a habitat for rodents and vermin. 1st letter sent 4-25-2013. Owner advised 5-30-2013 that her tenant is cleaning up the property. Monitoring continues.	Awaiting Action	6/27/2013
<b>Fork Union</b>						
CCE 12-001	51A (A)22	JWS Enterprises, LLC (James W. Sherrill,	Misc.	4985 James Madison Hwy. Site insp. on 12-20-11 and 1-06-12 noted that the property is being used for general storage which is not a use permitted "by right" or "by SUP". 1st letter sent on 1/12/12. 2nd violation 1/31/12. Letter of intent approved by Darren Coffey 2/29/12. 3rd letter sent by hand delivery 4/09/13. Summons issued 4/29/13. 1st hearing 5-21-13. 2nd hearing 9-10-13.	Pending Court	5/21/2013
<b>Palmyra</b>						
CCE 12-002	3 (A)-31, 32	JWS Enterprises, LLC (James W. Sherrill,	Misc.	Behind 1017 Union Mills Road. Regards to "dumping". Site insp. 1/09/12 noted that contractor type materials are being stored on property. 1st letter sent 1/12/12. 2nd letter sent requesting intentions 1/31/12. Letter of intent approved by Darren Coffey 2/29/12. 3rd letter sent by hand delivery 4/09/13. Summons issued 4/29/13. 1st hearing 5-21-13. 2nd hearing 9-10-13.	Pending Court	5/21/2013

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<b>ID#</b>	<b>Tax Map Parcels</b>	<b>Reported Against</b>	<b>Type of Violation</b>	<b>Comments</b>	<b>Status</b>	<b>Status Date</b>
CCE 10-013	10 (3)-2B	Eric D. Taylor	SUPs	Property is at intersection of Union Mills Road and North Boston Road. SDP 10:09 approved 07/26/11. SDP requirements not implemented as of 9-23-11. 2nd letter sent 9/23/11. 3rd letter sent 1/24/12. Site inspec. 2/3/12 noted newly vegetative screening per/approved SDP. Monitoring conitues.	Awaiting Action	5/8/2012

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## *Transmittal Report September 2015*

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<i>Line Number</i>	<i>Code</i>	<i>Name</i>	<i>ID#</i>	<i>Amount Received</i>
		<i>Subdivision &amp; Plat Review</i>		
			BSP15013	\$50.00
			BSP15014	\$50.00
			BSP15015	\$50.00
			BSP15016	\$50.00
			<i>Sum:</i>	\$200.00
<b>10000013-318319</b>				
	<i>SIGNPT</i>	<i>Sign Permit</i>		
			SUP15009	\$90.00
			SUB05083	\$200.00
			MSC15005	\$155.00
			MSC15006	\$155.00
			<i>Sum:</i>	\$600.00
<b>10000013-318337</b>				
	<i>SITEPL</i>	<i>Site Plan Review</i>		
			SDP15015	\$150.00
			<i>Sum:</i>	\$150.00
<b>10000013-318341</b>				
		<i>Subdivision &amp; Plat Review</i>		
			SUB15023	\$100.00
			<i>Sum:</i>	\$100.00
<b>10000013-318342</b>				
	<i>SPUSEP</i>	<i>Special Use Permits</i>		
			SUP15009	\$400.00
			<i>Sum:</i>	\$400.00
			<i>Total:</i>	\$1,450.00

**FLUVANNA COUNTY PLANNING COMMISSION REGULAR MEETING MINUTES**

**Circuit Court Room--Fluvanna County Courts**

**September 23rd, 2015**

**7:00 p.m.**

**MEMBERS PRESENT:** Barry Bibb, Chairman  
Ed Zimmer, Vice Chairman  
Lewis Johnson  
Patricia Eager  
Donald Gaines  
Tony O'Brien Board of Supervisors Rep

**ALSO PRESENT:** Jason Stewart, Planning and Zoning Administrator  
Steven Tugwell, Senior Planner  
Jay Lindsey, Planner  
Deidre Creasy, Senior Program Support Assistant  
Frederick Payne, Fluvanna County Attorney

**CALL TO ORDER/PLEDGE OF ALLEGIANCE**

Barry Bibb, Chairman called the meeting to order at 7:00p.m., after which the Pledge of Allegiance was recited.

**PLANNING DIRECTOR'S REPORT (Mr. Stewart)**

1. Board of Supervisors Actions:

September 2, 2015:

**Adopted** - I move to adopt a resolution to authorize renewal of the Bourne Tract Agricultural/Forestal District, which consists of 13 parcels totaling 271.657 acres, for an additional 8 year period, expiring on August 1, 2023.

Mr. Stewart gave a presentation on Subdivision Roads.

2. Board of Zoning Appeals Actions:

*No September meeting.*

3. Technical Review Committee:

September 10, 2015:

**SUP 15:06 – Louisa County Water Authority** – A request for a special use permit to allow for major utilities with respect to the construction of a raw water pipeline from near Route 6 along the James River north to the Louisa County and Fluvanna County border. The properties are currently zoned A-1 (Agricultural General) and the properties are located in the Columbia Election District. The Tax Parcel Numbers of the properties affected by the proposal are as follows: 67-12-A3, 14-9-4, 14-A-14, 14-A-20A, 14-A-14A, 14-A-13, 14-A-20, 23-A-51, 23-A-61, 23-A-50, 23-A-62, 23-12-D, 23-12-A, 23-A-66, 23-A-67, 23-A-72B, 23-A-70, 23-A-96, 23-A-97, 23-A-99, 23-A-101, 23-A-102, 23-A-103, 23-A-37, 23-A-36E, 23-A-36A, 34-A-2, 34-A-4, 34-3-A, 34-3-B1, 34-3-B3, 34-3-C, 34-3-C1, 34-3-B2, 34-2-A, 34-A-17, 34-A-16, 34-A-18, 34-1-1, 34-1-3, 34-1-5, 34-1-4, 33-A-30A, 44-A-46, 44-A-46A, 44-3-1, 44-3-2, 44-2-3, 44-2-5, 44-2-4, 44-2-2, 44-2-1, 44-A-15, 44-A-17, 44-A-18, 44-A-31, 44-1-2, 44-1-3B, 54-A-10A, 54-A-14A, 54-1-1A, 54-6-C, 54-1-1, 54-2-1, 54-A-41, 54-A-43, 54-11-Z, 54-11-Y, 54-11-X, 53-11-27, 53-11-26, and 53-11-19.

**SUP 15:07– Raymond Goffin** - A request for a special use permit to operate an outdoor recreation facility with respect to 46.02 acres of Tax Map 18, Section A, Parcel 12. The property is currently zoned A-1 (Agricultural, General) and is located on the northern side of State Route 619 (Ruritan Lake Road) approximately one-half mile northwest of its intersection with Sclaters Ford Road. The property is located within the Cunningham Election District and is within the Rural Residential Planning Area.

**SUP 15:08 – James River Water Authority** – A request for a special use permit to allow for major utilities with respect to the construction of a raw water supply system which includes a raw water intake and pump station at the subject properties denoted by Tax parcel Numbers: 53-A-62, 53-A-62C, 53-A-61, 53-11-5, and 53-11-19. The properties are currently zoned A-1 (Agricultural General) and the properties are located in the Columbia Election District and encompass approximately 305.202 acres.

**SUP 15:09 – Rountop Limited Partnership** - A request to amend Special Use Permit SUP 14:04 to allow for an expansion of the educational facility to 75 occupants in 6 Centre Ct., and 49 occupants in 7 Centre Ct. with respect to 6.343 acres of a portion of Tax Map 18A, Section 4, Parcel 13A. The property is zoned B-1 (Business, General) and is located on the north side of Slice Road, approximately 500 feet from its intersection with Route 600 (South Boston Road). The property is located in the Palmyra Election District and is within the Rivanna Community Planning Area.

**PUBLIC COMMENTS #1**

Chairman Bibb opened the floor for the first section of public comments.

With no one wishing to speak, Chairman Bibb closed the first public comment section.

**APPROVAL OF MINUTES**

**MOTION:** Mr. Zimmer moved to accept the minutes of August 26, 2015, Mr. Johnson **seconded**. **The motion carried a vote of 5-0-0. AYES: Bibb, Eager, Johnson and Gaines NAYS: None. ABSTAIN: None**

**SUBDIVISIONS: None**

**SITE DEVELOPMENT PLANS: None**

**Public Hearings:**

**SUP 15:06 – Louisa County Water Authority** – A request for a special use permit to allow for major utilities with respect to the construction of a raw water pipeline from near Route 6 along the James River north to the Louisa County and Fluvanna County border. The properties are currently zoned A-1 (Agricultural General) and the properties are located in the Columbia Election District the Tax Parcel Numbers of the properties affected by the proposal are as follows: 67-12-A3, 14-9-4, 14-A-14, 14-A-20A, 14-A-14A, 14-A-13,14-A-20, 23-A-51, 23-A-61,23-A-50, 23-A-62, 23-12-D,23-12-A, 23-A-66, 23-A-67, 23-A-72B, 23-A-70,23-A-96, 23-A-97, 23-A-99, 23-A-101, 23-A-102, 23-A-103, 23-A-37, 23-A-36E, 23-A-36A, 34-A-2, 34-A-4, 34-3-A, 34-3-B1, 34-3-B3, 34-3-C, 34-3-C1, 34-3-B2, 34-2-A, 34-A-17, 34-A-16, 34-A-18, 34-1-1,34-1-3, 34-1-5, 34-1-4, 33-A-30A, 44-A-46, 44-A-46A, 44-3-1, 44-3-2, 44-2-3, 44-2-5, 44-2-4, 44-2-2, 44-2-1, 44-A-15, 44-A-17, 44-A-18, 44-A-31, 44-1-2, 44-1-3B, 54-A-10A, 54-A-14A, 54-1-1A, 54-6-C, 54-1-1, 54-2-1, 54-A-41, 54-A-43, 54-11-Z, 54-11-Y, 54-11-X, 53-11-27, 53-11-26, and 53-11-19.

**SUP 15:08 – James River Water Authority** – A request for a special use permit to allow for major utilities with respect to the construction of a raw water supply system which includes a raw water intake and pump station at the subject properties denoted by Tax parcel Numbers: 53-A-62, 53-A-62C, 53-A-61, 53-11-5, and 53-11-19. The properties are currently zoned A-1 (Agricultural General) and the properties are located in the Columbia Election District and encompass approximately 305.202 acres.

**Senior Planner Steve Tugwell** conducted a brief presentation and addressed the Board

**Bibb:** Inquired if condition #5 where it discussed construction Monday-Saturday and some Sundays, if there is inclement weather is that accurate?

**Senior Planner Tugwell:** Advised it may be the case.

**Gaines:** Asked has an estimated time of completion been given?

**Senior Planner Tugwell:** Deferred the question to Mr. Wade.

**Zimmer:** Asked were VDOT standards provided for performing open cut sections on affected roadways?

**Senior Planner Tugwell:** Advised the planning office doesn't have the information, but it can be requested from Mr. Wood at VDOT.

**Stewart:** Explained, per Mr. Wood VDOT would prefer the open cut sections be completed at night.

**Zimmer:** Asked what are the VDOT standards for working on Sundays?

**Stewart:** Advised he is unable to speak for VDOT, but can inquire about those requirements.

**Bibb:** Allowed the applicant's time to come forward to speak on the two different SUP's

**Stewart:** Explained that Andy Wade would be representing the Louisa Water Authority and Joe Hines is representing the JRWA.

**15:06 Applicant:** Andy Wade advised he is the Economic Development Director for Louisa County and the in house project manager for the Louisa portion of the project. Explained he was here to seek approval of a raw water line to extend from Rt. 6 to the Louisa/Fluvanna County Line. He then explained that the project has taken on additional costs to ensure the adjoining property owners concerns from the neighborhood meetings were addressed. Likewise, clarified that restoring erosion will be done when the temperature rises and not during the winter.

**Bibb:** Confirmed that it was approximately 2 years to complete the project with the applicant and the possibility of not being able to work on Sundays could make that process longer.

**15:06 Applicant:** Explained that the contractor doesn't have intentions of working on Sundays unless there are time constraints. However, having the opportunity to do so would be beneficial to the project.

**Bibb:** Confirmed with the applicant that the project is being paid for by Louisa County with the exception of fire hydrants.

**15:08 Applicant #2 Joel Hines:** Explained that the project was adequately represented by Senior Planner Steve Tugwell's presentation. Explained the intent is to minimize impact to the systems involved with this particular project and explained that the JRWA is 50% owned by Fluvanna and 50% owned by Louisa so each will pay for half of their portion.

**Bibb:** Confirmed that the JRWA portion is related to the connection point.

**15:08 Applicant #2:** Explained the logistics of how the facility will run.

**Bibb:** Confirmed with the applicant that the water pump station will be enclosed.

**Zimmer:** Inquired what is the maximum capacity of the pump station and the lines?

**15:08 Applicant #2:** Explained the maximum size of the pump station is for 12 MGD's, which is needed during a peak day

**O'Brien:** Inquired what the initial capacity will be?

**15:08 Applicant #2:** Explained the initial capacity will be 6 MGD's with the ability to expand to 12 MGD's.

**O'Brien:** Inquired what amount will the transmission lines running to Ferncliff support?

**15:08 Applicant #2:** Offered an explanation in relation to locations and connection points.

**Eager:** Confirmed with the applicant that once the pipeline gets to the Zions Cross Roads/Ferncliff area, Louisa is responsible for the fees.

**O'Brien:** Confirmed with the applicant a timeline of 24 to 30 months for the entire project and for Louisa to take water to Zions Cross Roads.

**15:08 Applicant #2:** Offered a brief rundown of how the County could supply water to the different areas, Zions Cross Roads, Pleasant Grove etc. Also spoke of the state mandated 50 year water plan.

**Zimmer:** Asked is there a current agreement for Louisa to provide water to Fluvanna County?

**15:08 Applicant #2:** Advised he is not in a position to comment on that.

**O'Brien:** Explained at present there are negotiations but nothing is finalized at this time so that is a concern.

**Bibb:** Asked Nichols if he had any idea about any other negotiations in regards to Fluvanna County having the availability of treated water any time soon?

**Nichols:** Explained the County has received correspondence from Louisa County that they have agreed to provide water treatment at the Ferncliff water treatment plant at a price that has already been set. What is still being negotiated is the reservation of certain types of capacity and the future of growth capacity of that plant. As the plant grows or needs to grow from each County, who would pay for the cost of plant expansion? The County has received from the Louisa Board of Supervisors written documentation which is also outlined in the October 13<sup>th</sup> interjurisdictional agreement related to treatment. Expectantly, before the October 21<sup>st</sup> Board of Supervisors meeting reservation numbers will be finalized, but there is already an agreement to treat water. Addressing the treated water going to Zions Cross Roads, the Louisa County project includes the pipeline for treated water going from Ferncliff to Zions Cross Roads which is part of the project plan.

**Eager:** When Fluvanna donated our withdrawal permit to the JRWA were we reimbursed for the cost of that permit?

**Nichols:** Explained no recollection of any dollar cost change when the JRWA was formed as a joint authority between Louisa and Fluvanna County. The existing Fluvanna Permit was just transferred to the JRWA. There was no cost, dollars that changed hands, or any fee sharing because the permit had been placed for Fluvanna County for a number of years but had never been exercised.

**Stewart:** Stewart and Bibb agreed SUP 15:08 would have the 1<sup>st</sup> public hearing and motion since it was the actual intake system and the 15:06 SUP public hearing would follow.

#### **Public Hearing Comments**

**Chairman Bibb opened the floor for the SUP 15:08 JRWA public hearing section of public comments.**

**Mark Moss/Columbia District: 14045 James Madison Hwy:** Advised he is present at the meeting as President of the Fluvanna Historical Society and hopes the Board has been taking into consideration the rights of all the property owners. There are two properties that the historical society had a meeting in reference to that he is present to speak on their behalf. The two places, Point of Fork and Gum Creek are on the National Registry of Historic Places. The National Registry of Historic Places handles honorary designation of property by the Department of Interior that has local and regional historic significance. Point of Fork is important because it is a major James River Plantation house which is the site of the Point of Fork arsenal and also the site of the Monacan Indian settlement. This site is very important in the history of Fluvanna County, in fact the Point of Fork arsenal is on the Fluvanna County Flag. Gum Creek is equally important as one of the oldest single residence in Fluvanna County. It was built by one of the wealthiest men in Fluvanna County for his son. He then advised he is asking that the Board give real consideration to ensuring that the project does not in any way destroy the fabric of these two historic sites in Fluvanna County. Next, he asked if another condition could be put on 15:08 and 15:06 to say that this project would take into consideration the historic importance of these two properties and it will minimize any damage to the historic fabric of these properties.

**Barbara Seay: Point of Fork,** Explained that she is speaking on behalf of Point of Fork. She then clarified that the work being proposed is not near Point of Fork but actually on Point of Fork. She reiterated as Mr. Moss outlined that Point of Fork is the site of all kinds of history as there is no way

the land can be reclaimed after the damage is done. Likewise, this is a precious habitat and green site for animals and once it is destroyed, it will never come back the same again. Also, this is the reason that many Fluvanna natives are at the meeting, the green space and the heritage. Lastly, she explained she is totally opposed to this project being on the Point because it will be a huge eyesore.

**RT Harry, 467 Martin Kings Rd:** Advised he had some questions and wanted to know the exact site that the water will be extracted from the James River? Also he does not see where this is benefiting Fluvanna County; it seems it is for Louisa counties pure benefit. Likewise wanted to know how this will affect taxes?

**Payne:** Advised Bibb that the Planning Commission is allowed to ask for answers to questions.

**Bibb:** Asked the applicant to come forward and show the exact place on the map where the work would be conducted.

**Applicant #1:** Came forward and proceeded to explain and show exactly where the work would occur and confirmed that both projects are on the edge of the Point of Fork property.

**Frank Hardy:** Lives across from the pumping station and explained to the Planning Commission to have a meeting for the public, open to the public, for the benefit of the public where the public can't hear what the Commission members are saying is not productive.

**Suzy Morris: 6840 Thomas Jefferson Pkwy, Palmyra, Va.** She explained that she is a lifelong Fluvanna resident and was shocked to find out that Point of Fork was chosen spot for this project. Also she was upset to find out that the rural preservation area of the comprehensive plan was changed to allow this project. She thinks it is a sacrilege to this sight with all of the history there and Fluvanna is supposed to be proud of its history. Likewise, she is concerned about uncertainties unknown right now in regards to acreage amounts and the large amounts of acreage in the special use permit. Why is all of this coming in? Is this for future plans and what are those future plans? Stated she believes the County should have public hearings because many people in Fluvanna are unaware that this is happening. Also, discussed that right now there are no mandated hookups but what if there are not enough customers? Where will a treatment plant go and what if the County decides they are not making enough money or needs another one? She then expressed concerns about the river being low and how at some points in the year people are able to walk across the James River. Next she asked how is the County going to pay for this project when they are already paying 5million a year on the schools and is under a 92 million dollar deficit. Lastly, what is the depth of the hole in the river bottom going to be and how much dynamite will be used?

**Jim Summers 1841 Colonial Rd:** He stated he lives on the river and hopes the Board considers implementing noise abatement requirements. He explained that to his understanding there are going to be big generators and pumps installed in the structure where the pumping station is and the generators will be turned down and tested occasionally to make sure electrical power is not interrupted in a power outage. His concern is that there is not a specific requirement that special noise abatement be required for the issuance of this Special Use permit. Also explained when the gas pipeline there occasionally compresses, it makes a lot of noise.

**Fred Hardy Lives on the Southside of the river in Cumberland County:** Explained that his main concerns are aesthetics and noise pollution. How can a structure so big be built without destroying or adversely affecting the Point of Fork property. He expressed that there is no place with more history in Fluvanna County then Point of Fork. He went on to discuss soldiers in history trained at Point of Fork.

**G. Bialkowski, 1215 Point of Fork Rd:** He explained that his property is adjoined to the Point of Fork Property and he is absolutely against wrecking a pristine environment. He already hears one gas

pumping station across Rt. 6 every time it turns on and didn't move to the country to live in the city. Likewise, in reference to working on Saturdays and Sundays he is against it because that is the only times people have to relax. He also stated, he can't believe that there isn't a better place this can be put. Where are the other places that have been recommended? He can't figure out why this is the chosen spot. He closed with, this is an abomination and he is against it. Likewise anyone who votes for it he's going to try to vote you out of office.

**Peter Gilliam 1214 Point of Fork Rd:** This is not historically, environmentally or fiscally responsible for the County to spend more money. He also spoke of seeing signs advising not to eat the fish and has no clue what this project will do to the river. Advised that the County is just finding out about it and this has been the plan all along and the government is getting out of control.

**Jane Snead ford 5388 James Madison Hwy:** Advises she has lived in Fluvanna since the age of 2 and considers herself a lifelong native. She is a history teacher that does not want to see this beautiful area defaced. She then explained that the County needs to look at the aesthetics and the history of our Country that we are losing. This project can be delayed to conduct other studies and another place can be found to put the pump station and sink hole in. She pleaded to please look for other options and don't refer this to the Board of Supervisors yet.

**Chairman Bibb opened the floor for the SUP 15:06 JRWA public hearing section of public comments.**

**Lindsey Nolte: 1317 Stage Junction Rd,** Expressed that she has environmental concerns and will consent if Louisa County adheres to her list of procedures and Fluvanna ensures that they are enforced. The list is as follows: 1. No use of pesticides, 2. Safeguard buffers of grass seeds, wildflowers, shrubs and trees amongst streams. 3. Prohibit driving heavy equipment across stream beds, 4. Do not plant fescue because it destroys quail nesting sites. 5. Protect plant essentials to butterflies and pollen, and maximum autonomy within the limits of safety. ( Gave the commission copies)

**Pete Gilliam: 1214 Point of Fork Rd** asked what sense does it make for Fluvanna to pump water to Louisa and then buy it back. If Louisa County wanted water from the James they should have built their County on the James River. Closed with it has to be a more sound and sensible way to get water if they want water there.

**Mark Creasey: 4499 Nahor Rd, Charlottesville, Va** Advised he owns property on the line and thinks that their should be more people within the County equipped to answer his questions. He also has concerns about the statement lowest reasonable price in the information he received from the County when it should say highest reasonable price to help the landowners.

**Chairman Bibb closed the public hearing section and opened Planning Commission discussion.**

**Nichols:** Asked if he could have an opportunity to go down the list of comments and questions that arose because he thinks he can address most of them. He also expressed how much he appreciated the thoughtful considerations, questions and concerns raised by citizens. He then communicated that he is positive the answers he provides to the commission and to the citizens are not going to be to everybody's satisfaction, but he will try to do the best that he can and answer the questions truthfully. He explained there was a question about adding a condition about considering historic citing and minimizing impact. While the commission would consider that and add it as a condition, it is absolutely already a requirement to be built in because the project has to be reviewed and approved by The Department of Historic Resources, Game and Inland Fisheries, the Corp of Engineers, The Department of Environmental Quality and there are two more agencies as well. We are very sensitive to the fact on both projects that there are historic resources near and adjacent to the area that need to be protected and preserved but there is state and federal oversight to ensure that as well.

The actual location of intake is the area shown on the map. The pumping station and intake would be in the river itself, close to the edge and under the surface of the river. The intake will be

below the surface of the water because that was felt to be a better design than the original design of having a structure that was above the river where water will be captured. This proposed design allows water to drop down into the intake.

Advised there was a question in reference to taxes and he is unsure of that answer. He then explained questions in reference to taxes are an issue for the Board of Supervisors consideration. Many things impact our taxes or revenues. This year is a particularly good revenue year because the state revenues, jobs and revenue collections are better and gas prices are down. He then explained any capital projects have the ability of impacting taxes but the Board of Supervisors will have to face that question.

Explained there was a question about 305 acres in the motion which is a bit misleading. 305 acres is listed for the project but the entire 305 acres will not be affected. The 305 acres represent the breadth of the tax map parcels that are touched. Only a very small portion will be actually affected. The land that is currently identified for the pumping station is 2.7 acres on the Point of Fork the easement access and up through the adjacent CVEC electric easement. The number of acres that is not allowed to be used by citizens that own those properties is very small. However that does not minimize that there is going to be impact on someone's property when a structure is placed there.

Addressed the question will hookups be mandated to the water system? Answered No, it is raw water and hookups will not be required. Also explained there are no intentions of doing anything with raw water until it is sent to the Louisa plant to be treated. If Fluvanna in the future needs to use raw water for other areas of the County we may need a water treatment plant decades down the line to treat the water. Likewise, expressed that there is no formal construction plans or designs other than what is being proposed tonight.

Addressed the question where will the water plant be? Responded with, the only water plant contemplated in the two SUP's will be in Louisa County in the Ferncliff area. In reference to low water, the Department of Environmental Quality has put specific drought restrictions into the permit that is expected to be issued within the next couple of weeks. The drought conditions and requirements will have to be met at minimal levels on the voluntary basis and higher levels on the mandatory basis under the Commonwealth of Virginia. Next, confirmed comments about hundreds of others already hooked up to the James River as being absolutely true. There are many other intakes along the James river from the Headlands to the Atlantic Ocean. There are also many significant withdrawals upstream and also downstream for instance at the Cobb Creek reservoir that services Henrico, Goochland and Powhatan. He clarified; our permit is reduced from the amount that the Department of Corrections withdraws from the Mechunk Creek. If the Department of Corrections stopped drawing from the Mechunk Creek the permit could be raised by about 250,000 gallons per day. This is because all the watersheds are tied together under the Department of Environmental Qualities conservation when they issue a permit.

Clarified he was unsure of the depth of the hole in the river because he is not an engineer. However, there are engineers present to answer that question but the final engineer processes have not been finalized because there is no guaranteed price negotiated on the project yet. However he is confident that after a couple years of the construction project being completed there will be nothing visible except the building structure. Next, explained this is not the first time a pipeline has been built. Usually once the project is complete there is no effect outside of the easements and the land will be restored to its original condition or better. The only exception is the area that the County hopes to purchase for the plan itself which will be an open area. Unsure if dynamite will be used but if it has to be used it will be within the state regulations of what, how and when it can be done.

Addressed noise abatement and explained that he couldn't agree more in reference to minimizing noise in pristine/open areas. However, this project will have to meet the noise ordinance in the County code of Fluvanna, for noise levels in rural agricultural areas which is 60 decibels during the day and 55 decibels at night. Likewise advised those are just the levels for our County code, but the way this project is being engineered even if someone is a very short distance from the pump they will not be able to hear it running. Gave a brief explanation of a similar plant that was visited and 50 feet away from the pump it could not be heard running. The proposed structure will be fully enclosed so it is unlikely that the pumps will be heard at all unless the door is opened.

Addressed electric generator testing and stated that their absolutely would be a generator on site that will be able to handle the plant in reference to power outages etc. The generator will be low sound because it is not like the open one through Colonial Pipeline. Next, explained the citizens' concerns are valid and important and if it was his property he would certainly have similar concerns. Then was stated, the size of the structure is 40X60 and will be substantially above ground because requirements have to be made to avoid the floodplain. One of the reasons that the structure is larger than what was originally discussed is because they are trying to enclose everything so there is nothing outside to disturb sound or sight other than the envelope of the building itself. The building is being engineered to be as aesthetically responsible for a pristine area like Point of Fork as possible.

Agreed that working on weekends is always a concern no matter the project. Likewise, no one likes construction being done at 2am in the morning. He explained he is well aware of this because of recent construction going on in his neighborhood. Yes, It is annoying but it is also a part of the developer expanding his neighborhood. Explained that he is absolutely positive that the contractors he uses for these projects will be as respectful as they can and ensure that disruptions are minimized although there will be some.

Addressed the comment about a project like this not being done before and the river being destroyed by explaining this type of project is done all the time. Now set aside the historic nature of Point of Fork, but this type of project is done frequently statewide and nationwide. While most people don't like it in their backyard, it ended up being a very good engineering location.

Addressed the comment that this project was done in secret by stating that he has been here since 2012 and many public meetings have been conducted. Likewise this project has been talked about for at least two decades prior to today. The project has been an open book for 20 years and he really wishes that each citizen could know about every issue and how it will affect them every single time. Expressed if anyone can show us a way to improve we are open to that but in this case the information was on websites, in open meetings and public records.

He agreed that the environmental concerns are important and reiterated that this project cannot be conducted without the oversight of the agencies listed earlier. Each of the state and federal agencies have very specific and strict rules that has to be followed in relation to the environment, streams, use of pesticides, access to the river, etc. Hopefully how strict the state and federal government are on projects like this will mitigate adverse impacts of this project on citizens.

Then addressed the statement made that water is pumped to Louisa and then bought back by Fluvanna by stating, we are participating in a joint intake and the exercising of a permit that is a part of the James River Water Authority, a dual constitutional body that is comprised of 3 Board members from Fluvanna and 3 from Louisa. Then he explained that Louisa is building the pipeline with their own dollars and when our water transits through that pipeline at Rt.6 Fluvanna will pay for operational costs based on the flow of our water. We have been in conversation for years with Louisa on treating raw water, not buying raw water. The permit that the James River Water association owns is 50/50 half Fluvanna and half Louisa. This allows the County to not have to build a treatment plant because we can share with Louisa and just pay for the treatment of our raw water and then pump it back to Zions Cross Roads.

Lastly addressed the question about how much will be paid for land and easements and confirmed amounts related to easements connected to the LCWA will be taken care of by Louisa and the amounts are unknown for the JRWA.

**Bibb:** Inquired about alternative routes and advised that in his analysis, alternative routes would cost more money and go thru more citizens properties and wanted to see what Mr. Nichols thought of that.

**S. Nichols:** Advised that Mr. Bibb's assumptions were correct and that with the route that is used currently 90% of the pipeline is being used on existing easements to minimize impact.

**O'Brien:** Asked what other sites were being considered and why they were not used?

**S. Nichols:** Proceeded to show some of the areas that were considered on the map and discussed issues with bedrock, the flow of the river and cost.

**O'Brien:** Inquired about an accurate interpretation of how the area around the building will look.

**S. Nichols:** Advised that everything around the 2.7 acres will still remain wooded as it is now, trees will have to be removed off the river front, but they will grow back.

**Zimmer:** Inquired has the project purchased the land in regards to the 305 acre portion?

**S. Nichols:** Advised no, the 305 is only the number of acreage that the parcels of land will touch, adjoining properties.

**O'Brien:** Inquired what is the actual width of the pipe coming in?

**Applicant:** 70 to 80 ft. and offered an explanation of the construction of the pipe.

**S. Nichols:** Reiterated regulations for the project and all of the departments involved in monitoring the work done and explained that the pipeline will be built in the same with of the electric easement for the most part.

**O'Brien:** What is the impact of subterraneous pipelines and plant life that will be able to grow back?

**Applicant:** The intent is to restore vegetation that will be equal to or better than what was there.

**O'Brien:** Inquired would there be large trees there?

**Applicant:** No, because it would not be good for large trees to grow in an existing easement because access may have to be made at some point.

**O'Brien:** Will the county have oversight in Louisa to monitor their portion of the project?

**S. Nichols:** Our Building inspectors will be on site periodically to ensure the County code is being followed, but the builder of the project has to follow various rules and will have construction site inspectors. Likewise he clarified with Mrs. Eager that the work is proposed to be done on the tip of Point of Fork and that is the issue that the historical society is concerned with.

**Eager:** Asked will the county be required to buy stream or wetlands credits?

**S. Nichols:** Answered no not according to this project and the DEQ permits.

**Applicant:** The applicant clarified with Mr. Zimmer that rather than having to buy credits the restoration will be done onsite.

**Chairman Bibb closed the public hearing section and opened Planning Commission discussion.**

**Zimmer:** Advised that he would like to talk about the conditions. No construction on Sunday and after a demonstrated need, the construction company can ask for a change to that. Two week notifications in relation to road closures by mail, fan mail etc. Also Condition number 7 should say as soon as weather permits.

**Payne:** Offered suggested language condition #5 to except in cases of emergencies including prevention of danger to public health, safety and welfare and a mediation of soil erosion and as requested by VDOT in the case of work done on public highways, all construction activity for the raw waterline major

utilities shall occur between 7am and 5pm Monday thru Saturday. Applicants shall comply with VDOT standards for performing open cuts sections on affected roadways.

**Payne:** Changed condition #7 eliminated "Weather Permitting" Also after the second "land" and before the last sentence added "or as soon thereafter as conditions permit."

**Payne:** Advised that his thought is deprivation of access to property should be prohibited or minimized because there is no access for emergency vehicles etc. Offered suggested language for #4 stating *vehicular access shall be maintained at all times with no disruption of access to extend more than 3 hours at a time.*

**Applicant:** Advised #4 as written originally is acceptable and he accepts the changes to 5 and 7 and advised door hangers will be placed on doors and the contractor information will be placed on them to ensure the homeowner can reach the contractor at all times.

**Payne:** Advised #8 noise Issue applies only to JRWA (JRWA 15:08) and gave suggested language, withdrawal and pumping facility shall be so designed and built as to minimize sound propagation beyond the limits of buildings and other structures, to the maximum extent feasible.

**\*5 minute recess, meeting re-started at 9:27 P.M.\***

**Bibb:** Gave a recap of the meeting prior to the recess and explained Fred Payne had given proper wording for the conditions. Also Mrs. Nolting submitted paperwork to the Board in reference to environmental concerns and he went over those items.

**Zimmer:** Asked the applicant about ongoing property maintenance and the cycle of the maintenance in relation to pesticides etc.

**Applicant:** Explained that CVEC will currently maintain easements as they have been doing, also as long as the work is co-located in their easement, it will be subject to what is done currently.

**O'Brien:** Explained that one challenge is looking at the comprehensive plan and how this works for the County and also economic benefit to the County of Fluvanna. It was also explained how grateful he was for the generosity and patience of the people in the County of Fluvanna because this has been going on for over 20 years. Clarified that it is not clear in this venue how this project is benefiting us, explained there has been a lot of discussion and negotiations that are still ongoing and it would be critical that those negotiations are resolved prior to this project being approved at the Board level. Advised that this is a joint deal and they are looking out for the County of Fluvanna.

**Payne:** Explained it is a proper question to ask, to what extent are these projects in the interest of Fluvanna County and it deserves an answer. Also agreed with Mr. O'Brien's point of the Board of Supervisors will ensure it will be in the public's interest of the citizens of Fluvanna and concerns will be address. Also expressed and acknowledged that there are time constraints.

**Eager:** Asked Payne if he is satisfied that in 30 days everyone will have the answer they need and this matter will go to the Board of Supervisors?

**Payne:** Advised that if the Planning Commission agrees with what he has stated, negotiations have to be worked out by the time the Board considers it as Mr. O'Brien explained. Also wanted to add a word to condition number #8 where it says to the maximum extent feasible, he wants to change to reasonably feasible.

**Eager:** Advised that she has a feeling that she is being asked to approve something without all of the information they should have in front of them.

**Payne:** Advised Mrs. Eager she has the right to defer the matter or recommend denial.

**Zimmer:** Asked Mrs. Eager if she feels the Planning Commission has all the information they need to make a decision based on their functions. He also explained that it is evident the Board does not, but reiterated does the Planning Commission have enough information at this time?

**Eager:** Explained she was concerned about the public and is there a possible better place to put this so that it is not on Point of Fork.

**O'Brien:** Mentioned that many years have gone into the planning of the project, location etc. and it is time sensitive and he is confident that the County staff will make the area look as much like it did as possible.

**Johnson:** Advised that he is a member of the Fork Union Sanitary district and they are getting their water from wells. His concern is that Fork Union would have an issue if they experience a lot of growth and he doesn't necessarily agree with the location of the intake but the water has to be taken out of the river.

**MOTION:**

**Mr. Zimmer moved to recommend approval of SUP 15:08—, Mr. Gaines seconded.** The motion carried with a vote of 4-1-0. **AYES: Bibb, Zimmer, Johnson & Gaines NAYS: Eager ABSTAIN: None**

**MOTION:**

**Mr. Johnson moved to recommend approval of SUP 15:06 —, Mr. Gaines seconded.** The motion carried with a vote of 4-1-0. **AYES: Bibb, Zimmer, Johnson & Gaines NAYS: Eager ABSTAIN: None**

**Bibb:** Thanked the public for coming tonight

**ZMP 15:02 – Steven L. Peters** - An ordinance to amend the Fluvanna County Zoning Map with respect to 21.5 acres of Tax Map 8, Section A, Parcel A14A to rezone the same from A-1, Agricultural, General to B-1, Business, General (conditional). The affected property is located on the northwest corner of the intersection of Thomas Jefferson Parkway (Route 53), and Lake Monticello Road. The property is located in the Palmyra Election District and is within the Rivanna Community Planning Area.

**Senior Planner Steve Tugwell** conducted a brief presentation and addressed the Board

**Eager:** Asked had Mr. Tugwell spoke with Mr. Wood or just received the email?

**Senior Planner Steve Tugwell:** Advised he only sent the email

**Zimmer:** Advised that Mr. Wood's contingency seems to be that 6 years is not enough to get everything completed.

**Senior Planner Steve Tugwell:** Agreed and advised that is also his understanding from the emails.

**Gaines:** Asked the applicant were they aware of why VDOT didn't think the 6 years was adequate?, Have the two parties been in contact and if so what happened?

**Applicant Justin Shimp:** Offered his understanding of the meeting with VDOT in terms of # of years and funding. Likewise advised the HP2 has been filed and submitted for funding.

**Zimmer:** Clarified this is just a 6 year window to approve funding.

**O'Brien:** Advised that it has been voted on by the Board of supervisors and the majority agrees that it was an important area for safety concerns and putting it on the HP pathway generally expedites the process.

**Eager:** Confirmed with Mr. O' Brien that Rt. 618 was made a priority over Rt. 15 in terms of roundabouts by the Board of Supervisors.

**Public Hearing Comments**

**Chairman Bibb opened the floor for the public hearing section of public comments.**

**Crystal Shifflet: 8268 Thomas Jefferson PKWY**, Explained that her daughter almost wrecked and she has seen so many accidents and the intersection and road needs to be fixed before anything is built. She also explains the geographies around the area and all that has happened in regards to accidents in the area.

**Bibb:** Asked Mr. Shimp what traffic mitigation would be done prior to a roundabout? Turn lanes, sight distances etc.

**Applicant Justin Shimp:** Confirmed that they will have full left and right turn lanes by VDOT standards if the roundabout is not approved or until it is approved.

**Zimmer:** Expressed concerns about conflicting VDOT reports.

**Payne:** Advised a pretty clear issue and spoke about rezoning and explained the choices are to recommend with the proffers as they exist or recommend denial.

**Zimmer:** How are safety concerns going to be addressed until a roundabout can be built?

**Applicant Justin Shimp:** Advised VDOT standards will be followed before the establishment is built, but requiring a roundabout before the business is built is unreasonable.

**Chairman Bibb closed the public hearing section and opened Planning Commission discussion.**

**Bibb:** If this is approved and they get over 20,000 sq. feet after 6 years will they have to come back?

**Payne:** Explained the proffer will have to be amended.

**Eager:** Explained that it seems the applicant would come back if he needed an extension on the proffer.

**MOTION:**

**Mr. Gaines moved to recommend approval of ZMP 1502 –, Mr. Zimmer seconded.** The motion carried with a vote of 5-0-0. **AYES: Bibb, Zimmer, Eager, Johnson & Gaines NAYS: None. ABSTAIN: None**

**ZMP 15:05– Robin M. Travis** - An ordinance to amend the Fluvanna County Zoning Map with respect to 4.688 acres of Tax Map 5, Section A, Parcel 45 to rezone the same from A-1, Agricultural, General to B-1, Business, General. The affected property is located on the north side of Richmond Road (Route 250), approximately .40 miles northwest of its intersection with James Madison Highway (Route 15). The property is located in the Columbia Election District and is within the Zion Crossroads Community Planning Area.

**Senior Planner Steve Tugwell** conducted a brief presentation and addressed the Board

**Applicant:** Declined to speak unless needed.

**Public Hearing Comments**

**Chairman Bibb opened the floor for the public hearing section of public comments.**

**Chairman Bibb closed the public hearing section and opened Planning Commission discussion.**

**Bibb:** Advised it is in a growth area and in the community planning area.

**Eager:** Explanation of a floating zone, however explained that the Board doesn't have the ability to do so at this time.

**Zimmer:** Advised it is exactly what they are looking for in the Zions Cross Roads area.

**MOTION:**

**Mrs. Eager moved to recommend approval of ZMP 1505, Mr. Zimmer seconded.** The motion carried with a vote of 5-0-0. **AYES: Bibb, Zimmer, Johnson, Eager & Gaines NAYS: None. ABSTAIN: None**

**PRESENTATIONS:** None

**UNFINISHED BUSINESS:** None

**NEW BUSINESS:** None

**PUBLIC COMMENTS #2**

Chairman Bibb opened the floor for the second section of public comments.

With no one wishing to speak, Chairman Bibb closed the second public comment section.

**ADJOURN**

There being no further business, Chairman Bibb adjourned the Planning Commission meeting of September 23, 2015 at 10:19 p.m.

Minutes recorded by Deidre Creasy, Senior Program Assistant.

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Barry A. Bibb, Chairman  
Fluvanna County Planning Commission



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# COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

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## STAFF REPORT

**To:** Fluvanna County Planning Commission  
**Case Number:** SUP 15:07  
**Tax Map:** Tax Map 18, Section A, Parcel 12

**From:** Steve Tugwell  
**District:** Cunningham  
**Date:** October 28, 2015

**General Information:** This request is to be heard by the Planning Commission on Wednesday, October 28, 2015 at 7:00 p.m. in the Circuit Court Room in the Courts Building.

**Owner/Applicant:** Richard T. Harry

**Representative:** Raymond Goffin

**Requested Action:** Request for a special use permit to allow for an outdoor recreational facility and small restaurant with respect to 46.02 acres of Tax Map 18, Section A, Parcel 12. The applicant is proposing to operate an outdoor recreational facility. (Attachment A)

**Location:** The affected property is located on the northern side of Route 619 (Ruritan Lake Road), approximately one-half mile northwest of its intersection with Route 660 (Sclaters Ford Road). (Attachment B)

**Existing Zoning:** A-1, Agricultural, General (Attachment C)

**Planning Area:** Rural Residential Planning Area

**Existing Land Use:** Vacant

**Adjacent Land Use:** The surrounding parcels are zoned A-1

**Zoning History:** None

## **Comprehensive Plan:**

### **Land Use:**

This property is located in the Rural Residential Planning Area. Rural residential areas are closely linked to the rural cluster community element and generally surround the six identified growth areas, or community planning areas. Rural residential areas are intended to conserve open space by clustering development, or developing on larger lots. Regardless of the type of development, the project should achieve the goal of preserving as much open space, and thus rural character, as possible. The open space should be strategically located to preserve viewsheds from roads and existing developments, and to be used by the residents of the planned community. Open spaces in subdivisions should be available to the community, be available for rural uses such as farming, wildlife, and recreation, and minimize or exclude utilities such as wells and septic fields or reserve areas. Streets are neighborhood streets within developments, or rural roads. Commercial and multifamily developments are limited, neighborhood-oriented, and smaller in scale. While this is a predominately residential area, the building on this parcel has been used for commercial.

## **ECONOMIC DEVELOPMENT**

Goal number two under the Course of Action section in the Economic Development chapter states that the county wants to utilize the county's natural resources, culture, and historic and recreational sites to capitalize on heritage, ecological, and recreational tourism, as well as attracting visitors.

Goal number three says to support the development of local economies, locally owned businesses, and entrepreneurial opportunities; particularly those that are of rural character and will require little provision of infrastructure.

### **Analysis:**

The applicant is proposing to have an outdoor recreation facility that will consist of a running track, pavilion, community garden area, green house, and a small restaurant. Outdoor recreation facilities are allowed by special use permit in the A-1 zoning district, and are defined in the ordinance as, *“predominately participant uses conducted in open or partially enclosed or screened facilities, but not including public facilities. Typical uses include, but are not limited to, golf courses, driving ranges, tennis courts, motorized cart and motorcycle tracks, paintball facilities, swimming pools, and athletic ball fields.”* The applicant has stated that he intends on opening up this facility to paying patrons, for which the fees are yet to be determined, but may be based on garden plots and seasons of the year. Mr. Goffin has stated that he intends on forming a committee to determine a fee schedule and by-law structure for the facility.

According to the application, the grounds will facilitate care-takers quarters, equipment shed for gas-diesel oil running machinery, equipment area, small pavilion shelter and gazebo, an outdoor trail, picnic areas, and a small café that will serve food and refreshments. As part of this application, Mr. Goffin is also requesting approval of a small restaurant, which is allowed by special use permit in the A-1 zoning district and defined as, *“an establishment engaged in the preparation of food and beverages containing no more than 2,000 gross square feet and typically characterized by table service to customers.”* If approved, the site would be developed

in phases, and would require site plan approval. Primary access to this facility will be from Route 53 (Thomas Jefferson Parkway), and VDOT and the Health Department will also be required to approve the site plan. (Attachment D)

**First, the proposed use should not tend to change the character and established pattern of the area or community.**

The proposed location for the outdoor recreational facility is a 46 acre parcel situated on the north side of Route 619 (Ruritan Lake Road). The applicant has stated in his application that he intends on maintaining a 50-foot buffer on the northern side of the property, and he plans on building a six (6) foot tall fence adjacent to the AFD (Agricultural & Forestal) district property located to the north. The proposed use and type of improvements may be compared to what would be seen in a park-like setting, or an agricultural operation with farm-related buildings, which is consistent with the rural character of the community.

**Second, the proposed use should be compatible with the uses permitted by-right in that zoning district and shall not adversely affect the use/or value of neighboring property.**

Outdoor recreation is allowed by special use permit in the A-1 zoning district. The nearest dwelling is approximately 360 feet away from the western property line, and the applicant's sketch plan shows a proposed 50-75 foot buffer along this property line. The proposed outdoor recreation facility could be compared to a public park, which is a by-right use in the A-1 zoning district. The small restaurant portion of this request will be limited to 2,000 square feet or less, as defined in the zoning ordinance.

**Neighborhood Meeting:**

There were approximately five (5) attendees at the September 9, 2015 Neighborhood meeting.

**Technical Review Committee:**

At the September 10, 2015 Technical Review Committee meeting, the following comments were generated:

1. VDOT stated the following:
  - Provide an entrance analysis for the proposed Outdoor Recreation Facility along with the recommended road improvements to support the proposed development, VDOT will review the entrance analysis and provide comments if applicable. Base traffic volumes for the study off of VDOT's 2014 Traffic Data (6,900 AADT) and use International Traffic Engineers Trip Generation, 9<sup>th</sup> Edition.
  - Rte. 53 is a Major Collector and this section of road (6,900 AADT) has a posted speed limit of 55 mph which requires a minimum of 610 ft. of Intersection Sight Distance for a standard commercial entrance. Based on the location of the existing entrance for the 50 ft. R/W to TMP 18-A-12 it does not appear that the 610 ft. of Intersection Sight Distance can be obtained at this location as the Rte. 53 horizontal and vertical road geometry to the

north will not allow it. If the proposed traffic generation as per ITE 9<sup>th</sup> Edition qualifies for a low volume commercial entrance (maximum 50 VPD = 25 vehicles in and 25 vehicles out), then a minimum of 495 ft. of Stopping Sight Distance is required. In order to achieve 495 ft. of Stopping Sight Distance at this location, a sight easement and clearing will be required to the south of the existing entrance and a sight easement may be required to the north as well. Graphically demonstrate (horizontally and vertically) that the proposed commercial entrance provides the minimum Intersection Sight Distance or Stopping Sight Distance as applicable (height of eye = 3.5 ft., height of object = 3.5 ft. and 14.5 ft. off edge of pavement). The existing entrance road is gravel and steep, the entrance will need to be improved and paved to serve the Outdoor Recreation facility.

- Rte. 619 is a Rural Minor Collector and this section of road (1,400 AADT) has a posted speed limit of 45 mph which requires a minimum of 500 ft. of Intersection Sight Distance for a standard commercial entrance or a minimum of 360 ft. of Stopping Sight Distance for a low volume commercial entrance. I made a site visit, however, I was unable to determine where the entrance off Rte. 619 is located that connects to the "existing road" shown on the sketch site plan.

2. CVEC had no comments.
3. The Fire Chief stated that
  - (1) Roadway to be 18' or wider for apparatus ingress and egress.
  - (2) Roadway turns to be reasonable. i.e. no 90 degree turns.
  - (3) Cul-de-sacs to be 100' diameter.
  - (4) Limbs and/or obstructions to be removed above roadway a minimum of 14' to allow apparatus access. i.e. Apparatus are 10' 6" tall.
4. Health Dept. stated that Mr. Goffin has been in contact with the health department to determine what is needed to meet our requirements and has submitted preliminary soil studies for what he is proposing. His submittal was reviewed and found to be adequate.

(Attachment E)

**Conclusion:**

The Planning Commission should consider any potential adverse impacts, such as traffic entering and exiting the property, noise, or dust.

**Recommended Conditions:**

If approved Staff recommends the following conditions:

1. Prior to development of the site, a site development plan that meets the requirements of the Fluvanna County Zoning Ordinance, must be submitted for review and approval.
2. The site must meet all Virginia Department of Transportation requirements.
3. The site must meet the requirements set forth by the Virginia Department of Health.
4. The property shall be maintained in a neat and orderly manner so that the visual appearance from the road and adjacent properties is acceptable to County officials.
5. Hours of operation shall be Monday through Sunday 6:00 a.m. to 10:30 p.m. May 1<sup>st</sup> through September 30<sup>th</sup>, and 8:00 a.m. to 10:00 p.m. October 1<sup>st</sup> through April 30<sup>th</sup>.
6. The Board of Supervisors, or its representative, reserves the right to inspect the business for compliance with these conditions at any time.
7. Any noise generated by the activity on this site shall be limited to the maximum decibel level allowed by Sec. 15.1-9 A. d. of the County Code.
8. Under Sec. 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.

**Suggested Motion:**

I move that the Planning Commission recommend approval/denial of SUP 15:07, a special use permit request to allow for an outdoor recreational facility and small restaurant with respect to 46.02 acres of Tax Map 18, Section A, Parcel 12, [if approved] subject to the eight (8) conditions listed in the staff report.

**Attachments:**

- A – Application & APO Letter, written permission from owner to apply for a SUP
- B – Aerial Map
- C - Zoning Map
- D – Applicant’s sketch
- E – TRC comment letter and emails

Copy:

Owner – R.T. Harry, 467 Martin Kings Road, Charlottesville, VA 22902

Applicant – Raymond Goffin via email – [raymondgoffin@yahoo.com](mailto:raymondgoffin@yahoo.com)

File



COMMONWEALTH OF VIRGINIA  
COUNTY OF FLUVANNA

Application for Special Use Permit (SUP)

Received

AUG 28 2015

Planning Dept.

Owner of Record: Raymond Goffin Applicant of Record: SAME  
 E911 Address: 3306 Winchester Ave E911 Address: \_\_\_\_\_  
 Phone: 304 279 7362 Fax: Martinburg WV 25405 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email: RaymondGoffin@yahoo.com Email: \_\_\_\_\_  
 Representative: \_\_\_\_\_  
 E911 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email: \_\_\_\_\_  
 Note: If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.  
 Is property in Agricultural Forestal District?  No  Yes  
 If Yes, what district: N/A  
 Tax Map and Parcel(s): 18-A-12 Deed Book Reference: DB 261-773  
 Acreage: 46.02 Zoning: \_\_\_\_\_ Deed Restrictions?  No  Yes (Attach copy)  
 Request for a SUP in order to: \_\_\_\_\_ Proposed use of Property: \_\_\_\_\_

\*Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

Date: 8-28-2015 Signature of Owner/Applicant: Raymond G. Goffin  
 Subscribed and sworn to before me this 28<sup>th</sup> day of August, 2015  
 Notary Public: Deidre Trinette Greasy Register # 7618135  
 My commission expires: 03/31/2018  
 Certification: Date: \_\_\_\_\_  
 Zoning Administrator: \_\_\_\_\_



All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

OFFICE USE ONLY			
Date Received: <u>8/28/15</u>	Pre-Application Meeting: <input checked="" type="checkbox"/>	PH Sign Deposit Received: <input checked="" type="checkbox"/>	Application #: SUP <u>15-007</u>
\$800.00 fee plus mailing costs paid:		Mailing Costs: \$20.00 Adjacent Property Owner (APO) after 1st 15, Certified Mail	
Amendment of Condition: \$400.00 fee plus mailing costs paid:			
Telecommunications Tower \$1,500.00 fee plus mailing costs paid:		\$5,500 w/Consultant Review paid:	
Election District: <u>Cunningham</u>	Planning Area: <u>Rural Residential</u>		
Public Hearings			
Planning Commission		Board of Supervisors	
Advertisement Dates: <u>Oct 15<sup>th</sup> &amp; 22<sup>nd</sup> (out)</u>	Advertisement Dates: <u>Nov 5<sup>th</sup> &amp; 12<sup>th</sup> (out)</u>		
APO Notification: <u>Oct 17<sup>th</sup></u>	APO Notification: <u>Nov 2<sup>nd</sup></u>		
Date of Hearing: <u>Oct 28<sup>th</sup></u>	Date of Hearing: <u>Nov 18<sup>th</sup></u>		
Decision: _____	Decision: _____		

Received

AUG 28 2015



COMMONWEALTH OF VIRGINIA  
COUNTY OF FLUVANNA  
Public Hearing Sign Deposit

Planning Dept.

Name: Raymond Goffin  
Address: 3306 Winchester Ave  
City: Martinsburg WV 25405  
State: West Virginia Zip Code: 25405

I hereby certify that the sign issued to me is my responsibility while in my possession.  
Incidents which cause damage, theft, or destruction of these signs will cause a partial or full  
forfeiture of this deposit.

Raymond Goffin 8-28-2015  
Applicant Signature Date

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

OFFICE USE ONLY	
Application #: BZA _____ : CPA _____ : SUP <u>15</u> : <u>001</u> ZMP _____ : ZTA _____ :	
\$90 deposit paid per sign*: <u>✓ #1636</u>	Approximate date to be returned: <u>Nov 19th 2015</u>

Describe briefly the **improvements** proposed. State whether new buildings are to be constructed, **existing** buildings are to be used, or additions made to existing buildings.

Community Garden area, Walking track, Meeting room and supplies, Office, care taker quarters, Green houses, Pavilion shelter-sitting area, Equipment shed for Gas-diesel-oil running machines, equipment area to fix and work shop, small pavilion shelter and Gazebo, outdoor trail, round about with flag pole, tables for picnic area, sheds, small under two thousand square foot Café food. Bathroom-sink area. Therapeutic office

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

Proposed site has been cleared. There are no buildings existing at this forty six acre site. There is a well with a concrete cover twelve by twelve foot. The site will propose a community garden area and walking track for around the year use.

**PROTECTION OF ADJOINING PROPERTY:** Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

Property corner are stacked and well marked. A 50 foot buffer will be used on the North end of the property. A 6 foot high fence will be installed along the AG forestall district property. A buffer zone of 50-75 foot of no building structures or any permanent item, except sign for hazard or information. A 6 foot fence may eventually be installed at the property line.

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

Community gardens and walking track increase a sense of community ownership and stewardship and foster the development of a community identity and spirit. Community gardens offer a unique cultural exchange over generations and offer opportunities to teach youth the skills needed for the growth of food, from planning, working, practical math skills involved, the importance of community involvement, stewardship issues of environmental sustainability to possible job and life skills. This plan offers a healthy, inexpensive activity for generations to bring them closer to nature and may donate many pounds of fresh produce to food pantries to help alleviate hunger. Exposure to green space reduces stress and increases a sense of wellness and belonging.

**PLAN:** Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings on the site, roadways, walks, off-street parking and loading space, landscaping, etc. Architect's sketches showing elevations of proposed buildings and complete plans are desirable and may be required with the application. Remarks:

Community Garden area as need, up to eighteen acres. Pavilion shelter forty by eighty foot. Gas, diesel, oil equipment storage forty by sixty foot. Office, garage and care taker facility eighty by one hundred foot. Green house dome fifty by fifty or forty by ninety foot. Water pump shed for well water pump twenty five by twenty. Walking track one hundred sixty by two hundred twenty

# Memorandum

DATE: October 16, 2015  
RE: Planning Commission APO Letter  
TO: Jason Stewart  
FROM: Deidre Creasy

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the October 28, 2015 Planning Commission Meeting.



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**COUNTY OF FLUVANNA**

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*“Responsive & Responsible Government”*

*P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.fluvannacounty.org*

**NOTICE OF PUBLIC HEARING**

October 5, 2015

«Owner»

«Address»

«City\_State» «Zip\_Code»

TMP# «TMP»

**Re: Public Hearing on SUP 15:07**

Dear «Owner»:

This letter is to notify you that the Fluvanna County Planning Commission will hold a public hearing on the above referenced item on **Wednesday, October 28, 2015 at 7:00 PM** in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, VA. The request is described as follows:

**SUP 15:07– Raymond Goffin** - A request for a special use permit to operate an outdoor recreation facility with respect to 46.02 acres of Tax Map 18, Section A, Parcel 12. The property is currently zoned A-1 (Agricultural, General) and is located on the northern side of State Route 619 (Ruritan Lake Road) approximately one-half mile northwest of its intersection with Sclaters Ford Road. The property is located within the Cunningham Election District and is within the Rural Residential Planning Area.

The applicant or applicant’s representative must be present at the Board of Supervisors meeting. The tentative agenda and staff report will also be available for review by the public in the Fluvanna County Planning and Community Development Department during working hours (8:00 a.m. – 5:00 p.m., Monday through Friday). If you have any questions, please feel free to contact me at 434–591–1910.

Sincerely,

Jason Stewart, Planning and Zoning Administrator

## SUP 15:07 Goffin

TMP		Name	Address	City, State	Zip
18	A	11 Elizabeth Sadler Et. Al	3687 Thomas Jefferson PKWY	Palmyra, Va	22963
18	A	12 Richard & Donna Harry	467 Martin Kings Rd	Charlottesville, Va	22902
18	A	13 james Musselman	3607 Thomas Jefferson PKWY	Palmyra, Va	22963
17	4	5 Jeanie Stafford	3033 Oakleigh Cove	Germantown, Tn	38138
18	A	14 David Wood	3383 Thomas Jefferson PKWY	Palmyra, Va	22963
17	4	5A Erika Eubanks	4745 Ruritan Lake Rd	Palmyra, Va	22963
17	4	6 Gwendolyn Sprouse	6 Cedar Hill Rd	Palmyra, Va	22963
29	A	5 David Wood	3383 Thomas Jefferson PKWY	Palmyra, Va	22963

Received

OCT 22 2015

Planning Dept.

Attachment A  
RT HARRY

467 MARTIN KINGS ROAD  
22902  
CHARLOTTESVILLE, VA. ~~22901~~

27 AUGUST 2015

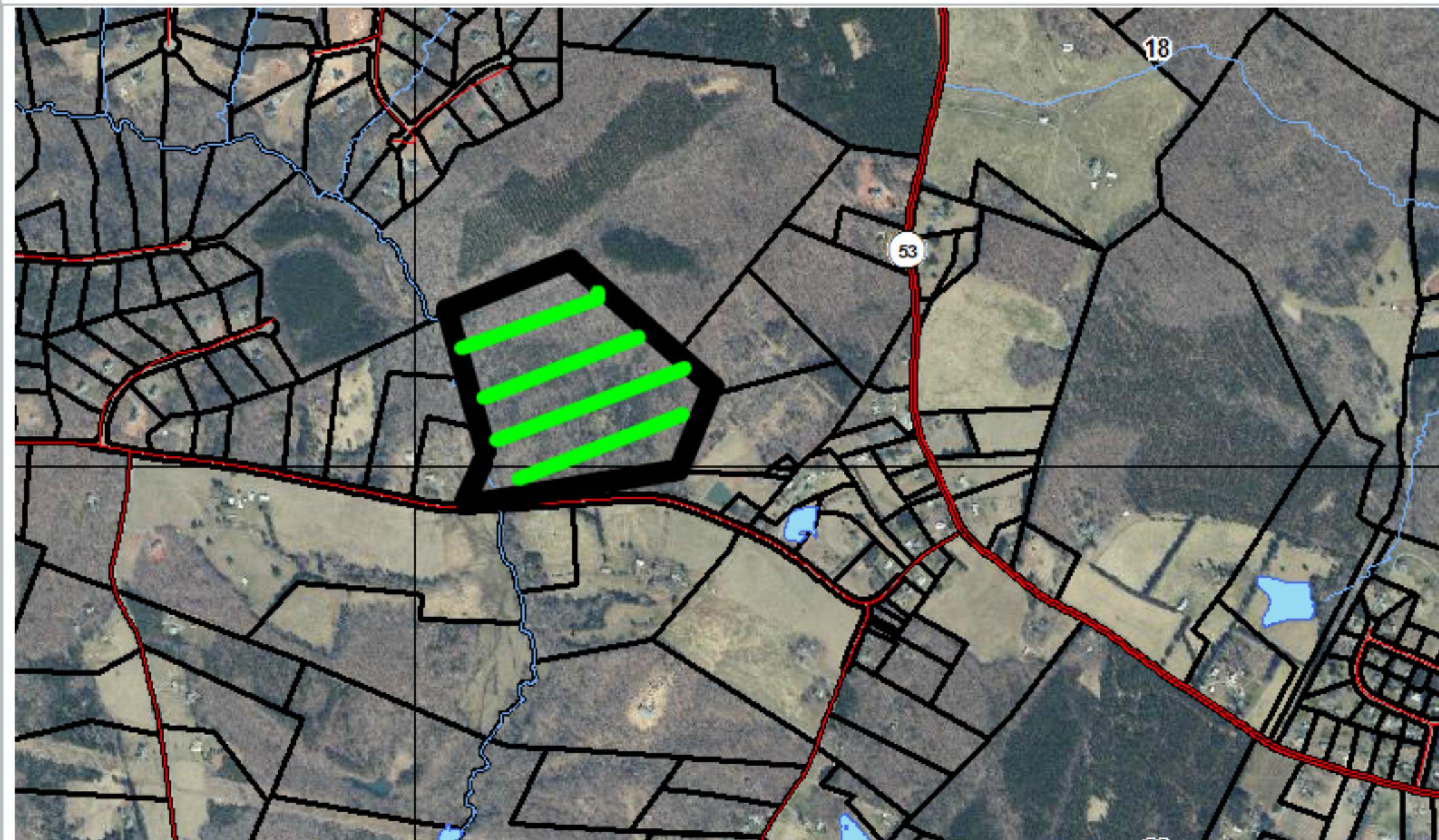
TO Whom IT may CONCERN:

RAYMOND GOFFIN IS CURRENTLY UNDER  
CONTRACT TO BUY 46 ACRES AT CUNNINGHAM  
He HAS THE RIGHT TO APPLY FOR A SUP  
PERMIT AND DO WHAT IS NECESSARY TO  
EXPEDITE HIS PLANS FOR THE PROPERTY.  
ONCE THE PERMIT IS GRANTED MR. GOFFIN  
WILL GO TO CLOSING.

RT Harry  
Denna Harry

434-589-4710

804-382-3616

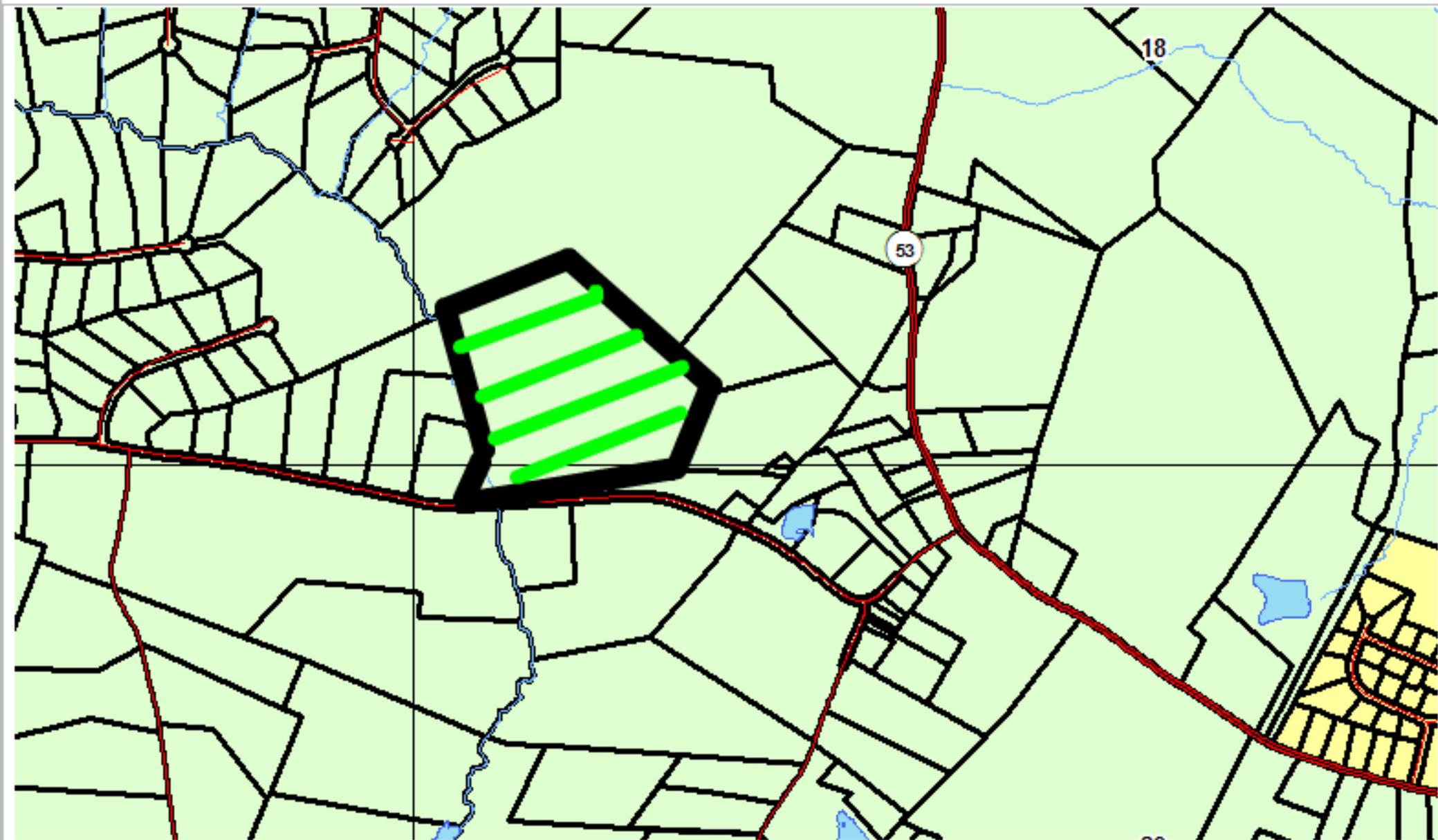


Scale: 1:18055.954822

Date: 10/22/2015

Printed By:

Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the internet is specifically authorized by the Code of Virginia §58.1-3122.2(as amended).

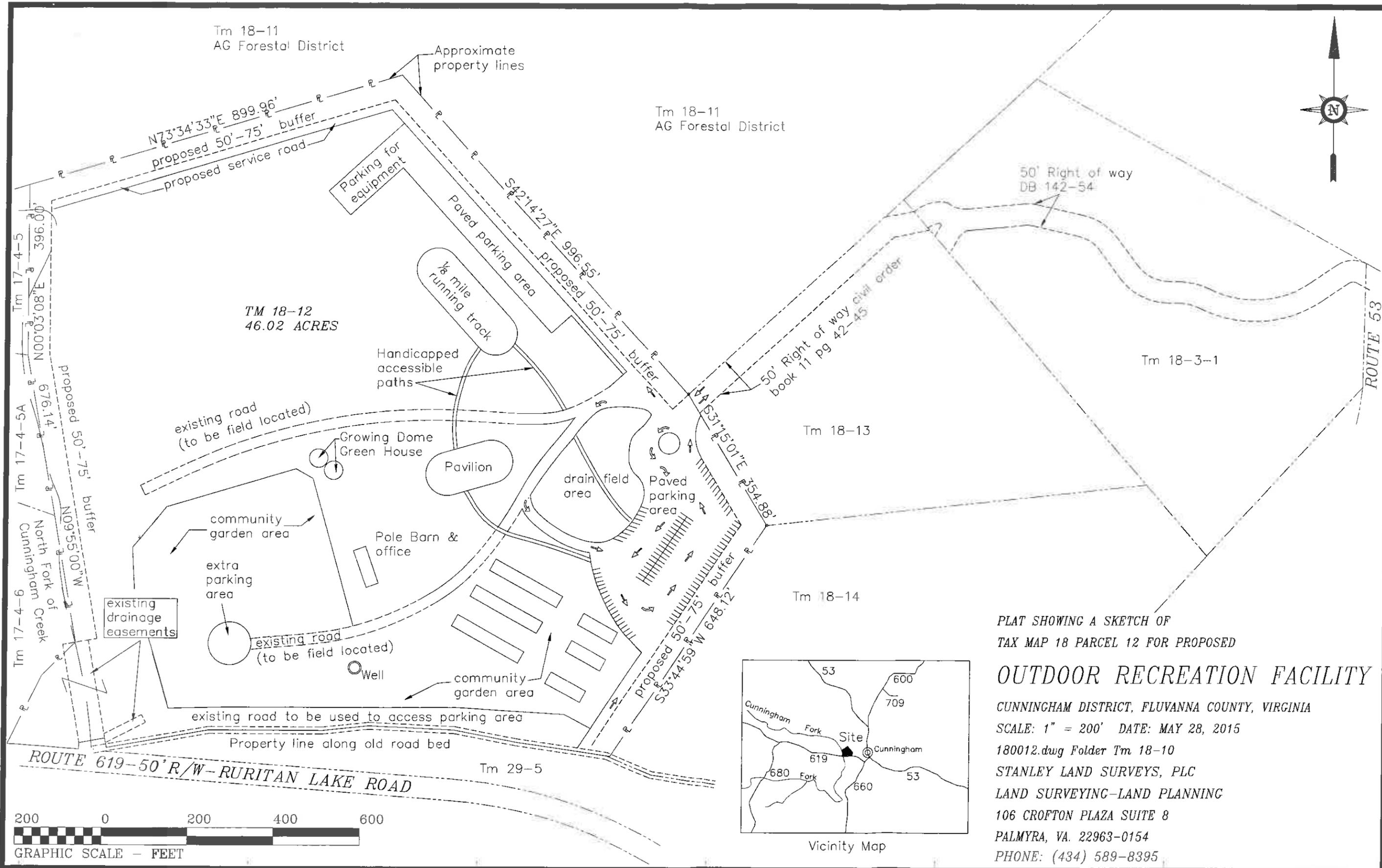


Scale: 1:18055.954822

Date: 10/22/2015

Printed By:

Under Virginia State Law, these real estate assessment records are public information. Display of this property information on the internet is specifically authorized by the Code of Virginia §58.1-3122.2(as amended).



PLAT SHOWING A SKETCH OF  
TAX MAP 18 PARCEL 12 FOR PROPOSED

### OUTDOOR RECREATION FACILITY

CUNNINGHAM DISTRICT, FLUVANNA COUNTY, VIRGINIA

SCALE: 1" = 200' DATE: MAY 28, 2015

180012.dwg Folder Tm 18-10

STANLEY LAND SURVEYS, PLC

LAND SURVEYING-LAND PLANNING

106 CROFTON PLAZA SUITE 8

PALMYRA, VA. 22963-0154

PHONE: (434) 589-8395




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## COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 [www.co.fluvanna.va.us](http://www.co.fluvanna.va.us)

September 15, 2015

Raymond Goffin  
3306 Winchester Avenue  
Martinsburg, WV 25405

Delivered via email

**Re: SUP 15:07 Raymond Goffin special use permit request for an outdoor recreational facility and small restaurant**

**Tax Map:** 18, Section A, Parcel 12

Dear Mr. Goffin:

The following comments are the result of the Technical Review Committee meeting that was held on Thursday, September 10, 2015.

1. VDOT stated the following:

-Provide an entrance analysis for the proposed Outdoor Recreation Facility along with the recommended road improvements to support the proposed development, VDOT will review the entrance analysis and provide comments if applicable. Base traffic volumes for the study off of VDOT's 2014 Traffic Data (6,900 AADT) and use International Traffic Engineers Trip Generation, 9<sup>th</sup> Edition.

-Rte. 53 is a Major Collector and this section of road (6,900 AADT) has a posted speed limit of 55 mph which requires a minimum of 610 ft. of Intersection Sight Distance for a standard commercial entrance. Based on the location of the existing entrance for the 50 ft. R/W to TMP 18-A-12 it does not appear that the 610 ft. of Intersection Sight Distance can be obtained at this location as the Rte. 53 horizontal and vertical road geometry to the north will not allow it. If the proposed traffic generation as per ITE 9<sup>th</sup> Edition qualifies for a low volume commercial entrance (maximum 50 VPD = 25 vehicles in and 25 vehicles out), then a minimum of 495 ft. of Stopping Sight Distance is required. In order to achieve 495 ft. of Stopping Sight Distance at this location, a sight easement and clearing will be required to the south of the existing entrance and a sight easement may be required to the north as well. Graphically demonstrate (horizontally and vertically) that the proposed commercial entrance provides the minimum Intersection Sight Distance or Stopping Sight Distance as applicable (height of eye = 3.5 ft., height of object = 3.5 ft. and 14.5 ft. off edge of pavement). The existing entrance road is gravel and steep, the entrance will need to be improved and paved to serve the Outdoor Recreation facility.

- Rte. 619 is a Rural Minor Collector and this section of road (1,400 AADT) has a posted speed limit of 45 mph which requires a minimum of 500 ft. of Intersection Sight Distance for a standard commercial entrance or a minimum of 360 ft. of Stopping Sight Distance for a low volume commercial entrance. I made a site visit, however, I was unable to determine where the entrance off Rte. 619 is located that connects to the "existing road" shown on the sketch site plan.

2. CVEC had no comments.

3. The Fire Chief stated that

- (1) Roadway to be 18' or wider for apparatus ingress and egress.
- (2) Roadway turns to be reasonable. i.e. no 90 degree turns.
- (3) Cul-de-sacs to be 100' diameter.
- (4) Limbs and/or obstructions to be removed above roadway a minimum of 14' to allow apparatus access. i.e. Apparatus are 10' 6" tall.

4. Health Dept. stated that Mr. Goffin has been in contact with the health department to determine what is needed to meet our requirements and has submitted preliminary soil studies for what he is proposing. His submittal was reviewed and found to be adequate.

The Planning Commission will have a meeting to discuss this item at their Wednesday, October 28, 2015 meeting. Your attendance is required at this meeting.

If you have any questions or need additional information, please contact me at 434-591-1910.



Sincerely,

Steve Tugwell  
Senior Planner  
Dept. of Planning & Community Development

Copy:

Owner – R.T. Harry, 467 Martin Kings Road, Charlottesville, VA 22902

Applicant – Raymond Goffin via email – [raymondgoffin@yahoo.com](mailto:raymondgoffin@yahoo.com)

File



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# COUNTY OF FLUVANNA

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## STAFF REPORT

**To:** Fluvanna County Planning Commission  
**Case Number:** SUP 15:09  
**Tax Map:** Tax Map 18A, Section 4, Parcel 13A

**From:** Steve Tugwell  
**District:** Palmyra  
**Date:** October 28, 2015

**General Information:** This request is to be heard by the Planning Commission on Wednesday, October 28, 2015 at 7:00 pm in the Circuit Court Room in the Courts Building.

**Owner/Applicant:** Roundtop Limited Partnership

**Representative:** Joyce Parr

**Requested Action:** Request to amend Special Use Permit SUP 14:04 to allow for an expansion of the educational facility to 75 occupants in 6 Centre Ct., and 49 occupants in 7 Centre Ct. with respect to 6.343 acres of a portion of Tax Map 18A, Section 4, Parcel 13A. (Attachment A)

**Location:** The affected property is located within the Lake Centre Shopping Center at Center Court, Palmyra on the northwest side of the intersection of Slice Road and South Boston Road (route 600), approximately 500 feet from that intersection. (Attachment B)

**Existing Zoning:** B-1, Business, General (Attachment C)

**Planning Area:** Rivanna Community Planning Area

**Existing Land Use:** The parcel is approximately 6.343 acres within the Lake Centre Shopping Center at Center Court, Palmyra.

**Adjacent Land Use:** The surrounding area is zoned R-4, Residential, Limited.

**Zoning History:** The parcel was rezoned from A-1 to B-1 in 1991. Two site development plans were approved for a daycare center and retail, respectively, in 1991. A special use permit was issued in 2003 for the siting of a cellular communications tower.

## **Comprehensive Plan:**

### **VISION 2029**

The vision for Fluvanna County is based on key goals such as “preserving the rural character, promote economic development and protect individual property rights”.

### **ECONOMIC DEVELOPMENT**

Goal 3: *To protect rural areas through economic development.*

Implementation Strategy 3. Support the development of local economies, locally owned businesses, and entrepreneurial opportunities, particularly those that are of rural character and will require little provision of infrastructure.

### **Analysis:**

Due to a positive response from the community leading to an increase in enrollment, The Light Academy is requesting to amend their existing special use permit (SUP 14:04) to allow for additional students. The Light Academy has acquired the adjoining tenant space (7 Centre Court), and therefore would like to amend their SUP to allow an increase in the number of students, which will align to the building, fire, and occupancy codes. This translates into 75 occupants for their existing space (6 Centre Court), and 49 occupants for the proposed adjoining space (7 Centre Court). This will bring the total number of occupants to 124.

According to their application, acquisition of the adjoining tenant space will enable The Light Academy to continue to grow and to accommodate class parties, recitals, speakers, and special classes. The Light Academy is working closely with the other neighboring businesses to provide them food for lunches, vision screening for students from a local optometrist, as well as other special classes and athletic dance classes. (Attachment D)

When evaluating proposed uses for a special use permit, in addition to analyzing the potential adverse impacts of the use, staff utilizes two (2) general guidelines for evaluation as set forth in the zoning ordinance.

#### **First, the proposed use should not tend to change the character and established pattern of the area or community.**

The educational facility is located on a 6.34 acre parcel, within an existing shopping center. The surrounding area features a mix of residential, business, and agricultural uses. Based on reports from the applicant regarding the academy’s first-year progress, it appears they have been working harmoniously with neighbors and businesses, and become a good fit in Lake Monticello community. Therefore, the established pattern of the community has not been altered or changed since they have been located there.

#### **Second, the proposed use should be compatible with the uses permitted by-right in that zoning district and shall not adversely affect the use/or value of neighboring property.**

The educational facility is located in an existing shopping center in B-1 zoning. Neighboring properties include a dance studio, a restaurant, and a pre-school. There are other commercial uses

nearby, and the residential uses do not appear to have been adversely affected by the operation of the educational facility, in fact by all accounts they have been enhanced.

**Neighborhood Meeting:**

There were five (5) attendees at the September 9<sup>th</sup>, 2015 neighborhood meeting.

**Technical Review Committee:**

At the September 10<sup>th</sup>, 2015 Technical Review Committee meeting:

1. Aqua Virginia stated that the site is served by public water and sewer, and at this time there is sufficient capacity for this use;
2. VDOT stated that The Light Academy is currently approved for 50 students and they are requesting an increase to a maximum occupancy of 124 students. The proposed expansion will involve utilizing the existing commercial space formerly used by Angel's School of Dance (7 Centre Ct.). The Light Academy's application indicates that their hours of operation vary with the peak times for the Dogwood Restaurant and they have an organized car line for pickup of students. In addition, there is an existing traffic signal with left and right turn lanes at the intersection of Rte. 600 and Slice Road. VDOT does not object to expanding the size of the school.
3. Central VA Electric Cooperative stated that they have no concerns with the project;
4. The Fire Chief said that if pull Station installed, request that there should be a minimum of three Key Holders established to respond to Alarm Activations to give the FD access to building. Key Holders should not have more than 20 min. response time to facility.

The full list of Technical Review Committee comments is attached to this staff report. (Attachment E)

**Conclusion:**

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

**Recommended Conditions**

If approved, Staff recommends the following conditions:

1. The maximum number of students enrolled at this facility during the academic school year shall be 116.
2. The regular school hours of operation shall be 8am to 4 pm Monday through Friday.
3. The Board of Supervisors, or representative, reserves the right to inspect the business for compliance with these conditions at any time.
4. Under Sec. 22-17-4 F (2) of the Fluvanna County Code, the Board of Supervisors has the authority to revoke a Special Use Permit if the property owner has substantially breached the conditions of the Special Use Permit.

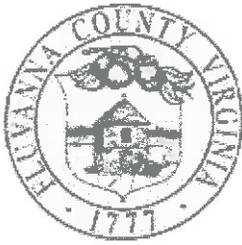
**Suggested Motion:**

I move that the Planning Commission recommend [approval/denial] of SUP 15:09, a request to amend Special Use Permit SUP 14:04 to allow for an expansion of the educational facility to 75 occupants in 6 Centre Ct., and 49 occupants in 7 Centre Ct. with respect to 6.343 acres of a portion of Tax Map 18A, Section 4, Parcel 13A [if approved], with respect to a portion of 6.34 acres of Tax Map 18A, Section 4, Parcel 13A, with the four (4) conditions as described in the staff report.

**Attachments:**

- A – Application, APO Letter, and property owner’s permission letter
- B – Zoning map
- C – Aerial Vicinity Map
- D – Applicant’s sketch
- E – TRC Comment Letter, Health Dept. memo, and applicant’s response letter

Cc: Rountop Limited Partnership, 2246 Ivy Road, Suite 5, Charlottesville, VA 22903  
Ms. Joyce Parr, 13 Woodlawn Drive, Palmyra, VA 22963  
File



COMMONWEALTH OF VIRGINIA  
COUNTY OF FLUVANNA

Received

Application for Special Use Permit (SUP) 1 2015

Planning Dept.

**Owner of Record:** Rountop Limited Partnership  
E911 Address: 2246 Ivy Rd., Suite 5, Charlottesville, VA 22903  
Phone: 434-976-0568 Fax: 434-979-4421  
Email: jeepnewman@aol.com

**Applicant of Record:** Joyce Parr  
E911 Address: 13 Woodlawn Dr., Palmyra, VA 22963  
Phone: 434-906-6769 Fax:  
Email: thelightacademyva@gmail.com

**Representative:** General Partner - James W. Newman Jr.  
E911 Address: same as above  
Phone: same as above Fax: same as above  
Email: same as above

**Note:** If applicant is anyone other than the owner of record, written authorization by the owner designating the applicant as the authorized agent for all matters concerning the request shall be filed with this application.

Is property in Agricultural Forestal District?  No  Yes  
If Yes, what district:

**Tax Map and Parcel(s):** 18A 4 13A **Deed Book Reference:** 371-856 383-188

**Acreage:** 6.34 **Zoning:** B1 **Deed Restrictions?**  No  Yes (Attach copy)

**Request for a SUP in order to:** operate a school **Proposed use of Property:** educational facility

\*Two copies of a plan must be submitted, showing size and location of the lot, dimensions and location of the proposed building, structure or proposed use, and the dimensions and location of the existing structures on the lot.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the board of Supervisors during the normal discharge of their duties in regard to this request and acknowledges that county employees will make regular inspections of the site.

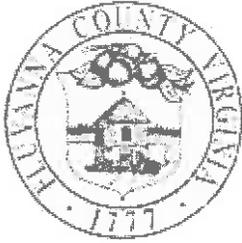
Date: 9/01/15 Signature of Owner/Applicant: *Joyce Parr*  
Subscribed and sworn to before me this 1st day of September, 2015  
Notary Public: *[Signature]* Register # 7188390  
My commission expires: 09/30/2016



Certification: Date: \_\_\_\_\_  
Zoning Administrator: \_\_\_\_\_

All plats must be folded prior to submission to the Planning Department for review. Rolled plats will not be accepted.

OFFICE USE ONLY	
Date Received: 9-01-15 Pre-Application Meeting:	PH Sign Deposit Received: Application #: SUP 15 : 009
\$800.00 fee plus mailing costs paid:	Mailing Costs: \$20.00 Adjacent Property Owner(APO) after 1st 15, Certified Mail
Amendment of Condition: \$400.00 fee plus mailing costs paid:	V# 1212
Telecommunications Tower \$1,500.00 fee plus mailing costs paid:	\$5,500 w/Consultant Review paid:
Election District: Palmyra	Planning Area: R1000 CPA
Public Hearings	
Planning Commission	Board of Supervisors
Advertisement Dates: Oct 5th (16th & 23rd)	Advertisement Dates: <del>Oct 5th</del> Oct 26th (Nov 5th & 12th)
APO Notification: Oct 12th	APO Notification: Nov 2nd
Date of Hearing: Oct 29th	Date of Hearing: Nov 19th
Decision:	Decision:



COMMONWEALTH OF VIRGINIA  
COUNTY OF FLUVANNA  
Public Hearing Sign Deposit

Received

SEP 01 2015

Planning Dept.

Name: Joyce Parr

Address: 13 Woodlawn Dr.

City: Palmyra

State: VA Zip Code: 22963

I hereby certify that the sign issued to me is my responsibility while in my possession. Incidents which cause damage, theft, or destruction of these signs will cause a partial or full forfeiture of this deposit.

Joyce Parr 9/01/15  
Applicant Signature Date

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

OFFICE USE ONLY	
Application #: BZA _____ : CPA _____ : SUP <u>15</u> : <u>009</u> ZMP _____ : ZTA _____ :	
\$90 deposit paid per sign*: <u>✓ #1213</u>	Approximate date to be returned: <u>Nov 19<sup>th</sup> 2015</u>

Received

SEP 01 2015

Planning Dept.

Describe briefly the **improvements** proposed. State whether new buildings are to be constructed, existing buildings are to be used, or additions made to existing buildings.

We have acquired the commercial space next to us, 7 Centre Ct. (formerly Angell's School of Dance) nearly doubling our space. Therefore, we are seeking an amendment to our Special Use Permit that is in alignment to the building and fire occupancy and codes which is 75 occupants in 6 Centre Ct. (with an installed fire alarm system) and 49 occupants in 7 Centre Ct.

---

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

The community has responded enthusiastically to The Light Academy approach. Our enrollment has doubled for our second school year, and we currently have 45 students who attend daily. As noted above, we have added 7 Centre Ct. to accommodate this growth and allow room to grow further. We would like to be able to hold assemblies (class parties, recitals, special speakers, special classes, etc.) to invite parents, home school families, and visitors to our school. We are seeking to have our Special Use Permit in alignment with the building and fire occupancy and codes.

---

**PROTECTION OF ADJOINING PROPERTY:** Describe the effects of the proposed use on adjacent property and the surrounding neighborhood. What protection will be offered adjoining property owners?

We have worked with our neighbors to create a vibrant community. Our hours of operation vary from the Dogwood Restaurant's busy times. Our parents drop off students in an organized car line and are gone before Weiss Optometrists open. In the afternoons, parents pick up in an organized car line which is done in 5-7 minutes. (Attachment A)

We work cooperatively with our neighbors – the Dogwood Restaurant has additional business from our school because they provide our hot lunches. Weiss Optometrists are planning to do a vision screening for our students. Beautiful Gate/Starting Gate does joint projects with us from time to time, and Angell's School of Dance provides a weekly afternoon athletic dance class for our students and homeschoolers.

---

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

We believe that this requested change will further expand the availability of private education to Fluvanna residents. We believe we have contributed to the economy of the local business community at Centre Ct. by bringing in more foot traffic.

---

**PLAN:** Furnish plot plan showing boundaries and dimensions of property, width of abutting right-of-ways, location and size of buildings on the site, roadways, walks, off-street parking and loading space, landscaping, etc. Architect's sketches showing elevations of proposed building and complete plans are desirable and may be required with the application. Remarks:

# Memorandum

DATE: October 16, 2015  
RE: Planning Commission APO Letter  
TO: Jason Stewart  
FROM: Deidre Creasy

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the October 28, 2015 Planning Commission Meeting.




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## COUNTY OF FLUVANNA

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*“Responsive & Responsible Government”*

*P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 www.fluvannacounty.org*

### NOTICE OF PUBLIC HEARING

October 5, 2015

«Owner»

«Address»

«City\_State» «Zip\_Code»

TMP# «TMP»

#### **Re: Public Hearing on SUP 15:09**

Dear «Owner»:

This letter is to notify you that the Fluvanna County Planning Commission will hold a public hearing on the above referenced item on **Wednesday, October 28, 2015** at **7:00 PM** in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, VA. The request is described as follows:

**SUP 15:09 – Rountop Limited Partnership** - A request to amend Special Use Permit SUP 14:04 to allow for an expansion of the educational facility to 75 occupants in 6 Centre Ct., and 49 occupants in 7 Centre Ct. with respect to 6.343 acres of a portion of Tax Map 18A, Section 4, Parcel 13A. The property is zoned B-1 (Business, General) and is located on the north side of Slice Road, approximately 500 feet from its intersection with Route 600 (South Boston Road). The property is located in the Palmyra Election District and is within the Rivanna Community Planning Area.

The applicant or applicant’s representative must be present at the Board of Supervisors meeting. The tentative agenda and staff report will also be available for review by the public in the Fluvanna County Planning and Community Development Department during working hours (8:00 a.m. – 5:00 p.m., Monday through Friday). If you have any questions, please feel free to contact me at 434-591-1910.

Sincerely,

Jason Stewart, Planning and Zoning Administrator

## SUP 15:09 Rountop Ltd. Partnership

<b>TMP</b>	<b>Name</b>	<b>Address</b>	<b>City, State</b>	<b>zip</b>
18A 4 10	William & Mildred Smith	185 JEFFERSON DR	Palmyra, VA	22963
18A 4 12	Craig & Dorothy Martin	191 JEFFERSON DR	Palmyra, VA	22963
18A 4 9	CHESTER R & W SUE LANE	2 Pinecrest Court	Palmyra, VA	22963
18A 4 13	CRAIG OGDEN MARTIN, ET UX	191 JEFFERSON DR	Palmyra, VA	22963
18A 4 8	EDWARD P. & BARBARA J. BRADY	183 Bellevue Rd	Oakdale, NY	11769
18A 4 13A	Rountop Limited Partnership. LLC	2246 Ivy Rd Ste 5	Charlottesville, VA	22903
18A 4 7	Morris Living Trust	19 Blacksmith Terr	Palmyra, VA	22963
18 A 52	OSCAR R HOUCHENS	PO Box 218	Lanexa, VA	23089
18A 4 11	Charles & Elizabeth Johnson	187 JEFFERSON DR	Palmyra, VA	22963
18A 4 13C	Lake Monticello Electification Trust	PO Box 308	Palmyra, VA	22963
18c 1 C1	Ballif Investments, LLC	170 S Pantops Dr	Charlottesville, VA	22911
18c 1 C2	Curtis Naylor	747 Park St	Charlottesville, VA	22902
18c 1 C3	Hood Family Limited Partnership	6142 N Academy Ave	Clovis, CA	93619
Applicant	Joyce Parr	13 Woodlawn Dr	Palmyra, VA	22963
18A 4 6	Michael & Bridgette Madison	175 Jefferson Dr.	Palmyra, VA	22963
18 A 55A	Rountop Limited Partnership. LLC	2246 Ivy Rd Ste 5	Charlottesville, VA	22903

Received

MAY 01 2014

Planning Dept.

Rountop Limited Partnership L L P  
2246 Ivy Road Suite 5  
Charlottesville, VA 22903  
Telephone 434-979-0568 Facsimile 434-979-4421 Cell 434-825-2429

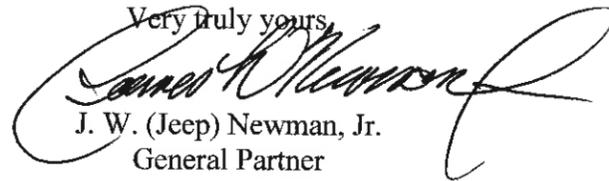
April 30, 2014

To whom it may concern:

As General Partner of Rountop Limited Partnership LLP, owner of Lake Centre Shopping Center located at Centre Court, Palmyra, Virginia;

I hereby authorize Joyce Parr as agent for all matters concerning her application for a Special Use Permit (SUP) for suites 6 & 6B which are located in my shopping center (please refer to attached map).

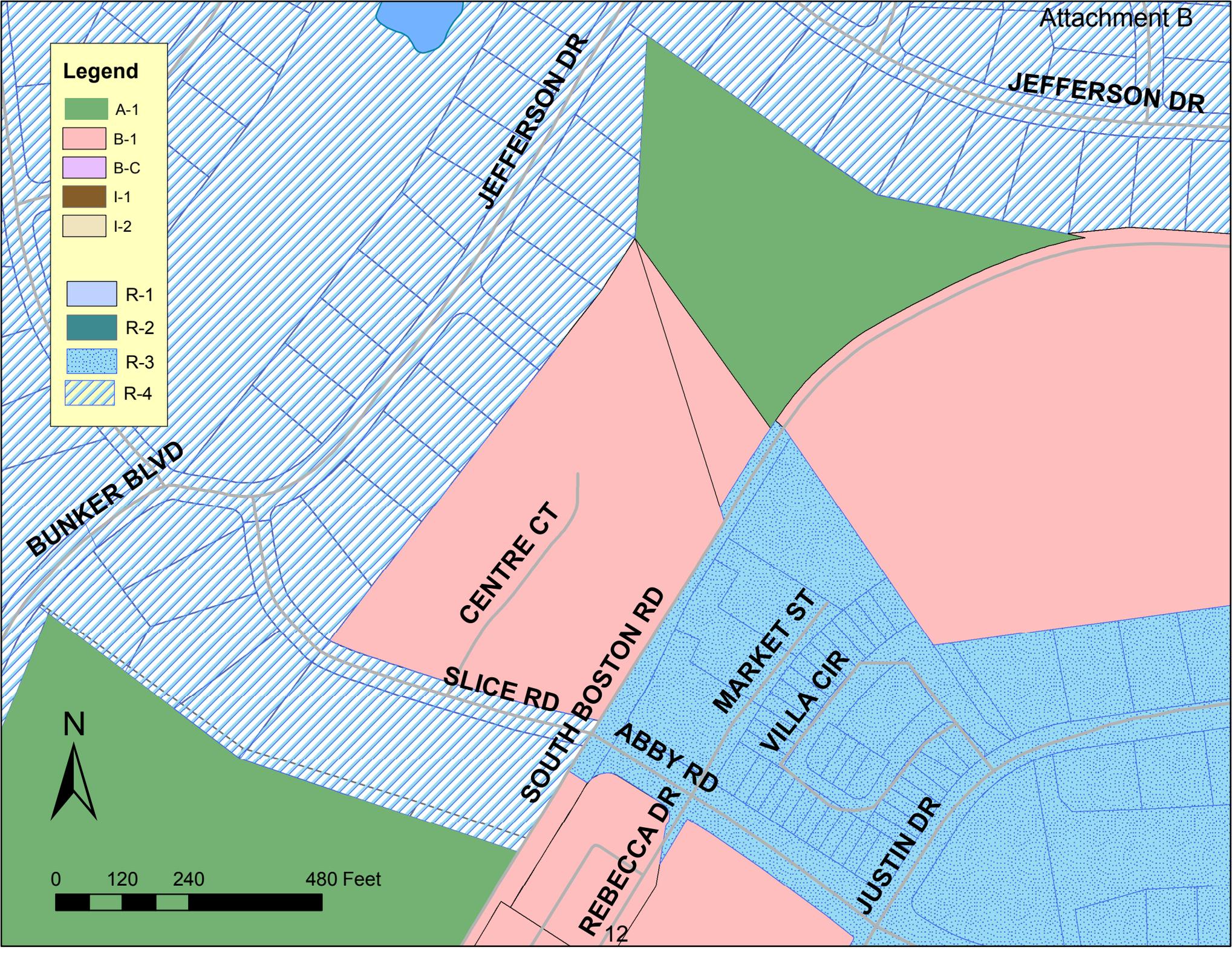
Very truly yours,



J. W. (Jeep) Newman, Jr.  
General Partner

**Legend**

- A-1
- B-1
- B-C
- I-1
- I-2
- R-1
- R-2
- R-3
- R-4





JEFFERSON DR

CENTRE CT

SOUTH BOSTON RD

SLICE RD

MARKET ST

VILLA CIR

ABBY RD

0 60 120 240 Feet

Received

SEP 01 2015

Planning Dept.








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## COUNTY OF FLUVANNA

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*"Responsive & Responsible Government"*

P.O. Box 540 Palmyra, VA 22963 (434) 591-1910 FAX (434) 591-1911 [www.co.fluvanna.va.us](http://www.co.fluvanna.va.us)

September 15, 2015

Joyce Parr  
13 Woodlawn Drive  
Palmyra, VA 22963

Delivered via email

**Re: SUP 15:09 The Light Academy special use permit amendment request**  
**Tax Map: 18A, Section 4, Parcel 13A**

Dear Ms. Parr:

The following comments are the result of the Technical Review Committee meeting that was held on Thursday, September 10, 2015.

1. Aqua Virginia stated that the site is served by public water and sewer, and at this time there is sufficient capacity for this use;
2. VDOT stated that The Light Academy is currently approved for 50 students and they are requesting an increase to a maximum occupancy of 124 students. The proposed expansion will involve utilizing the existing commercial space formerly used by Angel's School of Dance (7 Centre Ct.). The Light Academy's application indicates that their hours of operation vary with the peak times for the Dogwood Restaurant and they have an organized car line for pickup of students. In addition, there is an existing traffic signal with left and right turn lanes at the intersection of Rte. 600 and Slice Road. VDOT does not object to expanding the size of the school.
3. Central VA Electric Cooperative stated that they have no concerns with the project;
4. The Fire Chief said that if pull Station installed, request that there should be a minimum of three Key Holders established to respond to Alarm Activations to give the FD access to building. Key Holders should not have more than 20 min. response time to facility.

The Planning Commission will have a meeting to discuss this item at their Wednesday, October 28, 2015 meeting. Your attendance is required at this meeting.

If you have any questions or need additional information, please contact me at 434-591-1910.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Tugwell", written in a cursive style.

Steve Tugwell

Senior Planner

Dept. of Planning & Community Development

Cc: Rountop Limited Partnership, 2246 Ivy Road, Suite 5, Charlottesville, VA 22903, Ms. Joyce Parr, 13  
Woodlawn Drive, Palmyra, VA 22963

File

*The Fluvanna County Planning Commission resolves to propose an amendment and reenactment of the Fluvanna County subdivision ordinance entitled "AN ORDINANCE TO AMEND AND REENACT CHAPTER 19, ARTICLES 1, 3, 6, 7, AND 8 OF THE FLUVANNA COUNTY CODE BY CERTAIN AMENDMENTS TO SECTIONS AND SUBSECTIONS 19-1-3, 19-3-4, 19-3-5, 19-3-6, 19-3-6.3, 19-6-3, 19-7-6, 19-8-1, 19-8-4, 19-8-5, AND 19-8-7. THEREOF, AMENDING AND REENACTING THE FLUVANNA COUNTY SUBDIVISION ORDINANCE TO CONFORM TO THE CURRENT ENABLING LEGISLATION, AS AMENDED."*

*The public purpose for such amendment is to conform the subdivision ordinance to the current enabling legislation, as amended.*

BE IT ORDAINED BY THE PLANNING COMMISSION OF FLUVANNA COUNTY, VIRGINIA, that the Fluvanna County Code be, and it is hereby, amended and reenacted as follows:

**Chapter 19  
SUBDIVISIONS**

*Article 1. General Provisions*

.....

**Sec. 19-1-3. Plat required.<sup>1</sup>**

No person shall subdivide land without making and recording a plat of such subdivision and fully complying with the provisions of this chapter.

- (a) No such plat shall be recorded unless it is in compliance with this ordinance and has been approved by the Subdivision Agent appointed by the Fluvanna County Board of Supervisors as provided in this chapter.
- (b) No person shall sell or convey any lot or part of a subdivision unless the plat of the subdivision has been approved and recorded.
- (c) Any person violating the foregoing provisions of this section shall be subject to a fine of not more than \$500 for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this chapter.
- (d) No clerk of any court shall file or record a plat of a subdivision required by this chapter to be recorded until such plat has been approved as required by this chapter.

---

<sup>1</sup> For similar state law provision, see Code of Va., § 15.2-2254.

- (e) No permit or other approval shall be issued by any official of the County for any improvement relating to any lot or parcel of land subdivided or transferred or sold in violation of this chapter until such violation shall have been abated.

.....

**Article 3. Process**

.....

**Sec. 19-3-4. Preliminary plat.<sup>2</sup>**

For any minor or major subdivision, after receiving the Subdivision Agent's comments on a sketch plan, the subdivider shall submit a preliminary plat that satisfies the requirements of Article 4 of this chapter to the Subdivision Agent.

- (a) For every minor or major subdivision, the subdivider shall submit, to the Subdivision Agent, copies of a preliminary plat in a number sufficient to allow review by all appropriate agencies as applicable and as determined by the Subdivision Agent. Within ten days the Agent shall review the preliminary plat application for completeness, and if it is incomplete, so notify the subdivider, specifying instructions for its completion. No preliminary plat shall be deemed to be officially submitted for approval unless and until the Subdivision Agent finds it to be complete. Upon his determination that such preliminary plat application is complete, the Subdivision Agent shall retain copies for his review, forward copies to all agencies whose comments are necessary for consideration of the plat.
- (b) For any minor subdivision, the Subdivision Agent shall approve or disapprove a complete preliminary plat within thirty days of its submission. In the case of disapproval, the Subdivision Agent shall inform the subdivider in writing of the reasons for disapproval and the changes required to obtain approval.
- (c) For any major subdivision, the Subdivision Agent shall review the preliminary plat and approve or disapprove the preliminary plat within forty-five days of its submission. In the case of disapproval, the Subdivision Agent shall inform the subdivider in writing of the reasons for disapproval and the changes required to obtain approval.

**Sec. 19-3-5. Authority to construct improvements.**

The subdivider may install the monuments, roads and other improvements proposed on the plat only after approval of a preliminary plat. Preliminary plat approval shall be effective for five years *provided the subdivider submits a final subdivision plat for all or a portion of the*

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<sup>2</sup> For state law authorizing counties to require a preliminary plat, see Code of Va., § 15.2-2260.

For state law regarding preliminary plat approval, see Code of Va., §§ 15.2-2258, 15.2-2259.

*property within one year of such approval and thereafter diligently pursues approval of the final subdivision plat.*

*“Diligent pursuit of approval” means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon ninety (90) days’ written notice by certified mail to the subdivider, the commission or other agent may revoke such approval upon a specific finding of fact that the subdivider has not diligently pursued approval of the final subdivision plat.*

~~if the subdivider has begun and diligently pursued construction during that period. Otherwise the~~

*After five years from the date of the last recorded plat, unless the preliminary plat indicates phased implementation consistent with Section 19-7-6 of this chapter, the preliminary plat shall become null. and void after five years unless the preliminary plat indicates phased implementation consistent with 19-7-6 of this chapter.* The foregoing notwithstanding, the installation of any improvements after the approval of a preliminary plat shall be at the sole risk of the subdivider and shall not entitle the subdivider to the approval of any final plat which is not otherwise approvable.

**Sec. 19-3-6. Final plat.**

*All final plats shall be reviewed and acted upon as required by Virginia Code § 15.2-2259 and this chapter.*

.....

**Article 6. Final Plats**

.....

**Sec. 19-3-6.3 Recordation.**

An approved plat shall be filed for recordation within six months after final approval. Such approval shall be withdrawn and the plat marked void and returned to the approving official if the approved plat is not filed for recordation within six months, subject to the exception for facilities to be dedicated to public use in Section ~~15.2-2241(8)~~ 15.2-2241.A(8) of the Code of Virginia.

.....

**Sec. 19-6-3. Final plat information.**

The final plat shall clearly show:

- (a) Name of proposed subdivision;
- (b) Name, address and telephone number of subdivider;
- (c) Name, address, telephone number, and seal of surveyor or engineer;

- (d) Graphic scale, title, date, and north arrow;
- (e) Scaled vicinity map showing the location of the parcel to be subdivided and its relationship to the surrounding roads;
- (f) Locations of proposed driveway connections onto public streets;
- (g) Boundaries of the parcel to be subdivided with all bearings and distances indicated;
- (h) Tax parcel number, zoning district, source of title, and location of the last instrument in the chain of title for all parcels to be subdivided;
- (i) Sufficient data to readily determine and reproduce on the ground the location, bearing and length of every road centerline, subdivision boundary line and lot line;
- (j) All rights-of-way, easements, or areas to be dedicated, reserved, or used for any purpose other than single-family detached dwellings. Common or shared easements shall be provided for public service corporations and other service providers in accordance with the requirements of Section ~~15.2-2241(6)~~ 15.2-2241.A(6) of the Code of Virginia; and
- (k) Sufficient data to demonstrate compliance with the approved preliminary plat.

.....

***Article 7. Subdivision Design Standards***

.....

**Sec. 19-7-6. Phasing.**

If the subdivider desires to complete the improvements shown on the preliminary plat over a period of more than one year, he may submit a preliminary plat showing the entire development at completion, and delineating two or more phases to be improved in succession, together with a schedule for completion of each phase. After such plat has been approved, he may construct the improvements in, and submit a final plat for, each phase, consistent with the approved schedule. Pursuant to the requirements of Section ~~15.2-2241(5)~~ 15.2-2241.A(5) of the Code of Virginia, if a developer records a final plat which is a section of a subdivision as shown on an approved preliminary plat, the developer shall have the right to record the remaining sections shown on the preliminary plat for a period of five years from the recordation date of the first section. (Ord. 8-1-12)

.....

***Article 8. Required Improvements***

### Sec. 19-8-1. Streets.<sup>3</sup>

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

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

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<sup>3</sup> For state law as to streets in subdivisions, see Code of Va., § 15.2-2241.A.

Private roads shall conform to the following minimum specific construction standards:

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

(Ord. 11-17-04; Ord. 8-1-12)

.....  
**Sec. 19-8-4. Storm drainage.**<sup>4</sup>

Proper and adequate storm drainage systems shall be installed as required by the Virginia Department of Transportation and/or Chapter 6: *Erosion and Sedimentation Control* of this code, such that the proposed development will not result in undue increase in runoff, erosion or sedimentation to any downhill or downstream area. Such plans shall have been reviewed by the Soil and Water Conservation District office, and approved by the county and the Virginia Department of Transportation, as applicable, prior to the approval of the preliminary plat.

- (a) Wherever required by the Virginia Department of Transportation, or under an approved Master Plan or Conditional Zoning provisions of Chapter 22, concrete curb and gutter shall be installed along both sides of street serving 200 or more lots, and on at least one side of every street serving *fifty* (50) or more lots, and an engineered storm drainage system shall be installed. The use of perforated curbs and cul-de-sacs with landscaped islands is permitted. All such improvements shall comply with Virginia Department of Transportation standards.
- (b) Drainage easements of an appropriate width, not less than six (6) feet, shall be reserved where necessary, and shall be shown on the plat.

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<sup>4</sup> For state law as to storm drainage, see Code of Va., § 15.2-2241.A(3), (4).

- (c) All streets and building sites shall be at least one foot above the floodplain elevation.
- (d) The use of low-impact development (LID) techniques to control stormwater runoff is encouraged. Examples of LID techniques include, but are not limited to, the use of permeable paving materials, rain gardens, bioswales, infiltration trenches, and tree box filters designed to capture stormwater and facilitate on-site infiltration. (Ord. 8-1-12)

**Sec. 19-8-5. Monuments.<sup>5</sup>**

Iron rods or pipes shall be set at all lot corners and at all points of curvature or tangent on streets. Rods or pipes shall be at least one-half (1/2) inch in diameter and *twenty-four (24)* inches long, and shall be set flush with the finished grade. (Ord. 8-1-12)

.....

**Section 19-8-7. Utilities.<sup>6</sup>**

For major and minor subdivisions, all utilities including, but not limited to, wires, cables, pipes, conduits and appurtenant equipment for electric, telephone, gas, cable television, or similar services shall be placed underground except, however, the following shall be permitted above ground.

- (a) Electric transmission lines and facilities in excess of 50 kilovolts.
- (b) Equipment, including electric distribution transformers, switch gear, meter pedestals, telephone pedestals, streetlighting poles or standards, radio antennae, traffic control devices, and associated equipment which is, in conformance with accepted utility practices, normally installed above ground.
- (c) Meters, service connections and similar equipment normally attached to the outside wall of a customer's premises.
- (d) Temporary above ground facilities required in conjunction with an authorized construction project.
- (e) Existing utilities located above ground in proposed subdivisions may be maintained, repaired or upgraded to maintain current levels of service.

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<sup>5</sup> For state law as to monuments, see Code of Va., § 15.2-2241.A(7).

<sup>6</sup> For state law as to utilities, see Code of Va., § 15.2-2241.A(6).

- (f) Whenever any existing above ground utilities internal to a major subdivision require relocation for any reason they shall be placed underground. (Ord. 8-1-12)

**2015 Fluvanna County Code Update – Clerical Updates to Chapter 19 Subdivisions.  
Review by Planning Commission.**

\*Note: FN = Footnote, “Code Reference” is to Virginia Code.

	<b>Public Purpose:</b> Amend and Re-enact the Code to conform to enabling state and federal legislation.
	<b><u>Chapter 19: Subdivisions</u></b> <b>Clerical Amendments</b>
<b>Fluvanna Code §§</b>	<b>Update</b>
Sec. 19-1-3.	<b>Add FN:</b> <i>for similar state law provision, see Code of Va., § 15.2-2254.</i>
Sec. 19-3-4.	<b>Add FN:</b> <i>for state law authorizing county to require a preliminary plat, see Code of Va., § 15.2-2260. For state law regarding preliminary plat approval, see Code of Va., §§ 15.2-2258, 15.2-2259.</i>
Sec. 19-3-6.3	<b>Correct code reference:</b> “Section 15.2-2241.A(8).”
Sec. 19-6-3(j)	<b>Correct code reference in (j):</b> “Section 15.2-2241.A(6).”
Sec. 19-7-6.	<b>Correct code reference:</b> “Section 15.2-2241.A(5).”
Sec. 19-8-1.	<b>Add FN:</b> <i>for state law as to streets in subdivisions, see Code of Va., § 15.2-2241.A.</i>
Sec. 19-8-4.	<b>Add FN:</b> <i>for state law as to storm drainage, see Code of Va., § 15.2-2241.A(3),(4).</i>
Sec. 19-8-5.	<b>Add FN:</b> <i>for state law as to monuments, see Code of Va., § 15.2-2241.A(7).</i>
Sec. 19-8-7.	<b>Add FN:</b> <i>for state law as to utilities, see Code of Va., § 15.2-2241.A(6).</i>

2015 Fluvanna County Code Update – Substantive Updates to Chapter 19 Subdivisions.  
 Review by Planning Commission.

	<b>Public Purpose:</b> Amend and Re-enact the Code to conform to enabling state and federal legislation.
	<b><u>Chapter 19: Subdivisions</u></b> <b>Substantive Amendments</b>
<b>Fluvanna Code §§</b>	<b>Mandatory Update</b>
Sec. 19-3-5.	<p>Update to reflect amendment to Va. Code § 15.2-2260.F.,G.</p> <p>The subdivider may install the monuments, roads and other improvements proposed on the plat only after approval of a preliminary plat. Preliminary plat approval shall be effective for five years <i>provided the subdivider submits a final subdivision plat for all or a portion of the property within one year of such approval and thereafter diligently pursues approval of the final subdivision plat.</i></p> <p><i>“Diligent pursuit of approval” means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon 90 days’ written notice by certified mail to the subdivider, the commission or other agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.</i></p> <p><del>, if the subdivider has begun and diligently pursued construction during that period. Otherwise the</del></p> <p><del>After five years from the date of the last recorded plat, unless the preliminary plat indicates phased implementation consistent with 19-7-6 of this chapter, the preliminary plat shall become null and void after five years unless the preliminary plat indicates phased implementation consistent with 19-7-6 of this chapter.</del> The foregoing notwithstanding, the installation of any improvements after the approval of a preliminary plat shall be at the sole risk of the subdivider and shall not entitle the subdivider to the approval of any final plat which is not otherwise approvable.</p>
Sec. 19-3-6.	<p>Add text:  <i>All final plats shall be reviewed and acted upon as required by Virginia Code § 15.2-2259 and this chapter.</i></p>

*The Fluvanna County Planning Commission resolves to propose an amendment and reenactment of the Fluvanna County zoning ordinance entitled "AN ORDINANCE TO AMEND AND REENACT CHAPTER 22, ARTICLES 15 AND 22 OF THE FLUVANNA COUNTY CODE BY CERTAIN AMENDMENTS TO SECTIONS AND SUBSECTIONS 22-15-1, 22-15-2, 22-15-2.1, 22-15-4, 22-15-5, AND 22-22. THEREOF, AMENDING AND REENACTING THE FLUVANNA COUNTY SIGN ORDINANCE TO CONFORM TO CURRENT ENABLING LEGISLATION, AS AMENDED, AND FEDERAL COURT DECISIONS."*

*The public purpose for such amendment is to conform the Fluvanna County sign ordinance to the current enabling legislation, as amended, and federal court decisions.*

BE IT ORDAINED BY THE PLANNING COMMISSION OF FLUVANNA COUNTY, VIRGINIA, that the Fluvanna County Code be, and it is hereby, amended and reenacted as follows:

**Chapter 22  
ZONING**

.....  
**Article 15. Sign Regulations**

- Sec. 22-15-1. Statement of intent.
- Sec. 22-15-2. General provisions.
- Sec. 22-15-2.1. ~~Political signs on privately owned property. Repealed.~~
- Sec. 22-15-3. Signs permitted.
- Sec. 22-15-4. Administration.
- Sec. 22-15-4.1 "Going out of business" and "Special" sales.
- Sec. 22-15-5. Non-conforming signs.

.....  
**Article 15. SIGN REGULATIONS**

**Sec. 22-15-1. Statement of intent.**

The following sign regulations are established to assure compatibility of signs with surrounding land usage, to enhance the economy of the county, to protect public investment in streets and highways, to promote the safety and recreational value of public travel, *to minimize possible adverse effects of signs on nearby public and private property*, to preserve natural beauty, *to protect the environment from litter and refuse, including abandoned signs*, and to identify, direct and provide necessary information *efficiently* to motorist and pedestrians, *to decrease distraction of motorists and pedestrians by limiting confusing, distracting and obsolete signs*, and to reduce obstruction of the roadway. No sign shall be permitted erected or used in the county, except as permitted in this article. (Ord. 6-16-10)

**Sec. 22-15-2. General provisions.**

(1) Restricted Signs – The following types of signs are prohibited in all zoning districts:

- (a) Flashing signs;
- (b) Inflatable signs;
- (c) Moving signs;
- (d) ~~Off-premise signs;~~ *Intentionally omitted;*
- (e) Pennant signs;
- (f) Portable signs;
- (g) Roof signs;
- (h) Any sign that obstructs any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building, as required by law;
- (i) Any sign which imitates or resembles any official traffic sign, signal or device, or uses the words “Stop” or “Danger” in close proximity to any public right-of-way, or interferes with any other public traffic sign;
- (j) Signs which produce noise or any visible smoke, vapor, particles, or odor;
- (k) Signs which advertise any activities which are illegal under state or federal law or regulations in effect at the location of such sign or at the location of such activities; and
- (l) Signs that violate state or federal laws, whether or not identified in this ordinance as being permitted.

(2) Exempt Signs – *Exempt signs shall be of reasonable size and no larger than the largest permitted signs in the zoning district, unless otherwise specified in this Code. Exempt signs shall be legible, and shall be reasonably maintained in good repair, and in safe, neat, and clean condition. Any temporary exempt sign, defined in Sec. 22-22-1 of this Code, shall be posted a reasonable time before, but in no event greater than thirty (30) days prior to and shall be removed a reasonable time after, but in no event greater than ten (10) days after the event, election, production, group, occurrence, speaker, program or seasonal activity to which the temporary sign refers.* The following types of signs, as defined in and subject to the regulations in Sec. 22-22-1, are exempt from the sign permit requirements in all zoning districts.:

- (a) Auction signs;
- (b) Banner signs;

- (c) Construction signs;
- (d) Directional signs;
- (e) Estate signs;
- (f) Public signs;
- (g) Real estate signs;
- (h) Temporary signs;
- (i) Temporary directional signs;
- (j) Warning signs; and
- (k) Window signs.

(3) Illuminated Signs

- (a) Signs may be illuminated, either internally or externally, as permitted by this ordinance, provided that the illumination is fully shielded and directed at the sign and not in a manner as to cause a traffic hazard.
- (b) Where a permit is required, the permit shall not be issued until the location and illumination of the sign has been approved by the zoning administrator, or designee.
- (c) No light from any illuminated sign shall cause direct glare onto any adjoining piece of property, right-of-way, or building other than the building to which the sign applies to.
- (d) The copy of electronic message signs may not flash, scroll, move, or change at timed intervals of less than 20 seconds.
- (e) All electronic message signs must be equipped with an automatic dimmer that controls the intensity of the light source. The intensity of light allowed for all illuminated signs shall be 85 percent by day and 50 percent at night.
- (f) All electronic message signs must be turned off at the close of business, unless displaying time or temperature.

(4) Setbacks

- (a) Signs shall be exempt from setback requirements in all zones, provided that no sign shall be located as to interfere with vehicular sight distances at intersections or to create a safety hazard.

(b) Signs shall not be located within any public right-of-way, unless approved by the Virginia Department of Transportation.

(5) Sign Area

(a) The sign area shall be measured as the area of the sign face which includes the advertising surface and any framing, trim, or molding. Two sided sign faces shall be counted as a single sign face.

(b) Area not included – the sign area shall not include any of the support structure or architectural features that are not an integral part of the sign which may consist of landscaping, building structural form complementing the site in general.

(6) Sign Height

(a) The sign height shall be measured as the vertical distance from the normal grade directly below the sign to the highest point of the sign or sign structure, whichever is higher and shall include the base and any support structure.

(b) Signs shall not exceed six (6) feet in height, except as otherwise permitted by this article.

(Ord. 6-16-10)

**Sec. 22-15-2.1. ~~Repealed. Political signs on privately owned property.~~**

~~(1) No political sign may be larger than the largest other sign allowed in the zoning district.~~

~~(2) No political sign may be illuminated if it is larger than a business sign allowed in the zoning district.~~

~~(3) Every political sign that is directed toward a particular election issue or candidate may be erected not more than 60 days before such election and shall be removed and lawfully disposed of not more than 10 days after such election. (Ord. 6-16-10)~~

.....

**Sec. 22-15-4. Administration.**

(1) Permit Requirements – Except as otherwise provided herein, no sign shall be erected, altered, refaced or relocated unless a sign permit has been approved by the Zoning Administrator. Where there is a discrepancy between Fluvanna County and the Virginia Department of Transportation sign regulations, the more stringent shall apply. Where the Fluvanna County sign regulations do not recognize a particular type of sign, the Virginia Department of Transportation regulations shall apply.

(2) Maintenance and Removal

(a) All signs shall be constructed in compliance with the ~~International~~ *Uniform Statewide Building Code*, as adopted by the Virginia State Code.

- (b) All signs and components thereof shall be *legible and shall be* maintained in good repair and in a safe, neat, and clean condition.
- (c) The Zoning Administrator may cause to have removed or repaired immediately any sign which, in the Zoning Administrator's opinion, has become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof.
- (d) Any sign that is obsolete, because of discontinuance of the subject activity or any other reason that would cause the sign to be obsolete, shall be removed within ~~thirty~~ *ten (10)* days.
- (e) Any sign located on property, which becomes vacant and is unoccupied for a period of two (2) years or more shall be deemed abandoned. An abandoned sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner fifteen (15) days written notice to remove it. Upon failure to comply with this notice, the Zoning Administrator may initiate such action as may be necessary to gain compliance with this provision. (Ord. 6-16-10)

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**Sec. 22-15-5. Non-conforming signs.**

- (1) No nonconforming sign shall be enlarged nor be worded so as to advertise or identify any use other than that in effect at the time it became a nonconforming sign.
- (2) Signs lawfully existing on the effective date of this ordinance or prior ordinances, which do not conform to the provisions of this ordinance, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. Such signs shall not be enlarged, extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area. The burden of establishing the nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the Zoning Administrator, a property owner shall submit verification that sign(s) lawfully existed at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into conformance with the current ordinance.
- (3) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign; provided, however, that no nonconforming sign which has been declared by the Zoning Administrator to be unsafe because of its physical condition, as provided for in this ordinance, shall be repaired, rebuilt or restored unless such repair or restoration will result in a sign which conforms to all applicable regulations.
- (4) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform to the provisions of this article.

- (5) If a nonconforming sign is removed, the subsequent erection of a sign shall be in accordance with the provisions of this article.
- (6) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty (50) percent of its replacement value may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding fifty (50) percent, it shall not be reconstructed except for a sign, which would be in accordance with the provisions of this article.
- (7) A nonconforming sign that is changed to, or replaced by, a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.
- (8) A nonconforming sign shall be removed if the structure to which it is accessory is demolished or destroyed to an extent exceeding fifty (50) percent of its appraised value.
- (9) The ownership of the sign or the property on which the sign is located shall not, in and of itself, affect the status of a non-conforming sign.
- (10) *A nonconforming sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of at least two years. After the two year period, the zoning administrator shall make a reasonable attempt to contact the property owner. If the property owner refuses to remove the abandoned sign, the county's agents or employees may enter the property upon which the sign is located and remove such sign and charge the cost of removal to the owner of the property. Nothing herein shall prevent the county from applying to the appropriate courts for an order requiring removal of the abandoned nonconforming sign by injunction or other appropriate remedy.<sup>1</sup>*  
 (Ord. 6-16-10)

.....  
**Article 22. Definitions**

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

The following terms shall have the meanings assigned to them as hereinafter set forth. Except as expressly otherwise defined herein, all terms used in this chapter shall have their ordinary and established meanings, as the context may require. A word importing the masculine gender only may extend and be applied to females and to corporations as well as males. A word importing the singular number only may extend and be applied to several persons or things, as well as to one person or thing; and a word importing the plural number only may extend and be applied to one person or thing as well as to several persons or things.

.....  
 SIGN, AUCTION: A *temporary* sign, not illuminated, advertising an auction to be conducted on the lot or premises upon which it is situated, such signs shall not exceed 20 square feet in area.

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<sup>1</sup> For state authority as to the removal of abandoned nonconforming signs, see Code of Va., § 15.2-2307.

~~and may be erected not more than one (1) month before the date of the auction advertised and shall be removed within forty eight (48) hours of its conclusion.~~

.....

SIGN, BANNER: A temporary sign, not exceeding 32 square feet, made of fabric or other flexible material, suspended from a fixed structure, rope, wire, string, or cable. Banner signs are for the advertising of a special event, product, or group and are not to be displayed for a period of more than thirty (30) consecutive days, and not more than sixty (60) days total in a calendar year.

.....

SIGN, CONSTRUCTION: A temporary sign that identifies an architect, engineer, contractor, subcontractor, or material supplier who participates in construction on the property on which the sign is located. Such signs shall not exceed 32 square feet in area and eight (8) feet in height, and may be erected once the land disturbance permit has been issued for the property and must be removed upon issuance of a final certificate of occupancy.

.....

SIGN, POLITICAL: A *temporary* sign expressing or implying the opinion or opinions of an individual or group intended to influence the election or appointment of government officials and/or to influence the actions, policies and /or conduct of government. (Ord. 10-18-00)

.....

SIGN, TEMPORARY: A sign for the advertising of a special event, product, group, *occurrence, speaker, program* or seasonal activity and not intended or designed for permanent display, *including by way of example and not limitation, signs advertising an event, election, or campaign of an educational, political, religious, civic, philanthropic or historical organization. Temporary signs shall be posted a reasonable time before, but in no event greater than thirty (30) days prior to such event, as defined herein, and shall be removed a reasonable time after, but in no event greater than ten (10) days after such event, as defined herein. Temporary signs shall be of reasonable size and no larger than the largest permitted signs in the zoning district, unless otherwise specified in this Code.* ~~Such signs shall not exceed 12 square feet and are not to be displayed for a period of more than thirty (30) consecutive days, and not more than sixty (60) days total in a calendar year.~~

SIGN, TEMPORARY DIRECTIONAL: A *temporary* sign directing individuals to the location of a special event or gathering. ~~Such signs shall not exceed twelve (12) square feet and shall not be posted more than seven (7) days prior to the event and must be removed within seven (7) days after the event.~~

.....

SIGN, WARNING: A sign, ~~not exceeding four (4) square feet,~~ located on a property for warning or prohibitions on parking, trespassing, hunting, fishing, swimming, or other activity.

2015 Fluvanna County Code Update – Amendments to Sign Ordinance, Chapter 22, Sections 15 & 22  
 Review by Planning Commission.

	Public Purpose: Amend and Re-enact the sign ordinance to conform to enabling state and federal legislation and to current federal court decisions.	
	<b><u>Chapter 22, Sections 15 and 22: Sign Ordinance</u></b> <b>Substantive Amendments</b>	
Fluvanna Code §§	Mandatory Update	Discretionary Update
Article 15	Sign Regulations must be amended to reflect new U.S. Supreme Court opinion regarding locality sign ordinances and Va. Code §15.2-109 restrictions on temporary political signs placed on private property. Recommendations follow:	
Sec. 22-15-1.	The following sign regulations are established to assure compatibility of signs with surrounding land usage, to enhance the economy of the county, to protect public investment in streets and highways, to promote the safety and recreational value of public travel, <i>to minimize possible adverse effects of signs on nearby public and private property, to preserve natural beauty, to protect the environment from litter and refuse, including abandoned signs, and</i> to identify, direct and provide necessary information <i>efficiently</i> to motorist and pedestrians, <i>to decrease distraction of motorists and pedestrians by limiting confusing, distracting and obsolete signs, and to reduce obstruction of the roadway.</i> No sign shall be permitted erected or used in the County, except as permitted in this article. (Ord. 6-16-10)	
Sec. 22-15-2(1).	Omit: (d) <del>Off-premise signs.</del> Intentionally omitted.	
Sec. 22-15-2(2)	<b>Add regulations of Exempt signs:</b>  (2)Exempt Signs – The following types of signs, as defined in and subject to the regulations in Sec. 22-22-1, are exempt from the sign permit requirements in all zoning districts. <i>Exempt signs shall be of reasonable size and no larger than the largest permitted signs in the zoning district, unless otherwise specified in this Code. Exempt signs shall be legible, and shall be reasonably maintained in good repair, and in safe, neat, and clean condition. Any temporary exempt sign, defined in Sec. 22-22-1 of this Code, shall be posted a reasonable time before, but in no event greater than 30 days prior</i>	

2015 Fluvanna County Code Update – Amendments to Sign Ordinance, Chapter 22, Sections 15 & 22  
 Review by Planning Commission.

	<i>to and shall be removed a reasonable time after, but in no event greater than 10 days after the event, election, product, group, occurrence, speaker, program or seasonal activity to which the temporary sign refers.</i>	
Sec. 22-15-2.1.	<b>REPEAL the Political Signs section. Political signs will be addressed as temporary signs, which are exempt signs, and which must be put up no more than 30 days in advance of election and be removed within 10 days after.</b>	
Sec. 22-15-4.	<p><b>Update Maintenance and Removal of Permitted Signs to be substantially the same as exempt sign requirements so that the County does not advantage commercial speech over non-commercial speech:</b></p> <p>(2)Maintenance and Removal</p> <p>(a) All signs shall be constructed in compliance with the <del>International Building Code</del> <i>Uniform Statewide Building Code</i>, as adopted by the Virginia State Code.</p> <p>(b) All signs and components thereof shall be <i>legible and shall be maintained in good repair and in a safe, neat, and clean condition.</i></p> <p>....</p> <p>(d) Any sign that is obsolete, because of discontinuance of the subject activity or any other reason that would cause the sign to be obsolete, shall be removed within <i>ten (10) thirty (30) days.</i></p>	
Sec. 22-15-5.		<p><b>Va. Code § 15.2-2307 provide a means for County to remove abandoned nonconforming signs. This authority can be exercised by the County by adding a subsection:</b></p> <p><i>(10)A nonconforming sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of at least two years. After the two year period, the zoning administrator shall make a reasonable attempt to contact the property owner. If the property owner refuses to remove the abandoned sign, the county's agents or employees may enter the property upon which the sign is located and remove such sign and charge the cost of removal</i></p>

2015 Fluvanna County Code Update – Amendments to Sign Ordinance, Chapter 22, Sections 15 & 22  
 Review by Planning Commission.

		<p>to the owner of the property. Nothing herein shall prevent the county from applying to the appropriate courts for an order requiring removal of the abandoned nonconforming sign by injunction or other appropriate remedy.<sup>1</sup></p>
<p>Art. 22</p>	<p><b>Article 22 Definitions</b></p>	
	<p>Update definitions of SIGNS to reflect temporary nature and duration, which will, in turn, permit County regulations of temporary political signs; also, limit size of signs for commercial uses only:</p> <p>SIGN, AUCTION: A <i>temporary</i> sign, not illuminated, advertising an auction to be conducted on the lot or premises upon which it is situated, such signs shall not exceed <i>twenty (20)</i> square feet in area. <del>and may be erected not more than one (1) month before the date of the auction advertised and shall be removed within forty eight (48) hours of its conclusion.</del></p> <p>SIGN, BANNER: A temporary sign, not exceeding <i>thirty-two (32)</i> square feet, made of fabric or other flexible material, suspended from a fixed structure, rope, wire, string, or cable. Banner signs are for the advertising of a special event, product, or group.</p> <p>SIGN, CONSTRUCTION: A temporary sign that identifies an architect, engineer, contractor, subcontractor, or material supplier who participates in construction on the property on which the sign is located. Such signs shall not exceed <i>thirty-two (32)</i> square feet in area and eight (8) feet in height, and may be erected once the land disturbance permit has been issued for the property and must be removed upon issuance of a final certificate of occupancy.</p> <p>SIGN, POLITICAL: A <i>temporary</i> sign expressing or implying the opinion or opinions of an individual or group intended to influence the election or appointment of government officials and/or to influence the actions, policies and/or conduct of government.</p> <p>SIGN, TEMPORARY: A <i>temporary</i> sign for the advertising of a special event, product,</p>	

<sup>1</sup> For state authority as to the removal of abandoned nonconforming signs, see Code of Va., § 15.2-2307.

2015 Fluvanna County Code Update – Amendments to Sign Ordinance, Chapter 22, Sections 15 & 22  
Review by Planning Commission.

<p>group, occurrence, speaker, program, or seasonal activity and not intended or designed for permanent display, including by way of example and not limitation, signs advertising an event, election, or campaign of an educational, political, religious, civic, philanthropic, or historical organization. Temporary signs shall be posted a reasonable time before, but in no event greater than 30 days prior to such event, as defined herein, and shall be removed a reasonable time after, but in no event greater than 10 days after such event, as defined herein. Temporary signs shall be of reasonable size and no larger than the largest permitted signs in the zoning district, unless otherwise specified in this Code. - <del>Such signs shall not exceed twelve (12) square feet and are not to be displayed for a period of more than thirty (30) consecutive days, and not more than sixty (60) days total in a calendar year.</del></p> <p>SIGN, TEMPORARY DIRECTIONAL: A temporary sign directing individuals to the location of a special event or gathering. <del>Such signs shall not exceed twelve (12) square feet and shall not be posted more than seven (7) days prior to the event and must be removed within seven (7) days after the event.</del></p> <p>SIGN, WARNING: A sign, <del>not exceeding four (4) square feet,</del> located on a property for warning or prohibitions on parking, trespassing, hunting, fishing, swimming, or other activity on that property.</p>	
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*The Fluvanna County Planning Commission resolves to propose an amendment and reenactment of the Fluvanna County zoning ordinance entitled “AN ORDINANCE TO AMEND AND REENACT CHAPTER 22, ARTICLES 1, 2, 4, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, AND 27 OF THE FLUVANNA COUNTY CODE BY CERTAIN AMENDMENTS TO SECTIONS AND SUBSECTIONS 22-1-2, 22-2.1, 22-4-6, 22-4-9.1, 22-4-9.2, 22-4-9.4, 22-7-4, 22-7-5, 22-7-12, 22-9-2, 22-9-3, 22-10-5, 22-11-2, 22-12-9, 22-13-1, 22-13-2, 22-13-3, 22-13-4, 22-13-5, 22-13-6, 22-13-7, 22-14-8, 22-14-8.3, 22-15-4.1, 22-16-8, 22-17-1, 22-17-6, 22-17-9, 22-17-15, 22-17-16, 22-17-18, 22-18-1, 22-18-1.1, 22-18-2, 22-18-4, 22-18-5, 22-18-6, 22-18-7, 22-18-7.1, 22-21-3, 22-22, 22-23-6, 22-23-7, 22-24-3, 22-24-4, 22-25-4, 22-25-6, 22-26-4, 22-27-2, 22-27-6, 22-27-9.9, 22-27-10.2, 22-27-10.3, 22-27-10.3.A, 22-27-10.3B, AND 22-27-11.1. THEREOF, AMENDING AND REENACTING THE FLUVANNA COUNTY ZONING ORDINANCE TO CONFORM TO THE CURRENT ENABLING LEGISLATION, AS AMENDED.”*

*The public purpose for such amendment is to conform the zoning ordinance to the current enabling legislation, as amended.*

BE IT ORDAINED BY THE PLANNING COMMISSION OF FLUVANNA COUNTY, VIRGINIA, that the Fluvanna County Code be, and it is hereby, amended and reenacted as follows:

**Chapter 22  
ZONING**

.....

***Article 9. Business, General, District B-1***

- Sec. 22-9-1. Statement of intent.
- Sec. 22-9-2. *Use regulations.*
- Sec. 22-9-2.1. Uses permitted by right.
- Sec. 22-9-2.2. Uses permitted by special use permit only.
- Sec. 22-9-3. Requirements for permitted uses.
- Sec. 22-9-4. Area regulations.
- Sec. 22-9-5. Setback regulations.
- Sec. 22-9-6. Yard regulations.
- Sec. 22-9-7. Height regulations.
- Sec. 22-9-8. Off street parking.
- Sec. 22-9-9. Sign regulations.
- Sec. 22-9-10. Sidewalks.

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

- Sec. 22-11-1. Statement of intent.
- Sec. 22-11-2. *Use regulations.*
- Sec. 22-11-2.1. Uses permitted by right.

- Sec. 22-11-2.2. Uses permitted by special use permit only.
- Sec. 22-11-3. Requirements for permitted uses.
- Sec. 22-11-4. Area regulations.
- Sec. 22-11-5. Setback regulations.
- Sec. 22-11-6. Yard regulations.
- Sec. 22-11-7. Height regulations.
- Sec. 22-11-8. Coverage regulations.
- Sec. 22-11-9. Off-street parking.
- Sec. 22-11-10. Sign regulations.
- Sec. 22-11-11. Sidewalks.

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***Article 13. Mobile Manufactured Home Park, District MHP***

- Sec. 22-13-1. Statement of intent.
- Sec. 22-13-2. Use regulations.
- Sec. 22-13-2.1. Uses permitted by right.
- Sec. 22-13-2.2. Uses permitted by special use permit only.
- Sec. 22-13-3. Area regulations.
- Sec. 22-13-4. Setback regulations.
- Sec. 22-13-5. Frontage regulations.
- Sec. 22-13-6. Required improvements within lots.
- Sec. 22-13-7. Site plan required.

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***Article 15. Sign Regulations***

- Sec. 22-15-1. Statement of intent.
- Sec. 22-15-2. General provisions.
- Sec. 22-15-2.1. Political signs on privately owned property.
- Sec. 22-15-3. Signs permitted.
- Sec. 22-15-4. Administration.
- Sec. 22-15-4.1 *“Going out of business” and “Special” sales.*
- Sec. 22-15-5. Non-conforming signs.

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***Article 17. General Provisions***

- Sec. 22-17-1. Zoning permits.
- Sec. 22-17-2. Reserved.
- .....
- Sec. 22-17-15. Special exception for placement of *a manufactured mobile home.*
- Sec. 22-17-16. Special use permit for power production plants.
- Sec. 22-17-17. Public safety buildings exempt from certain requirements.
- Sec. 22-17-18. *Necessary subordinate uses.*

***Article 18. Provisions for Appeal and Variance***

- Sec. 22-18-1. Board of zoning appeals.

- Sec. 22-18-1.1. *Ex parte communications and proceedings.*
- Sec. 22-18-2. Powers of the Board of Zoning Appeals.
- Sec. 22-18-3. Rules and regulations.
- Sec. 22-18-4. Applications for variances, appeals to the Board of Zoning Appeals.
- Sec. 22-18-5. Appeal procedure.
- Sec. 22-18-6. Public hearing.
- Sec. 22-18-7. Certiorari to review decisions of board of zoning appeals.
- Sec. 22-18-7.1. *Presumptions and burdens of proof.*

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**Article 1. In General**

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**Sec. 22-1-2. Purpose.**

This chapter, together with the accompanying map, is adopted for the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives of Virginia Code Section 15.2-2283. This chapter has been designed (1) to provide for adequate light, air, convenience of access, and safety from fire, flood, *impounding structure failure*, crime and other dangers; (2) ~~to accommodate traffic~~ *to reduce or prevent congestion in the public streets*; (3) to facilitate the creation of a convenient, attractive and harmonious community; (4) to expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, and other public requirements; (5) to protect against destruction of or encroachment upon historic areas; (6) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health or property from fire, flood, *impounding structure failure*, panic or other dangers; (7) to encourage economic development activities that provide desirable employment and enlarge the tax base; (8) to provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment; and (9) to promote *the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the county is situated.*

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**Article 2. Districts**

**Sec. 22-2-1. Districts.**

For the purpose of this chapter, the unincorporated area of the county is hereby divided into the following districts:<sup>1</sup>

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<sup>1</sup> Editor's note. -- Prior to August 19, 1992, the Zoning Ordinance of Fluvanna County, Virginia, contained a district identified as "Conservation, C-1." The Conservation, C-1 district was repealed by ordinance adopted on that date.

- Agricultural, General, A-1
- Residential, Limited, R-1
- Residential, General, R-2
- Residential, Planned Community, R-3
- Residential, Limited, R-4
- Business, General, B-1
- Business, Convenience, B-C
- Industrial, Limited, I-1
- Industrial, General, I-2
- ~~Mobile~~ *Manufactured Home Park, MHP.*
- Planned United Development, PUD.*

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**Article 4. Agricultural, General, District A-1**

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**Sec. 22-4-6. Off-street parking.<sup>2</sup>**

Off-street parking shall conform to Article 26: *Off-Street Parking and Loading Spaces* of this chapter.

**Sec. 22-4-9.1 Definitions.**

For the purpose of sections 22-4-9 through 22-4-9.4, the following terms shall have the meaning indicated:

- (1) Livestock includes all domestic or domesticated *animals, including but not limited to: cattle, sheep, lambs, hogs, goats, horses, poultry, and furbearing animals.*  ~~: bovine animals, such as cattle; equine animals, such as horses; ovine animals, such as sheep; and porcine animals, such as hogs.~~
- (2) Intensive livestock, dairy or poultry facility means a livestock, dairy or poultry operation where, for a period of 45 consecutive days or more, 300 animal units are closely confined and not free-ranging, and are fed in the area of confinement. For the purpose of this article, 300 animals units shall be equivalent to any of the following, or any combination thereof where the animals are confined in one location:
  - Livestock: 300 slaughter or feeder cattle
  - ~~livestock~~ *Livestock:* 750 swine each weighing over 55 pounds
  - ~~livestock~~ *Livestock:* 150 horses
  - ~~livestock~~ *Livestock:* 3,000 sheep, lambs, or goats ~~or lambs~~
  - Livestock:* 16,500 furbearing animals such as rabbits or chinchilla
  - ~~dairy~~ *Dairy:* 200 mature dairy cows (whether milked or dry cows)
  - ~~poultry~~ *Poultry:* 16,500 turkeys

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<sup>2</sup> For state law granting localities the authority to regulate off-street parking, see Code of Va., § 15.2-2279.

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

- (3) Intensive livestock, dairy or poultry structure means a building, structure or other improved area used in the operation of an intensive livestock, dairy or poultry facility; including, but not limited to, litter storage sites, incinerators, manure storage sites, poultry houses, poultry disposal pits, or dead poultry cold storage chests. The term shall not include structures that are used only indirectly in the operation of the facility.
- (4) Operator means any person who operates an intensive livestock, dairy or poultry facility, or the land on which it is located.
- (5) Poultry means any domestic or domesticated fowl raised for meat or eggs; including, but not limited to, chickens and turkeys.
- (6) Existing intensive livestock, dairy or poultry structure means an intensive livestock, dairy or poultry structure that has been in operation for one year within the five years immediately preceding the date on which a building or zoning permit is sought for a dwelling.

**Sec. 22-4-9.2 Setbacks.**

- (1) Except as otherwise expressly provided in this section, each intensive livestock, dairy or poultry structure shall be set back 300 feet from *any* property line.
- (2) Any dwelling not owned by the operator shall be set back from any existing intensive livestock, dairy or poultry structure as follows:
  - (a) If the dwelling is an Agricultural (A-1) district, 300 feet;
  - (b) If the dwelling is in a residential district, 600 feet.
- (3) Each intensive livestock , dairy or poultry structure shall be setback at least 300 feet from any property line, at least 200 feet from the right-of-way of any secondary road, and at least 300 feet from the right-of-way of any primary highway.
- (4) Each intensive livestock, dairy or poultry structure shall be setback at least 1,000 feet from any incorporated town, public school, place of worship, public water intake from a stream or river and from the boundary of any adjacent residential district.

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**Sec. 22-4-9.4 Nutrient management plan.**

After the effective date of this section, no intensive livestock, dairy or poultry facility for which the Commonwealth of Virginia requires a nutrient management plan shall commence operation until such plan has been approved by the Virginia Department of Conservation and Recreation, ~~or by the Virginia Cooperative Extension Service~~, or by a person certified or

employed by the *Virginia Soil and Water Conservation Board or the Commonwealth* as a nutrient management planner, *in accordance with 4VAC50-85-10 et seq, "Nutrient Management Training and Certification Regulations."*

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

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***Article 7. Residential, Planned Community, District R-3***

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**Sec. 22-7-4. Required information on Preliminary Master Plan.**

(a) The location of the open areas which shall comprise not less than twenty-five (25) percent of the whole. The open areas shall include parks, recreation facilities, residential clubhouse grounds, lakes, trails, and land or water left in undisturbed natural condition and unoccupied by building lots, structures, streets and roads and parking lots. This area may be used for active recreation facilities identified in Section 22-7-12. The open areas of the tract shall be delineated due to their noteworthy features and value to the continued rural character of the county, including, but not limited to, lands with high scenic, open space and water quality protection values including riparian corridors and wildlife habitat; high environmental sensitivity such as steep slopes, wetlands, floodplains; high recreational value and/or having noteworthy historical, archaeological or cultural features.

(b) *The Preliminary Master Plan shall contain the following information:*

(c) (A) ~~The plan shall also indicate the~~ *The general location of the various types of land uses, including the general location of any village centers, and the residential density classifications of each residential area;*

(d) (B) ~~The areas Areas-~~ *designated for residential development, with maximum proposed number of units, density calculations, and plot plans of typical units provided;*

(e) (C) ~~The areas Areas-~~ *designated for commercial and/or institutional development, with maximum proposed square footages and floor area ratios indicated. The location of all buildings and improvements, and their proposed use, other than single-family dwellings, and the location of any public buildings shall be shown;-*

- (f) ~~(D) The street~~ **Street** layout, with indication of which *streets* are to be dedicated to public use and which are to be held in private ownership, and a brief description of maintenance arrangements; street functional classification; and proposed street cross-sections,;
- (g) ~~(E) The pedestrian~~ **Pedestrian** and bicycle facilities, including sidewalks and trails, with proposed cross-sections,;
- (h) ~~(F) The orientation~~ **Orientation** of the Preliminary Master Plan to the surrounding community by extending the overall development and preservation pattern, tree protection and buffers, general building design, covenants and restrictions,-
- (i) ~~(G) The general location of all public and private roads shall be indicated on the plan,;~~
- (j) ~~(H) The adequate~~ **Adequate** provisions for general sewer, storm drainage, and water supply shall be shown on the plan,; and
- (k) ~~(I) The Preliminary Master Plan shall also demonstrate~~ **Demonstrate** its compliance with the county's Comprehensive Plan.

**Sec. 22-7-5. Development -- Final Master Plan plan.**

(a) ~~Submitting the Final Master Plan: Requirements for Submittal~~

- (1) ~~A~~ **The applicant shall submit five** ~~Five~~ (5) copies of the final Master Plan to the Planning Director. The final plan shall ~~have been~~ be prepared by a licensed surveyor, engineer, landscape architect, or architect.
- (2) ~~B~~ **The Final final** Plans shall be consistent with the Preliminary Master Plan as approved. The applicant may vary from the *approved Preliminary Master Plan* to any degree if it does not vary the basic concept or character of the development.
- (3) ~~C~~ **Any departure from the approved Preliminary Master Plan must** ~~shall~~ be approved by the Planning Commission.

(b) ~~The Final Master Plan must contain: Requirements:~~

- (1) All the Preliminary Master Plan Information,;
- (2) ~~The location of the existing~~ **Existing** and proposed property lines,;
- (3) ~~The plans and specifications~~ **Plans and Specifications** for roads, pedestrian facilities, parking areas, Stormwater Management facilities, water and sewer system, active recreational facilities, and any other infrastructure elements proposed and shall be in compliance with Virginia Stormwater Management Regulations,;



	Minimum of three acres of recreation area
61- 100 residential units	Group A – Choice of three Group B – Choice of three Minimum of six acres of active recreation
101 + residential units	Group A- Choice of three Group B – Choice of three Group C – Choice of one Minimum of eight acres of active recreation

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**Article 9. Business, General, District B-1**  
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**Sec. 22-9-2. Use Regulations.**

*In Business, General, District B-1, structures to be erected or land to be used shall be for one or more of the following uses, together with ordinary and necessary accessory uses, and no others.*

**Sec. 22-9-3. Requirements for permitted uses.**

All buildings, structures and uses in the B-1 District shall be subject to the provisions of Article 23: *Site Development Plans of this code.*

.....  
**Article 10. Business, Convenience, District B-C**  
 .....

**Sec. 22-10-5. Requirements for permitted uses.**

All buildings, structures and uses in the ~~BC~~ B-C District shall be subject to the provisions of Article 23: *Site Development Plans of this code.*

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

**Sec. 22-11-2. Use Regulations.**

*In Industrial, Limited, District I-1, structures to be erected or land to be used shall be for one or more of the following uses, together with ordinary and necessary accessory uses, and no others.*

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

**Sec. 22-12-9. ~~Off-street~~ Off-Street parking.**

Off-street parking shall conform with Article 26: *Off-Street Parking and Loading Spaces* 17 of this chapter.

.....  
**Article 13. ~~Mobile~~ Manufactured Home Park, District MHP**

**Sec. 22-13-1. Statement of intent.**

This district is intended to accommodate ~~mobile-~~ *manufactured* home parks with lots for rent exclusively. This district is based on the premise that the demand for ~~mobile-~~*manufactured* homes can best be supplied by ~~mobile-~~*manufactured* home parks. The following regulations are designed to provide an attractive and harmonious environment for ~~mobile-~~*manufactured* home dwellings, with all amenities normally found in a substantial residential neighborhood.

**Sec. 22-13-2<sup>3</sup>. Use regulations.**

In ~~Mobile~~ *Manufactured* Home Park, District MHP, only one mobile *or* *manufactured* home and its accessory uses and structures shall be permitted on each minimum lot area. Structures to be erected or land to be used shall be for some combination of the following uses. *Manufactured homes used pursuant to this section shall comply with the Flood Protection subsection of this Chapter found in Section 22-17-8A et seq.* (Ord. 3-15-06; Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10)

**Sec. 22-13-3. Area regulations.**

- (A) The minimum area for each ~~mobile~~ *manufactured* home park shall be five (5) acres. (Minimum number of spaces completed and ready for occupancy before first occupancy is permitted shall be ten (10)).
- (B) Area. The minimum lot area of each individual mobile *or* *manufactured* home lot shall be six thousand (6000) square feet.

**Sec. 22-13-4. Setback regulations.**

- (A) ~~Mobile~~ *Manufactured* home parks shall be located fifty (50) feet or more from any street right-of-way but not less than seventy-five (75) feet from the center line of the street. Lots fronting streets within ~~mobile~~ *manufactured* home parks (interior lots) shall conform with subsection (b) below. The foregoing notwithstanding, every ~~mobile~~ *manufactured* home within any such ~~mobile~~ *manufactured* home park shall be set back from any abutting public road not less than the setback required for the property abutting the ~~mobile~~ *manufactured* home park across such public road.
- (B) No ~~mobile~~ *manufactured* home lot shall be placed less than twenty-five (25) feet from any adjoining property line.
- (C) No ~~mobile~~ *manufactured* home shall be placed less than ten (10) feet from any lot or within 25 feet of another ~~mobile~~ *manufactured* home.

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<sup>3</sup> Editor’s Note – This section as originally adopted was misnumbered as “Sec. 22-13-1.” This clerical error has been corrected by the editor.

### **Sec. 22-13-5. Frontage regulations.**

The minimum frontage for each ~~mobile~~ *manufactured* home lot shall be sixty (60) feet with a minimum 30 feet street frontage.

### **Sec. 22-13-6. Required improvements within lots.**

- (A) Markers for ~~mobile~~ *manufactured* home lots. Every ~~mobile-manufactured~~ home lot shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot a number corresponding to the number of each lot as shown on the site plan submitted so that each lot may be easily identified.
- (B) Streets. All streets, both public and private, serving ~~mobile~~ *manufactured* home lots, shall conform to the construction standards of the Virginia Department of Transportation. Curb and gutters are encouraged; however, in the event that they are not provided, adequate drainage facilities shall be provided.
- (C) Parking spaces. In each ~~mobile~~ *manufactured* home park, parking spaces shall be provided at the rate of at least two car spaces for each ~~mobile~~*manufactured* home lot. Space for one car of the required two car spaces shall be provided upon the lot, but if not so provided, in parking bays located convenient to such lots. Each such parking space shall be not less than ten feet wide and twenty feet deep, shall be surfaced for its entire area with a durable, hard surface material, suitable for all weather use, and shall have unobstructed access to a public street or highway. No parking space shall be more than three hundred (300) feet from the ~~mobile-manufactured~~ home lot which it serves.
- (D) Water supply. An adequate supply of water approved by the State Health Department shall be furnished from a public water supply system or from a central water system conforming to all applicable laws, regulations, resolutions, and ordinances, with water connections located on each ~~mobile~~ *manufactured* home lot. No drinking water containers or fountains shall be located in any room housing toilet facilities. All water lines shall be made frost-free.
- (E) Sewerage facilities. In each ~~mobile~~ *manufactured* home park, all waste or waste water from a faucet, toilet, tube, shower, sink, slop-sink, drain, washing machine, garbage disposal unit or laundry shall empty into one or more public or central sewer systems approved by the Fluvanna County Health Department.
- (F) Garbage and trash disposal. Each lot within a ~~mobile~~ *manufactured* home park shall be provided with at least one tight-fitting, closed-top garbage or trash container, and collection and disposal shall be provided at a frequency to assure it will not overflow.
- (G) Lighting and electric receptacle outlets. Public areas of ~~mobile~~ *manufactured* home parks shall be adequately lighted so as to permit safe movement of vehicles and pedestrians at night. All exterior lights in each park shall be located and when necessary shielded so as to

prevent direct illumination of sleeping areas. At least one grounded type receptacle outlet shall be provided each lot.

- (H) Utilities. All utility service shall be underground to each lot.
- (I) Recreational areas. There shall be provided a minimum of 30,000 square feet of recreational area, exclusive of required setback and yard requirements, per each thirty (30) ~~mobile~~ *manufactured* home lots or multiple or fraction thereof.
- (J) Additions to ~~mobile~~ *manufactured* homes. No permanent or semi-permanent structure shall be affixed to any ~~mobile~~ *manufactured* home as an addition to such mobile home. The prohibition herein against any addition or accessory to a ~~mobile~~ *manufactured* home shall not apply to a canopy or awning designed for use with a ~~mobile~~ *manufactured* home, nor to any expansion unit or accessory structures specifically manufactured for ~~mobile~~ *manufactured* homes. The lot coverage of a ~~mobile~~ *manufactured* home, together with an expansion or accessory structure permitted thereto by this article shall not exceed twenty percent of the total ~~mobile~~ *manufactured* home lot area.
- (K) Height regulations. No ~~mobile~~ *manufactured* home shall exceed fourteen (14) feet in height nor shall any storage facility or other accessory structure exceed the height of any ~~mobile~~ *manufactured* home which it serves. Utilities, television antennae and radio aerials are exempt.
- (L) ~~Mobile~~ *Manufactured* home standards. Every ~~mobile~~ *manufactured* home occupied as a dwelling unit in Fluvanna County shall meet the minimum standards of the Virginia *Manufactured Home Safety Regulations and shall have been manufactured under the authority of the National Manufactured Home Construction and Safety Standards Act, Industrialized Building Unit and Mobile Home Safety Regulations*, as the same shall be in effect from time to time.
- (M) Anchorage. Every parking space for ~~mobile~~ *manufactured* homes shall be provided with devices for anchoring the unit to prevent overturning or uplift. The anchorage shall be adequate to withstand wind forces and uplift as required for buildings and structures in the Virginia Uniform Statewide Building Code.

**Sec. 22-13-7. Site plan required.**

Each ~~mobile~~ *manufactured* home park shall be subject to the provisions of Article 23: *Site Development Plans* of this chapter.

.....  
**Article 14. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)**  
 .....

**Sec. 22-14-8. Density.**

- (1) The maximum residential base density permitted for individual land uses to be located in the PUD districts shall be as follows in Table 1 below.

(2) The allowable density for individual uses within the PUD District shall be calculated based on the Net Acreage of the land subject to the PUD zoning amendment application. The calculation of minimum and maximum yield for individual uses shall be based on the application of the minimum and maximum density for each use (see Table 1) to an adjusted Net Acreage. The Net Acreage reduces the gross area of the PUD land by the total of the non-qualifying land components within property. The Net Acreage = Gross Acreage - Non-Qualifying Area (acreage of the sum of the Non-Qualifying land components.) The components that comprise the Non-Qualifying areas include:

- area of existing dedicated public rights of way and easements,
- areas depicted on an adopted Official Transportation Map for future public improvements,
- area of existing land uses and structures, including platted lots, that are intended to remain as a part of the PUD project,
- areas deemed unbuildable due to geological, soils, or other environmental deficiencies,
- areas of wetlands and floodplains (as defined by FEMA 100-year floodplain or engineering study),
- area of existing ponds, stormwater management facilities, and water features that are not defined as wetlands or floodplains, and
- area of terrain with slopes in excess of thirty percent (30%).

<b>PUD District Density Regulations</b>								
<b>Community Planning Area</b>	<b>Minimum &amp; Maximum Density</b>							
	Dwelling Units <i>per</i> acre for Residential – Floor Area <i>Ratio</i> for Commercial							
	<b>Single Family</b>		<b>Townhouses</b>		<b>Multifamily</b>		<b>Commercial</b>	
	min.	max.	min.	max.	min.	max.	min.	max.
Zion Crossroads Community Planning Area		6		9		16		
Zion Crossroads Urban Development Area	4	6	6	9	12	16	0.4	
Rivanna Community Planning Area		4		6		12		
Palmyra Community Planning Area		4		6		12		
Fork Union Community Planning Area		4		6		12		
Columbia Community Planning Area		4		6		12		

Scottsville Community Planning Area	4	6	12	
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**Table 1: PUD Density Regulations**

(3) An increase in the maximum residential density for a PUD district may be permitted in the following instances:

Open Space:

If 50% or more of the gross area of a PUD is preserved as open space, then a 20% increase in density may be permitted. If 75% or more of the gross area of a PUD is preserved as open space, then a 30% increase in density may be permitted.

Affordable Housing (as defined in the Comprehensive Plan):

If between 10% and 15% of the total number of dwelling units within a PUD are reserved for affordable housing, then a 20% increase in density may be permitted. If more than 15% of the total number of dwelling units within a PUD are reserved for affordable housing, then a 30% increase in density may be permitted.

Open Space and Affordable Housing:

Density bonuses may also be permitted with a combination of both open space and affordable housing. The increase in density that may be permitted shall be based on the following combinations of open space and affordable housing:

<b>Open Space Provided</b>	<b>Affordable Housing Provided</b>	<b>Density Bonus Permitted</b>
50%	10-15%	35%
50%	+ >15%	45%
75%	10-15%	40%
75%	+ >15%	50%

Transfer/Purchase of Development Rights:

(Reserved for future Transfer of Development Rights/Purchase of Development Rights density bonuses)

(Ord. 8-5-09; Ord. 11-16-11)

.....  
**Article 15. SIGN REGULATIONS**  
 .....

**Sec. 22-15-4.1 “Going out of business” and “Special” sales.<sup>4</sup>**

(A) All persons must obtain a permit from the county in order to advertise or conduct a sale for the purpose of discontinuing a retail business, or to modify the word “sale” in any

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<sup>4</sup> For state law requiring the county to oversee and permit such sales, see Code of Va., §§ 18.2-223, 18.2-224.

*advertisement with the words “going out of business” or any other words which tend to insinuate that the retail business is to be discontinued and the merchandise liquidated.*

*(B) The applicant shall submit an application for a permit to the county administrator, or his designee, which shall include the following:*

*(1) A statement of the purpose of the sale (i.e. liquidation of assets, terminating retail business);*

*(2) An inventory including the kind and quantity of all goods to be offered for sale during the sale;*

*(3) A copy of any proposed advertisements which may be posted or published in connection with the special sale; and*

*(4) A fee of \$65 for the processing of the permit, which shall not be refunded.*

*(C) Upon receipt of the complete application and fee, the county administrator or his designee, shall issue a special sale permit which shall be valid for a maximum of sixty (60) days. An extension of the sale or additional sale shall require an additional permit application and fee as described above. A maximum of one permit beyond the initial sixty (60) day permit may be granted solely for the purpose of liquidating only those goods contained in the initial inventory list which remain unsold.*

*(D) The permittee shall prominently display the permit number and effective dates of the special sale on any and all advertisements for such sale. The permittee may not advertise along with its special sale any goods not listed in the inventory provided to the county in its application.*

*(E) The permittee may not commingle or add to the special sale any goods not listed in the inventory list provided to the county. Upon proof that the permittee has commingled or added goods not listed in the inventory list to the special sale, the county may revoke the special sale permit.*

*(F) The county administrator’s designee shall inspect the advertisement and conducting of the special sale to insure it is being advertised and conducted in conformity with the permit.*

*(G) Advertising or conducting a special sale without a permit, as required by this section, shall be punishable as a Class 1 misdemeanor.*

.....  
**Article 16. Nonconforming Uses**  
.....

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

*(A) Where in any zone, a conforming structure devoted to a non-conforming activity or a nonconforming structure is destroyed or damaged in any manner, whether wholly or partially, either may be repaired or restored provided such repair or restoration is started*

within twelve months from the date of damage or partial destruction. Such restoration shall not exceed 200% of its size in square footage when destroyed. Any such expansion exceeding 100% of the original structure shall conform with the yard requirements of this ordinance. *Any such repair or restoration must be carried out in compliance with the Uniform Statewide Building Code and Fluvanna County flood plain regulations, as required by the Code of Virginia § 15.2-2307.*

(B) ~~B. RESERVED~~—*If a nonconforming structure is in an area under a federal disaster declaration and the structure has been damaged or destroyed as a direct result of the conditions that gave rise to the federal disaster declaration, then it may be repaired or restored for an additional two (2) years after the time permitted in subsection (a) above.*

(C) ~~C.~~ Any *manufactured mobile*-home which was lawfully in existence in the county on the effective date of this ordinance may be replaced by another mobile home, subject to the following:

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

.....  
**Article 17. General Provisions**

**Sec. 22-17-1. Zoning permits.**

(A) Buildings or structures shall be started, reconstructed, or enlarged only after a zoning permit has been obtained from the administrator or his designated agent.

(B) Each application for a zoning permit shall be accompanied by a site plan which complies with the provisions of Article 23: *Site Development Plans* of this chapter. In the case of any building, structure or use which is exempt from the provisions of Article 23, a sketch plan shall be submitted. Each such sketch plan shall show the property in such detail as the administrator may deem necessary to ensure compliance with this chapter. Except as may otherwise be required in a particular case, such sketch shall show the size and shape of the parcel of land on which the proposed building, structure or use is to be established, the nature of the proposed use of the building or land, and the size, shape and location of such building,

structure or use with respect to the property lines of said parcel of land and to the right-of-way of any street or highway adjoining said parcel of land, including all setbacks and required yards as prescribed by this chapter and by all applicable deed restrictions known to the applicant. *The sketch plan shall also include any* ~~Any~~ other information which the administrator may deem necessary for construction of the application ~~may be required~~. If the proposed building, structure or use is in conformity with the provisions of this chapter, a permit shall be issued to the applicant by the administrator.

- (C) Activity for which a zoning permit was issued must commence within twenty-four months or such permit shall expire and be of no further effect.

.....  
**Sec. 22-17-6. Widening of highways and streets.**

Whenever there shall be plans in existence *for* a project in the Secondary or Primary Six Year Plan that has been approved by the Virginia Department of Transportation and the governing body for the widening of any street or highway, the administrator may require additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right of way, in order to preserve and protect the right of way for such proposed street or highway widening.

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**Sec. 22-17-9. Conditional rezoning.<sup>5</sup>**

- (A) As part of a rezoning or amendment to the zoning map, the owner of any property subject to any application for such rezoning or amendment to the zoning map, may voluntarily proffer, in writing submitted to the zoning administrator prior to a public hearing before the governing body, reasonable conditions for such rezoning or amendment to the zoning map, in addition to the regulations provided for the zoning district by this chapter, provided that such proffered conditions comply in full with all provisions of Sections 15.2-2297 and 15.2-2298 of the Code of Virginia.
- (B) Once proffered and accepted as part of an amendment to the zoning ordinance, such conditions shall continue in effect until a subsequent amendment changes the zoning on the property covered by such conditions; however, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance. No amendment or variation of conditions created pursuant to this section shall take effect until after a public hearing before the governing body advertised in accordance with Section 15.2-2204 of the Code of Virginia. Except as the governing body may expressly provide in a particular case, each such condition shall be deemed to be integral to, and nonseverable from, the rezoning or amendment to the zoning map to which it applies.
- (C) No proffer for the dedication of real property or payment of cash shall be accepted unless the county has adopted a capital improvement program pursuant to Section 15.2-2239 of the Code of Virginia. No such dedication or cash payment shall be made until the facilities for which such property is dedicated or cash is tendered are included in the capital improvement program, provided that nothing herein shall prevent the county from accepting proffered

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<sup>5</sup> As to state law regarding conditional rezoning, see Code of Va., § 15.2-2296 et seq.

conditions which are not normally included in such capital improvement program. If such proffered conditions include the dedication of real property or the payment of cash, the proffered conditions shall provide for the disposition of such property or cash payment in the event the property or cash payment is not used for the purpose for which proffered.

(D) In the event proffered conditions include a requirement for the dedication of real property of substantial value, or substantial cash payments for or construction of substantial public improvements, the need for which is not generated solely by the rezoning itself, then no amendment to the zoning map for the property subject to such conditions, nor the conditions themselves, nor any amendments to the text of the ordinance with respect to the zoning district applicable thereto initiated by the governing body, which eliminate, or materially restrict, reduce or modify the uses, the floor area ratio, or the density of use permitted in the zoning district applicable to such property shall be effective with respect to such property unless there has been mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare.

(E) Nothing in this section shall be construed to affect or impair the authority of the governing body to:

(a) (1) Accept proffered conditions which include provisions for timing or phasing of dedications, payments or improvements; or

(b) (2) Accept or impose valid conditions pursuant to subsection (A)(3) of Section 15.2-2286 of the Code of Virginia or other provision of law.

(F) The zoning map shall show by an appropriate symbol on the map the existence of conditions attaching to the zoning on the map. The zoning administrator shall keep in his office and make available for public inspection a Conditional Zoning Index. The Index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district or zone. The zoning administrator is vested with all necessary authority on behalf of the governing body and pursuant to Section 15.2-2299 of the Code of Virginia to administer and enforce conditions attached to a rezoning or amendment to a zoning map, though all decisions made pursuant to this section are subject to appeal to the governing body according to the procedures described in Section 15.2-2301 of the Code of Virginia.

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**Sec. 22-17-15. Special exception for placement of ~~mobile~~ a manufactured home.**

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

**Sec. 22-17-16. Special use permit for power production plants.**

A power production plant may be constructed pursuant to Section 22-4-2.2 and section 22-17-4 of this chapter, upon showing by the applicant of the following:

(1) The proposed location for the power plant is supported by a clear dependence upon the confluence of utilities necessary for the operation of the power production plant and the transmission of the electricity the plant generates;

(2) The proposed power plant will not be of substantial detriment to adjacent property and the general character of the district will not be changed as a result of its operation. This shall be accomplished, in part, by meeting the following minimum criteria:

(a) The proposed site shall be a minimum of 300 acres and allow for at least 87% of the property to be left as open space;

(b) The proposed site features natural vegetation or topographical features that provide for ample perimeter screening and buffering to minimize any visual or other impacts on adjacent property;

(c) The proposed location has adequate access to the road system and shall not create or exacerbate traffic congestion;

(1) In addition to meeting the minimum site-related criteria listed in (a), (b) and (c) above, the design of the proposed electrical power production plant shall be subject in all respects to the provisions of this chapter except as listed in (a) through (e), below. These exceptions shall be deemed to be compatible with the general character of the district and provide further protection of adjacent property from potential adverse impacts:

(a) The height of any buildings or structures shall not exceed the lesser of 145 feet above ground level or the height of the tallest chimney as determined by paragraph (b) below;

(b) The height of any chimney shall not exceed the lesser of 145 feet above ground level or the height determined by "good engineering practice" as determined by the State Air Pollution Control Board or the Department of Environmental Quality pursuant to applicable regulations addressing stack heights;

(c) The amount of impervious surface coverage shall be thirteen per cent (13%) or less, provided that storm water detention ponds or reservoirs shall be considered pervious surface(s);

(d) Any buildings or structures over *twelve* (12) feet in height, ~~other than public utility structures subject to the provisions of Section 22-17-14 of this chapter,~~ shall be located a minimum of 300 feet distant from adjoining property lines or edge of road rights-of-way;

(e) There shall be a minimum of 300-foot wide vegetated buffer around the development which, in all other respects, conforms to the County landscaping requirements to be reviewed and approved along with the other requirements of a site development plan;

(4) In addition to obtaining zoning approval from Fluvanna County, the proposed power plant also will obtain, and maintain, valid permits as required by all other regulatory bodies of the state and federal governments.

.....  
**Article 18. Provisions for Appeal and Variance**

**Sec. 22-18-1. Board of zoning appeals.<sup>6</sup>**

(a) A board consisting of five (5) members shall be appointed by the Circuit Court of Fluvanna County. *Members of the board shall be residents of Fluvanna County.* Members of the board may receive such compensation as may be authorized by the governing body. Members shall be removable for cause by the appointing court after hearing held after at least fifteen (15) days' notice. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

(b) The term of office shall be for five (5) years, except that of the first five (5) members appointed, one (1) shall serve for five (5) years, one (1) for four (4) years, one (1) for three (3) years, one (1) for two (2) years and one (1) for one (1) year. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until his successor is appointed and qualifies. Members of the board shall hold no other public office in the county, except that one of the five appointed members may be an active member of the planning commission.

(c) Any member of the board shall be disqualified to act upon a matter before the board with respect to property in which the member has a legal interest.

(d) The board shall choose annually its own chairman and vice chairman who shall act in the absence of the chairman. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board. A secretary who is not a member of the board shall not be entitled to vote on matters before the board.

**Sec. 22-18-1.1. Ex parte communications and proceedings.<sup>7</sup>**

*(A) The non-legal staff of the governing body may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner or his agent or attorney may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. If any ex parte discussion of facts or law does occur, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication and the identity of the individuals*

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<sup>6</sup> As to state law authorizing the formation of the county's board of zoning appeals, see Code of Va., § 15.2-2308.

<sup>7</sup> As to state law provisions regarding board of zoning appeals ex parte communications and proceedings, see Code of Va., § 15.2-2308.1.

*involved in the communication. For the purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which staff of the governing body, the applicant, landowner or his agent or attorney are all invited.*

*(B) Any materials relating to a particular case, including a staff recommendation or report furnished to a member of the board, shall be made available without cost to such applicant, appellant or other person aggrieved under Virginia Code Section 15.2-2314, as soon as practicable thereafter, but no more than three (3) business days after providing such materials to a member of the board. If the applicant, appellant or other person aggrieved under Virginia Code Section 15.2-2314 requests additional documents or materials be provided by the locality other than those materials provided to the board, such request shall be made in accordance with the FOIA requirements in Virginia Code Section 2.2-3704. Any such materials furnished to a member of the board shall also be made available for public inspection as required by Virginia Code Section 2.2-3707(F).*

*(C) For the purposes of this section, “non-legal staff of the governing body” means any staff who is not in the office of the county attorney, or for the board, or who is appointed by special law. Nothing in this section shall preclude the board from having ex parte communications with any attorney or staff or any attorney where such communication is protected by attorney-client privilege or other similar privilege or the protection of confidentiality.*

*(D) This section shall not apply to cases where an application for a special exception has been filed pursuant to this chapter.*

### **Sec. 22-18-2. Powers of the Board of Zoning Appeals.<sup>8</sup>**

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

*(A) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this ordinance or of any ordinance adopted pursuant thereto.*

*(1) The decision on such appeal shall be based on the board’s judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct.*

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

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

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<sup>8</sup> As to state law regarding powers of the board of zoning appeals, see Code of Va., § 15.2-2309.

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

(B) *Notwithstanding any other provision of law, general or special, to grant ~~To authorize~~ upon appeal or original application in specific cases ~~such a variance as defined by Virginia Code Section 15.2-2201 from the terms of the ordinance as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows: the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in Virginia Code Section 15.2-2201 and the criteria set out in this section, as follows:~~*

(1) ~~When a property owner can show that his~~ *Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance and*

~~(i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.~~

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

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

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

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

~~2. No such variance shall be authorized by the board unless it finds: (a) that the strict application of the ordinance would produce undue hardship; (b) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (c) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.~~

~~3. (2) No such variance shall be authorized~~ *considered* except after notice and hearing as required by Section 15.2-2204 of the Code of Virginia, as amended; however, notice of such hearing may be given via first-class mail rather than registered or certified mail pursuant to Section 15.2-2309 of the Code of Virginia.

~~4. No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.~~

~~5. (3) In authorizing~~ *granting* a variance the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

(C) To hear and decide appeals from the decision of the zoning administrator. No such appeal shall be heard except after notice and hearing as provided by Section 15.2-2204 of the Code of Virginia; however, notice of such hearing may be given via first-class mail rather than registered or certified mail pursuant to Section 15.2-2309 of the Code of Virginia.

(D) To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by Section 15.2-2204 of the Code of Virginia, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, notice of such hearing may be given via first-class mail rather than registered or certified mail pursuant to Section 15.2-2309 of the Code of Virginia. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.

(E) No provision of this section shall be construed as granting any board the power to rezone property *or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.*

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**Sec. 22-18-4. Applications for variances, appeals to the Board of Zoning Appeals.<sup>9</sup>**

(A) Applications for variances may be made by any property owner, tenant, government official, department, board or bureau. Such application shall be made to the zoning administrator in accordance with rules adopted by the board. The application and accompanying maps, plans or

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<sup>9</sup> *As to state law regarding appeals to the board of zoning appeals, see Code of Va., § 15.2-2311.*

other information shall be transmitted promptly to the secretary of the board who shall place the matter on the docket to be acted upon by the board. The zoning administrator shall also transmit a copy of the application to the local commission which may send a recommendation to the board or appear as a party at the hearing. Substantially the same application will not be considered by the board within one year after the decision of the board.

(B) An appeal to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by ~~such~~ *any* decision of the zoning administrator *or from any order, requirement, decision or determination made by any other administrative officer in the administration and enforcement of this article, any ordinance adopted pursuant to this article, or any modification of zoning requirements pursuant to this chapter.*

*(1) Any written notice of a zoning violation or a written order of the zoning administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or a written order within thirty (30) days in accordance with this section, and that the decision shall be final and unappealable if not appealed within thirty (30) days. The zoning violation or written order shall include the applicable appeal fee and a reference to where additional information may be obtained regarding the filing of an appeal. The appeal period shall not commence until the statement is given. A written notice of a zoning violation or a written order of the zoning administrator that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section.*

*(2) Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. Pursuant to Section 15.2-2311 of the Code of Virginia, the zoning administrator shall attach to any written notice of a zoning violation or any written order a statement informing the recipient that he may have a right to an appeal within thirty days, and that the zoning administrator's decision shall become final and unappealable if not filed within thirty days.*

*(3) Upon the filing of the appeal, the ~~The~~ zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken.*

*(4) A decision by the board on appeal shall be binding upon the owner of the property which is the subject of such appeal only if the owner of such property has been provided notice of the zoning violation or written order of the zoning administrator. The owner's actual notice of such notice of zoning violation or written order or active participation in the appeal hearing shall waive the owner's right to challenge the validity of the board's decision due to failure of the owner to receive the notice of zoning violation or written order.*

(5) An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

(6) In no event shall a written order, requirement, decision or determination made by the zoning administrator or other administrative officer be subject to change, modification or reversal by any zoning administrator or other administrative officer after sixty days have elapsed from the date of the written order, requirement, decision or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the zoning administrator or other administrative officer unless it is proven that such written order, requirement, decision or determination was obtained through malfeasance of the zoning administrator or other administrative officer or through fraud. The sixty-day limitation period shall not apply in any case where, with the concurrence of the attorney for the governing body, modification is required to correct clerical or other nondiscretionary errors.

*(C) In any appeal taken pursuant to this section, if the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.*

**Sec. 22-18-5. Appeal procedure.**

(A) Applications for variance and appeals shall be filed with the board of zoning appeals in care of the zoning administrator.

(B) Appeals and applications for variance requiring an advertised public hearing shall be accompanied by a filing fee as determined by a fee schedule adopted by resolution of the governing body. *The fee for filing an appeal shall not exceed the costs of advertising the appeal for public hearing and reasonable costs, as provided in Section 15.2-2311(A0 of the Code of Virginia.* (Ord. 9-21-05)

(C) All other procedural requirements of Section 15.2-2312 of the Code of Virginia shall be observed by the board of zoning appeals.

*(D) For the conduct of any hearing, a quorum shall not be less than three members of the board and the board shall offer an equal amount of time in a hearing on the case to the applicant, appellant or other person aggrieved, and the staff of the local governing body, pursuant to Section 15.2-2308 of the Code of Virginia.*

**Sec. 22-18-6. Public hearing.<sup>10</sup>**

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<sup>10</sup> As to state law regarding the timing of public hearing and powers of the board of zoning appeals, see Code of Va., § 15.2-2312.

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

**Sec. 22-18-7. Certiorari to review decisions of board of zoning appeals.**

- (A) Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any taxpayer or any officer, department, board or bureau of the county, may present to the circuit court of the county a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the board.
- (B) Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.
- (C) The board of zoning appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof as may be called for by such writ. The return shall concisely set forth such facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- (D) ~~If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.~~ The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- (E) Costs shall not be allowed against the board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from. In the event the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or person who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the writ of certiorari.

***Section 22-18-7.1. Presumptions and burdens of proof.***

- (A) *In the case of an appeal from the board of zoning appeals to the circuit court of an order, requirement, decision or determination of a zoning administrator or other administrative officer in the administration or enforcement of any ordinance or provision, or any modification of zoning requirements, the findings and conclusions of the board of zoning*

*appeals on questions of fact shall be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision. The court shall hear any arguments on questions of law de novo.*

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

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

*(D) In the case of an appeal from the board of zoning appeals to the circuit court of a decision of the board, any party may introduce evidence in the proceedings in the court in accordance with the Rules of Evidence of the Supreme Court of Virginia.*

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**Article 21. Administration and Interpretation**  
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**Sec. 22-21-3. Interpretation.**

Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

(a) Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys, or railroad main tracks, such center lines or lines at right angles to such center lines shall be construed to be such boundaries, as the case may be.

(b) Where a district boundary is indicated to follow a river, creek or branch or other body of water, said boundary shall be construed to follow the center line at the low water or at the limit of the jurisdiction and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.

(c) If no distance, angle, curvature, description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined

by the use of the scale shown on said zoning map. In the case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals which shall determine the boundary.<sup>11</sup>

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**Article 22. Definitions**

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

The following terms shall have the meanings assigned to them as hereinafter set forth. Except as expressly otherwise defined herein, all terms used in this chapter shall have their ordinary and established meanings, as the context may require. A word importing the masculine gender only may extend and be applied to females and to corporations as well as males. A word importing the singular number only may extend and be applied to several persons or things, as well as to one person or thing; and a word importing the plural number only may extend and be applied to one person or thing as well as to several persons or things.

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ASSISTED LIVING FACILITY: A publicly or privately operated long-term care alternative for persons aged 55 and over, or persons with disabilities, as defined by the Federal Americans with Disabilities Act, that provides the availability of professionally managed personal and health care services to occupants on premises. These premises are designed for this population; are residential in character and appearance; may include cooking facilities; and in all respects are intended to enable residents to age in place in a home-like environment. The facility operation shall have the capacity to provide residents with an array of services supporting Activities of Daily Living (ADL's) that may include, but are not necessarily limited to, meals, personal care housekeeping, transportation, and supervision of self-administered medication, while optimizing their physical and psychological independence. Such facility shall be deemed a single unit for purpose of calculating density *when and as required by the Code of Virginia Section 15.2-2291.*

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CENTRAL SEWERAGE SYSTEM: A sewerage system consisting of pipelines or conduits, pumping stations, force mains or sewage treatment plants, including, but not limited to, septic tanks and/or drain fields, or any of them designed to serve three or more connections, used for conducting or treating sewage which is required to be approved by the board of supervisors *in accordance with the Virginia Waste Management Act.* ~~pursuant to Title 15.1, Chapter 9, Article 9 of the Code of Virginia.~~ See *Utilities, major and minor uses.*

CENTRAL WATER SUPPLY: A water supply consisting of a well, springs or other source and the necessary pipes, conduits, mains, pumping stations and other facilities in connection therewith, to serve or to be capable of serving three or more connections, which is required to be approved by the board of supervisors *in accordance with the Virginia State Water Control Board Regulations.* ~~pursuant to Title 15.1, Chapter 9, Article 7 of the Code of Virginia.~~ See *Utilities, major and minor uses.*

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CHILD DAY CENTER: *A child day program offered to (i) two (2) or more children under the age of thirteen in a facility that is not the residence of the provider or of any of the children in*

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<sup>11</sup> As to state law provisions regarding district boundary lines, see Code of Va., § 15.2-2309(4).

care or (ii) thirteen (13) or more children at any location. See also *CHILD DAY PROGRAM, FAMILY DAY HOME*.

*CHILD DAY PROGRAM*: A regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of thirteen for less than a 24-hour period. See also *CHILD DAY CENTER, FAMILY DAY HOME*.

*DAYCARE CENTER*: See *CHILD DAY CENTER, CHILD DAY PROGRAM, FAMILY DAY HOME*. A facility operated for the purpose of providing care, protection and guidance to ten (10) or more individuals during only part of a 24-hour day. This term includes nursery schools, preschools, daycare centers, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

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*FAMILY DAY HOME*: A child day program offered in the residence of the provider or the home of any of the children in care for one (1) through twelve (12) children under the age of thirteen, exclusive of the provider's own children and any children who reside in the home, when at least one (1) child receives care for compensation. Family day homes serving six (6) through twelve (12) children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four (4) children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed. See also *CHILD DAY CENTER, CHILD DAY PROGRAM*.

*FAMILY DAYCARE HOME*: See *CHILD DAY CENTER, CHILD DAY PROGRAM, FAMILY DAY HOME*. A single family dwelling in which more than five (5) but less than thirteen (13) individuals are received for care, protection, and guidance during only part of a twenty four (24) hour day. Individuals related by blood, legal adoption, or marriage to the person who maintains the home shall not be counted towards this total. The care of five (5) or fewer individuals for portions of a day shall be considered as a home occupation.

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*INOPERABLE MOTOR VEHICLE*: (i) any motor vehicle which is not in operating condition; (ii) any motor vehicle which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or (iii) any motor vehicle on which there are displayed neither valid license plates nor a valid inspection decal, as provided in *Code of Virginia Section 15.2-904*.

.....  
*MEDIA, ADULT*: Magazines, books, videotapes, movies, slides, CD-ROMs, *DVDs* or *blu-ray* or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. See *Retail store, adult use*.

.....  
*NURSING HOME*: Any place or institution, other than a hospital, for the aged, infirm, senile, chronically ill, or convalescent established to render domiciliary care, custodial care, treatment or lodging to three (3) or more nonrelated persons, facility, or any identifiable component of any

facility, other than a hospital, licensed pursuant to the Code of Virginia, Section 32.1-123, in which the primary function is the provision, on a continuing basis, of nursing and health-related services for the treatment and inpatient care of two (2) or more nonrelated individuals, including, but not limited to, facilities known as convalescent homes, skilled nursing facilities, skilled care facilities, intermediate care facilities, extended care facilities, and nursing or nursing care facilities.

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PARKING BAY: A continuous row of parking, containing twenty (20) parking spaces or less, bounded on both ends by a parking island, as specified in Article 22 26: *Off-Street Parking and Loading Spaces* of this chapter.

.....

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

UTILITY, MINOR: Facilities for the distribution and collection of public, private and central utilities including poles, lines, transformers, pipes, meters, *information* and communication distribution lines.

VARIANCE: A variance is a *reasonable deviation from the provisions of the zoning ordinance regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done. It shall not include a change in use which change shall be accomplished by a rezoning or by a conditional zoning.* ~~relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure of size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.~~

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WOODSTORAGE, TEMPORARY: A lot utilized for the temporary (30, 60, or 90 days) storage/loading of forestry products transported from some other location.

.....

**Article 23. Site Development Plans**

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**Sec. 22-23-6. Site plan content.**

(1) The site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture, or land surveying, shall be prepared by a qualified person.

(2) Final site plans submitted for approval shall be certified by an architect, landscape architect, engineer, or land surveyor licensed or certified to practice by the Commonwealth of Virginia within the limits of his respective license or certification.

(3) ~~All~~ The minor or major site plans shall include:

(A) The proposed title of the project and the name of the engineer, architect, landscape architect, surveyor, and developer, as applicable.

(B) A signature panel for the Director of Planning to indicate approval.

(C) ~~A north~~ North arrow, scale graphic, and date.

(D) A vicinity map.

(E) ~~The existing~~ Existing zoning and zoning district boundaries on the property in the development and on immediately surrounding properties; ~~all~~ ~~—All~~ special zoning requirements attached directly to the site as a result of the issuance of any Special Use Permit, variance, or rezoning; ~~and the proposed~~ ~~—Proposed~~ changes in zoning, if any.

(F) The boundaries of the property in the development, including bearings and distances.

(G) All existing property lines, existing streets or rights-of-way opened or unopened; buildings, watercourses, and lakes; and other existing physical features in or adjoining the project. The physical features, such as watercourses, waterways and lakes on the adjoining properties need only be shown in approximate scale and proportion.

(H) ~~The features~~ Features of particular historic, cultural, scientific, or scenic significance as identified in the Comprehensive Plan, by the Director of Planning, or by any County department or state agency having site plan review responsibilities, or by the Virginia Department of Historic Resources the Virginia Department of Conservation and Recreation, or the Virginia Outdoors Foundation including, but not limited to, historic features, archaeological features, and graveyards.

(I) ~~The building~~ Building setback lines; the location of all proposed buildings and structures, accessory and main; number of stories and height; proposed general uses for each building; and the number, size, and type of dwelling units where applicable; ~~and the preliminary~~ ~~—Preliminary~~ plans and elevations for main and accessory buildings.

(J) ~~The type~~ Type, location, height, and materials of all existing and proposed fences and walls.

(K) ~~The site~~ Site coverage, showing percentage of site in buildings, parking, and open space.

(L) ~~All existing~~ Existing and proposed topography and contour lines of the development site with a contour interval of two (2) feet or less for major site plans, five (5) feet or less for minor site plans, supplemented where necessary by spot elevations.

(M) The location and size of sanitary and storm sewers, gas lines, water mains, culverts, and other underground structures; all overhead utilities and supporting poles in or affecting the development area, including existing and proposed facilities; and easements for these facilities.

(N) The location, dimension, and character of construction of proposed streets, alleys, and driveways; and the location, type and dimensions of means of ingress and egress to the site. When proposed streets intersect with or adjoin existing streets, both edges of existing pavement surface or curb and gutter must be indicated for a minimum of one hundred fifty (150) feet or the length of connection, whichever is the greater distance.

(O) The location of all existing and proposed off-street parking and parking bays, loading spaces, and pedestrian walkways, indicating types of surfacing, dimensions of stalls, width of aisles and a specific schedule showing the number of parking spaces. See Article 22-26 ~~Off-Street~~ Off-street Parking and Loading Spaces Requirements of this Ordinance. *To the greatest extent possible, parking areas shall not be located between the adjacent public right-of-way and the principal parking structure on the site unless topographic features or vegetation provide effective screening. Cul-de-sacs may not be construed or employed as a parking area.*

(P) The location on the site of all living trees with a diameter of twelve (12) inches or greater at DBH (diameter at breast height) proposed to be removed. The site plan shall show heavily wooded areas to be preserved, trees to be retained, removed, and planted, and designated by symbols coincident with the areas of the trees. See Article 22-24 Landscaping and Tree Protection of this Ordinance.

(Q) The location, height, and character of all outdoor lighting systems. See Article 22-25 Outdoor Light Control of this Ordinance.

(R) The location, character, height, means of lighting, and orientation of proposed signs. See Article 22-15 ~~Sign Regulations~~ Signs of this Ordinance.

(S) All paving, including, without limitation, gravel or other pervious surfaces, *which* shall be of a design and quality to support the traffic which can reasonably be expected to be generated by the proposed use, as required by Article 22-26 Off-Street Parking and Loading Spaces.

(T) ~~The limit of the~~ Limit of one-hundred-year floodplain, as defined in Section 22-23-14(a)(5).

(U) ~~The location~~ Location of any wetlands in compliance with applicable federal, state, and local definition of wetlands.

(V) The location and dimensions of proposed recreation or open space, and required amenities and improvements, including details of disposition, in accordance with any open space or recreation plan adopted by the County.

(W) Any necessary notes required by the Director of Planning to explain the purpose of specific items on the plan.

~~(X) Cul de sacs may not be construed or employed as a parking area. All suitable easements for future public water and sewer facilities necessary to serve the property shall be indicated on the plan.~~

(Y) All new electrical, telephone, cable television, fiber optic, and other utility lines on the site *which* shall be installed underground.

~~(Z) To the greatest extent possible, parking areas shall not be located between the adjacent public right of way and the principal structure on the site unless topographic features or vegetation provide effective screening.~~

(4) In the B-1 and B-C zoning districts, a variation to the setback regulations may be granted by the Planning Commission for projects in a community planning area that meet new urban/neo-traditional planning principles, and further the objectives and goals set forth in the comprehensive plan.

Primary considerations for such requests include:

- o location of proposed development;
- o size, scale, character, orientation of proposed development;
- o adequacy of ROW for future transportation system (evaluate with input from VDOT)
- o appropriateness of the proposed setback with surrounding development (proposed and/or existing);
- o compatibility with the goals and objectives of the comprehensive plan (applicant should enumerate as many as possible); *and*
- o compatibility with new urban/neo-traditional principles (applicant should enumerate as many as possible)

~~(A)~~(5) Site planning shall consider the future development of adjacent parcels as recommended by the Fluvanna County Comprehensive Plan or other approved local plan and as may be indicated by any filed site plan, whether approved or under review. The site plan shall provide for safe and convenient vehicular and pedestrian circulation between sites to be occupied by complementary uses.

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

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

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

(B) The applicant *for a variation to the sidewalk regulations* shall file a written request with the Department of Planning and Community Development stating why application of a sidewalk variation is necessary and how the ~~before-mentioned~~ *aforementioned* circumstances may apply to the property.

(C) The Planning Commission shall act on the variation request in conjunction with the county's action on the site plan, subdivision plat or special use permit or, if no such action is required, within sixty (60) days of the date the application was submitted and determined to be complete. The Planning Commission may grant the variation if ~~he~~ *it* determines that one or more applicable circumstances exist. In granting a variation, the Planning Commission may impose conditions deemed necessary to protect the public health, safety, or welfare.

(D) The denial of a variation, or the approval of a variation with conditions objectionable to the applicant, may be appealed to the Board of Supervisors. In considering a variation on appeal, the Board of Supervisors may grant or deny the variation based upon its determination of whether one or more applicable circumstances exist, amend any condition imposed by the Planning Commission, or impose any conditions deemed necessary to protect the public health, safety, or welfare.

(Ord. 5-4-11)

**Sec. 22-23-7. Additional improvements and standards for major site plans.**

The following improvements and minimum standards, as applicable, shall be required and provided for in a major site plan:

- (A) All streets and highway construction standards and geometric design standards shall be in accordance with those specified by Fluvanna County and the Virginia Department of Transportation.
- (B) The pavement of vehicular travel lanes, driveways, or alleys *shall be* designed to permit vehicular travel on the site and to and from adjacent property and parking areas.
- (C) All parking and other vehicular areas shall be so designed as to provide safe and convenient access by all vehicles which can reasonably be anticipated to use the site, including delivery and service vehicles as well as customer and employee vehicles.

(D) Safe and convenient pedestrian and bicycle access to, from, and within the site shall be provided.

(1) In the B-1, B-C, I-1, and I-2 zoning districts, sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private. A variation to the sidewalk regulation may be granted per Section ~~22-23-6(BB)~~. 22-23-6(6).

(E) Widening or extension of the nearest abutting developed street shall be provided as required by Fluvanna County and the Virginia Department of Transportation. Where the proposed development does not abut a developed public street, a plan of access shall be submitted for approval in conjunction with the site plan.

(F) Traffic control devices, signs, and pavement markings shall be required. Electric traffic control devices shall be provided by the developer where the anticipated traffic volumes from the proposed development exceeds the thresholds established by the Virginia Department of Transportation.

(G) All drainage structures and facilities shall be adequate to provide efficient and complete drainage of surface waters from the site into adequate channels. They shall comply with the standards and applicable provisions of the Virginia Erosion and Sedimentation Control Handbook of the Virginia Department of Environmental Quality, the Drainage Manual of the Virginia Department of Transportation, and the regulations of the Virginia Department of Environmental Quality.

(H) All public water supply and sewerage systems shall comply with the provisions hereof, and obtain ~~with~~ all applicable approvals and permits from ~~of~~ Fluvanna County and the relevant Virginia Boards and Departments. ~~Department of Health.~~

(I) Provisions shall be made for the adequate disposition of surface water in accordance with design criteria and construction standards of the Fluvanna County, indicating location, sizes, types and grades of ditches, catch basins, and pipes; and connection to existing drainage systems.

(J) Provisions and schedules shall be made for approval of adequate control of erosion and sedimentation, in accordance with the Fluvanna County Erosion and Sedimentation Control program, found in Chapter 6: Erosion and Sedimentation Control of this Code.

(Ord. 5-4-11)

.....  
**Article 24. Landscaping and Tree Protection**  
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**Sec. 22-24-3. Landscape Plan Contents.**

~~A.~~ The Landscape *plan* ~~Plan~~ shall include the following elements:

1. (A) ~~The existing Existing~~ and proposed contours at intervals of five (5) feet or less;—
2. (B) ~~All property Property~~-boundary lines;—
3. (C) ~~The limits Limits~~-of grading and clearing;—
4. (D) ~~The tree Tree~~-protection zone(s) as applicable *and any and all information required for tree protection as indicated in Sections 22-24-8.1-3 of this Article*;—
5. (E) All proposed improvements;—
6. (F) ~~The existing Existing~~ and proposed underground and overhead utilities, including heights and/or depths;—
7. (G) ~~All rights of way Rights-of-way~~ and easements;—
8. (H) *An adequate, clearly identified, exterior water source; and*
  - (I) *All planting details including:*
    9. 1). ~~The botanical Botanical~~ and common name, size, spacing, and location of all trees, shrubs, and ground cover, and the location and extent of planting beds in which they are to be planted, if any;—
    10. 2). ~~All plants Plants~~ shall be labeled on the plan by direct call-out method or by symbols keyed to a plant list;—
    11. 3). A planting symbol *shall be provided* to illustrate the natural canopy/cover of trees and the extent of growth of shrubs at maturity;—
    12. 4). A plant list or matrix *shall be provided* showing the botanical name, common name, quantity, size, spacing, handling method, and general instruction, if any, specific to each plant;—
    13. 5). General details *shall be provided* illustrating the method of installation of plants, seeding, and sodding, including but not necessarily limited to size of plant pit, method of placement, backfill material, method of support, preparation of beds, mulch, etc. ;—
    14. 6). Special details *shall be provided* illustrating special conditions such as supplemental plant pit drainage, pruning for special effects, or other conditions requiring illustrated instructions;—
    15. 7). General notes *shall be provided* specifying the care and maintenance of plants for a period of three years following planting and the replacement of any dead, dying, or diseased vegetation required to be installed by this chapter for the life of the project.

- 16. ~~Any and all information required for tree protection as indicated in Section B of this article.~~
- 17. ~~Provide and identify adequate exterior water source. (Ord. 8-1-12)~~

**Sec. 22-24-4. Minimum Standards.**

(A) The following shall be the minimum size of plant materials at installation:

- (1) Large shade trees                      1.5” caliper
- (2) Medium shade trees                    1.25” caliper
- (3) Ornamental trees                      1.25” caliper
- (4) Evergreen trees                        5’ in height
- (5) Shrubs                                    18” in height
- (6) Ground cover                          1 year plants

(B) All required landscaping shall be planted according to the following standards:

- (1) All trees to be planted shall meet the *American Standard for nursery stock published by the American Nursery and Landscape Association.* ~~specifications of the American Landscape Association.~~
- (2) The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the *Virginia Nursery and Landscape Association and the Virginia Society of Landscape Designers, or Nurserymen’s Association, the Virginia Chapter of Landscape Designers, and the Virginia Chapter of the American Society of Landscape Architects,* or the Road and Bridge Specifications of the Virginia Department of Transportation.
- (3) All required landscaping shall be planted between September 15 and June 30, provided that the ground is not frozen.

(C) Wheel stops, curbing, or other barriers shall be provided to prevent damage to landscaping by vehicles.

(D) Where necessary, trees shall be welled or otherwise protected against change in grade. Such protection measures shall be sited to minimize disturbance within the drip line of trees designated for protection on the landscape plan.

(E) All pervious areas of the site shall be permanently protected from soil erosion with grass, ground cover, or mulch material. (Ord. 8-1-12)

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**Article 25. Outdoor Light Control<sup>12</sup>**  
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<sup>12</sup> Renamed by Editor from “Sec. 22-25. Outdoor Light Control Article”.

**Sec. 22-25-4. General Terms.**

- (A) Outdoor Light Fixtures shall mean outdoor artificial illuminating devices, outdoor fixtures, lamps or other devices, permanent or portable, used for illumination, direction or advertisement. Such devices shall include, but are not limited to search, spot, or flood lights for:
- (1) Buildings and structures, including canopies and overhangs
  - (2) Parking lot lighting
  - (3) Landscape lighting
  - (4) Signs
  - (5) Display and service areas
- (B) Installed shall mean the initial installation of outdoor light fixtures defined herein, following the effective date of this article, but shall not apply to those outdoor light fixtures installed prior to such date.
- (C) Shielded, Fully shall mean fixtures that are shielded in such a manner that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below a horizontal plane running through the lowest point on the fixture where light is emitted. This means that a fully shielded fixture is one used in such a way that it allows no direct or internally reflected light to shine above the light fixture or beyond the property line. The terms 'source shield' and 'full cutoffs' shall mean fully shielded.
- (D) Footcandle *shall mean a* ~~A~~ quantitative unit of measure referring to the measurement of illumination incident at a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.
- (E) Full Cutoff Angle *shall mean the* ~~—The~~ angle formed by a line drawn from the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted. ~~Refer to example graphics. (Refer to Figure 2)~~
- (F) Initial Lumens *shall mean the* ~~—The~~ lumens emitted from a lamp, as specified by the manufacturer of the lamp.
- (G) Lamp *shall mean the* ~~—The~~ component of a luminaire that produces and directs light. A lamp is also commonly referred to as a bulb.
- (H) Lumen *shall mean a* ~~—A~~ standard unit of measurement referring to the amount of light energy emitted by a light source, without regard to the effectiveness of its distribution.

- (I) Luminaire *shall mean* —A complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.
- (J) Outdoor Luminaire *shall mean a* —A luminaire that is permanently installed outdoors including, but not limited to, devices used to illuminate any site, structure, or sign.
- (K) Photometric Plan *shall mean a* —A point-by-point plan depicting the intensity and location of lighting on the property and spillover on to adjacent properties or rights of way.

.....

**Sec. 22-25-6. General Requirements for All Zoning Districts.**

- ~~A.~~ (A) Public or Private Recreational Facilities: Lighting for the parking areas for these facilities shall meet the requirements identified in the following Applications section.
- ~~B.~~ (B) Outdoor Illumination of Building, Landscaping and Signs. The unshielded outdoor illumination of any building or landscaping is prohibited. Lighting fixtures used to illuminate an outdoor sign shall either be mounted on the ground sign or mounted on the top of the sign, and shall comply with shielding requirements.
- ~~C.~~ (C) All outdoor lighting fixtures shall be turned off after the close of business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary.
- ~~D.~~ (D) Gasoline Station/Convenience Store Aprons and Canopies.
  - (1) The ~~Lighting~~ lighting fixture bulbs shall be recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling and light is restrained to no more than 85 degrees from vertical. ~~as shown in Figure 1.~~
  - (2) As an alternative to recessed ceiling lights, indirect lighting may be used where the light is directed upward and then reflected down from the underside of the canopy. In this case, light fixtures shall be shielded so that direct illumination is focused exclusively on the underside of the canopy and the canopy designed is such a way as to prevent light from being directly reflected beyond the property line.
  - (3) Lights shall not be mounted on the top or sides (fascia) of the canopy, and the sides of the canopy shall not be illuminated.
  - (4) The lighting for new facilities (pump islands and under canopies) shall have a minimum of 1.0 footcandle at grade, and the average horizontal illumination cannot exceed 10 footcandles at grade level, subject to a uniformity ratio (ratio of average to minimum illuminance) no greater than 4:1. The standards herein are based on the Illuminating

Engineering Society of North America (IESNA) RP-33, Lighting for Exterior Environments.

(5) *Spillover light, vertical or horizontal, from parking area luminaires onto public roads and property in residential or agricultural zoning districts shall not exceed one-half (1/2) footcandle at the property line.*

(6) *The lighting of roofs or portions thereof is prohibited.*

5. (E) All Parking Lots, Loading and Display Areas. This lighting requirement applies to multi-family, educational, institutional, public, commercial business and retail, ~~wholesale wholesaling~~, and limited and general industrial use categories identified within the Zoning Ordinance.

a. 1) Lighting for all parking, display and loading areas shall not exceed an average horizontal illumination level of 2.5 footcandles. All lighting fixtures serving these areas shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA);

b. 2) Maximum Mounting Height\*  
Residential: 15 feet  
Non-Residential: 20 feet

\* Height is measured from the ground surface to the bottom of the lighting fixture.

6. (F) *Spillover light, vertical or horizontal, from parking area luminaires onto public roads and property in residential or agricultural zoning districts shall not exceed one-half (1/2) footcandle at the property line.*

7. (G) *The lighting of roofs or portions thereof is prohibited.*

.....  
**Article 26. Off-Street Parking and Loading Spaces**  
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**Sec. 22-26-4. Parking space standards.**

(A) Parking Dimensional Standards

(1) Parking spaces and adjacent aisles shall conform to the dimensions listed in Table 1:  
----table omitted ---

(2) The minimum stall depth requirements for perpendicular parking spaces may be reduced by up to two feet (2'), if the parking spaces are adjacent to planting strips or other landscaping features that allow for an unobstructed overhang equivalent to the reduction.

- (3) Parking areas containing thirty (30) or more spaces may designate up to twenty percent (20%) of the minimum required parking spaces as compact car spaces. Such spaces shall meet the following requirements:
  - (a) All compact parking spaces shall conform to the dimensions listed in Table 1.
  - (b) Compact car parking spaces shall be located in one (1) or more continuous areas and shall not be intermixed with spaces designed for full-size vehicles.
  - (c) Compact car parking spaces shall be clearly designated by pavement markings and/or appropriate signage.
- (4) Vehicular access roads, when not adjacent to parking spaces, shall meet the following requirements:
  - (a) The minimum travelway width for two-way access roads shall be twenty-four feet (24').
  - (b) One-way access roads are permitted, provided that the circulation pattern is contained within the site or sites shown on the site plan and public roadways are not incorporated as part of the circulation pattern. The minimum travelway for one-way access roads shall be twelve feet (12').

(B) Handicapped Parking

- 1. Handicapped parking spaces shall have a minimum width of eight (8) feet, with an adjacent five- (5) foot access aisle to be provided on one side of the handicapped space.
- 2. Handicapped parking spaces shall have a minimum length of 18'.
- 3. In any parking lot of more than five (5) spaces, there shall be at least two (2) designated and properly signed as a handicapped space.
- 4. In parking lots having more than five (5) spaces, at least one (1) per *twenty-five (25) spaces shall be handicapped spaces* in addition to the two handicapped spaces already provided in 22-26-4(B)3. ~~22-26-4(b)3.~~
- 5. Handicapped parking spaces shall be situated so as to provide direct, unobstructed access to buildings by the shortest practical routing.

.....  
**Article 27. Regulation of Telecommunications Facilities**  
 .....

**Sec. 22-27-2. Existing telecommunications antenna support facilities.**

Telecommunications antenna support facilities (TASFs) existing or permitted prior to the adoption of this Article shall be subject to the provisions of Article 16: *Nonconforming Uses* of this ordinance. (Ord. 9-21-11)

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**Sec. 22-27-6. Definitions.**

For purposes of this Article 27, the following terms shall be defined as follows:

ABANDONED: Any antenna support facility without any mounted transmitting and/or receiving antennas in continued use.

.....

ASR: The Antenna *Structure Registration Number* ~~Facility Registration Number~~ as required by the FAA and FCC.

.....

~~LEASE~~ *LEAST VISUALLY OBTRUSIVE PROFILE*: The design of a telecommunication antenna support facility intended to present a visual profile that is the minimum profile necessary for the facility to properly function.

.....

TELECOMMUNICATION ANTENNA SUPPORT FACILITY (hereinafter "TASF"): Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other telecommunications, and usually *consisting* ~~consistent~~ of an antenna support facility (see definition), feed lines, base station(s), and antenna(s) and antenna array(s). The following are included in the telecommunication antenna support facility: new, mitigated, replacement, and/or existing concealed and non-concealed antenna support facilities, public antenna support facilities, colocations, antenna attachments, broadcast, and wireless broadband facilities.

.....

**Sec. 22-27-9.9. Wireless broadband facility.**

(1) A *wireless broadband facility* ~~Wireless Broadband Facility~~ may be collocated in accordance with the provisions of *Secs. 22-27-9.5 and 22-27-10.2, as applicable*; ~~Sec. 22-37-13.8~~; and

(2) A *wireless broadband facility* ~~Wireless Broadband Facility~~ proposed for a new physical site shall comply with the provisions of Sec. 22-27-8. herein above.

(Ord. 9-21-11)

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**Sec. 22-27-10.2. Additional submittal requirements for attached antenna (concealed and non-concealed); colocations; colocation modifications; antenna replacements of different size, weight or frequency, and antenna combining.**

*Additional requirements for applications for attached antenna, both concealed and non-concealed; colocations; colocation modifications; antenna replacements of a different size, weight or frequency, and antenna combining shall include all of the following:*

(1) A written statement setting forth the reasons for the request.

- (2) A description of the proposed request, including any proposed modifications to antenna element design, type and number including manufacturer's model number of the existing and proposed antenna elements; as well as changes in the number and/or size of any feed lines, from the base of the equipment cabinet to such antenna elements.
- (3) A stamped or sealed structural analysis of the proposed antenna support facility prepared by a registered professional engineer licensed by the State of Virginia indicating the proposed and future loading capacity of the antenna support facility is compliant with EIA/TIA-222-G (as amended).
- (4) A signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards relating to interference to other radio services. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards relating to human exposure to RF energy.
- (5) A stamped or sealed structural analysis of the existing facility prepared by a registered professional engineer licensed by the State of Virginia indicating that the existing TASF as well as all existing and proposed appurtenances meets Virginia Building Code requirements (including wind and ice loading) for the antenna support facility.  
(Ord. 9-21-11)

**Sec. 22-27-10.3. Additional submittal requirements for all freestanding telecommunication and broadcast antenna support facilities.**

*Additional requirements for applications for freestanding telecommunications and broadcast antenna support facilities shall include all of the following:*

- (1) One (1) original and two (2) copies of a survey of the property completed by a registered professional engineer, licensed in the State of Virginia showing all existing uses, facilities, and improvements.
- (2) Site development plan regulations as set forth in Article 23 of this ordinance.
- (3) Proof that a property and/or antenna support facility owner's agent has appropriate authorization to act upon the owner's behalf (if applicable). A signed statement from a qualified person, together with their qualifications, shall be included that warrants radio frequency emissions from the antenna array(s) comply with FCC standards regarding interference to other radio services. The statement shall also certify that both individually and cumulatively, and with any other facilities located on or immediately adjacent to the proposed facility, the replacement antenna complies with FCC standards regarding human exposure to RF energy.
- (4) A stamped or sealed structural analysis of the proposed antenna support facility prepared by a registered professional engineer licensed by the State of Virginia indicating the proposed and

future loading capacity of the antenna support facility is compliant with EIA/TIA-222-G (as amended).

- (5) A written statement by a registered professional engineer licensed by the State of Virginia specifying the design structural failure modes of the proposed facility, if applicable.
- (6) A pre-application conference will be required for any new broadcast facility.
- (7) Title report or American Land Title Association (A.L.T.A.) survey showing all easements on the subject property, together with a full legal description of the property.
- (8) Prior to issuance of a building permit, proof of FAA compliance with Subpart C of the Federal Aviation Regulations, Part 77, and “Objects Affecting Navigable Airspace,” if applicable.  
(Ord. 9-21-11)

**Sec. 22-27-10.3.A. Additional submittal requirements for non-broadcast TASFs.**

*Additional requirements for applications for non-broadcast TASFs shall include all of the following:*

- (1) Technical data included in the report shall include certification by a registered professional engineer licensed in the State of Virginia or other qualified professional, which qualifications shall be included, regarding service gaps or service expansions that are addressed by the proposed TASF, and accompanying maps and calculations demonstrating the need for the proposed TASF.
- (2) A map showing the geographic search ring.
- (3) The applicant shall provide a statement as to the potential visual and aesthetic impacts of the proposed TASF and equipment on all adjacent residential zoning districts.
- (4) Materials detailing the locations of existing TASFs to which the proposed TASF will be a handoff candidate; including latitude, longitude, and power levels of the proposed and existing antenna is required.
- (5) A radio frequency propagation plot indicating the coverage of existing TASFs, coverage prediction, and design radius, together with a certification from the applicant’s radio frequency (RF) engineer that the proposed facility’s coverage or capacity potential cannot be achieved by any higher ranked alternative such as a concealed facility, attached facility, replacement facility, colocation, or new TASF. NOTE: These documents are required to justify a facility and to determine if the proposed location is the only or best one in the designated geographic area of the proposed facility.
- (6) A stamped or sealed certification from a registered radio frequency engineer demonstrating compliance with **Section 22-27-7** (Siting alternatives—hierarchy). If a lower ranking

alternative is proposed the certification must address why higher ranked options are not technically feasible, practical or justified given the location of the proposed telecommunications facility.

(Ord. 9-21-11)

**Sec. 22-27-10.3.B. Additional submittal requirement for broadcast antenna support facilities.**

*For applications for broadcast antenna support facilities, the technical ~~Technical~~ data included in the report shall include the purpose of the proposed facility as described in the FCC Construction Permit Application. (Ord. 9-21-11)*

.....

**Sec. 22-27-11.1. “By right” application.**

*The review of any and all “by right” applications shall be as follows:*

- (1) The zoning administrator or designee shall review the request, application, and submitted documents for compliance with all requirements of this Article. The County may, at its discretion, obtain additional technical assistance to review and assess the technical merits of the documents.
- (2) If the zoning administrator or designee determines the application and documentation meets all of the requirements of this Article, the County shall approve the application package and the applicant may proceed to request a building permit.
- (3) If the zoning administrator or designee determines the application and/or documentation fails to meet all the requirements of the Article, then the County shall provide written notification to the applicant as to the materials which need to be amended or supplied for review. The applicant shall provide to the County any requested materials for review. This process shall continue until the County has approved the application package, at which time the applicant may proceed to request a building permit.
- (4) If the zoning administrator or designee determines the application and documentation fails to meet the intent of this Article, the County may deny the request in writing.
- (5) Appeals from a decision made by the zoning administrator shall be to the Board of Zoning Appeals.

(Ord. 9-21-11)

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**Review by Planning Commission.**

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	<b>Public Purpose:</b> Amend and Re-enact the Code to conform to enabling state and federal legislation.
	<b>Chapter 22: Zoning Clerical Updates</b>
<b>Fluvanna Code §§</b>	<b>Update</b>
Sec. 22-2.1.	The list of districts appears to be missing the Planned Unit Development District (PUD). <b>Add to list:</b>  Agricultural, General, A-1... Mobile Home Park, MHP. <i>Planned Unit Development, PUD.</i>
Sec. 22-4-6.	<b>Add FN:</b> <i>As to state law granting localities the authority to regulate off-street parking, see Code of Va., § 15.2-2279.</i>
Sec. 22-4-9.1.	<b>Reformat these definitions to reflect the formatting of other definition sections.</b>
Sec. 22-4-9.2.	This section addresses mandatory setbacks for intensive livestock uses. <b>Amend (1)</b> as follows to clarify: (1) Except as otherwise provided in this section, each intensive livestock, dairy or poultry structure shall be set back 300 feet from <i>any</i> property line.
Sec. 22-4-9.4.	Nutrient Management regulations are propagated by the Virginia Soil and Water Conservation Board. <b>Amend section</b> to reflect: After the effective date of this section, no intensive livestock, dairy or poultry facility for which the Commonwealth of Virginia requires a nutrient management plan shall commence operation until such plan has been approved by the Virginia Department of Conservation and Recreation, <del>or by the Virginia Cooperative Extension Service,</del> or by a person certified by the <i>Virginia Soil and Water Conservation Board or the Commonwealth as a nutrient management planner, in accordance with 4VAC50-85-10 et seq, “Nutrient Management Training and Certification Regulations.”</i>
Sec. 22-7-4.	Amend structure and clarify wording:  <del>(a)</del> The location of the open areas which shall comprise not less than twenty-five (25) percent of the whole... The open areas of the tract shall be delineated due to their noteworthy features and value to the continued rural character of the county including... <del>(b)</del> <i>The preliminary Master Plan shall contain the following information:</i> (a) <del>The plan shall also indicate</del> The general location of the various types of land uses, including...; (b) <del>(c)</del> <i>The areas designated for residential development...;</i>

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	<p>(c) <del>(d)</del> The areas designated for commercial and/or institutional development...;</p> <p>(d) <del>(e)</del> The street layout, with indication of which streets are to be dedicated...;</p> <p>(e) <del>(f)</del> The pedestrian and bicycle facilities...;</p> <p>(f) <del>(g)</del> The orientation of the preliminary master plan to the surrounding community;</p> <p>(g) <del>(h)</del> The general location of all public and private roads shall be indicated on the plan...;</p> <p>(h) <del>(i)</del> Adequate provisions for general sewer, storm drainage, and water supply, which shall be adequate for the full proposed development shall be shown on the plan...;</p> <p><del>(j)</del> The preliminary Master Plan shall also demonstrate its compliance with the county’s Comprehensive Plan.</p>
<p>Sec. 22-7-5.</p>	<p>Amend structure and clarify wording. Note that current (a) <b>requires</b> (“shall...approve”) the Planning Commission to approve any changes to the preliminary master plan. Amended (a)3. <b>allows</b> the PC to approve, if appropriate.</p> <p>(a) <del>Requirements for Submittal</del> Submitting the final Master Plan:</p> <ul style="list-style-type: none"> <li>a. 1. The applicant shall submit five <del>Five</del> (5) copies of the final Master Plan to the Planning Director. The final plan shall have been <del>be</del> prepared by a ...</li> <li>b. 2. The final <del>Final</del> Master Plan shall be consisted with the preliminary Master Plan as approved. The applicant may vary from the approved preliminary Master Plan to any degree if it does not vary the basic concept or character of the development.</li> <li>c. 3. And departure from the approved preliminary Master Plan must <del>shall</del> be approved by the Planning Commission.</li> </ul> <p>(b) The Final Master Plan must contain <del>Requirements</del>:</p> <ul style="list-style-type: none"> <li>a. 1. All the preliminary <del>Preliminary</del> Master Plan Information;</li> <li>b. 2. The location of the existing and proposed property lines;</li> <li>c. 3. The plans <del>Plans</del> and specifications <del>Specifications</del> for roads, pedestrian facilities...;</li> <li>d. 4. Any and all proposed Homeowners Association documents for review and approval by the County Attorney <del>approval</del>; if any roads, open space...;</li> <li>e. 5. A final <del>Final</del> plat meeting the requirements of Chapter 19: Subdivisions of the county code;</li> <li>f. 6. A Site Development Plan for any commercial, institutional or multi-family development meeting the requirements of Chapter 22-23: Site Development Plans of the county code;</li> <li>g. 7. A performance <del>Performance</del> bond for improvements as provided in Chapter 19: Subdivisions of this code;</li> <li>h. 8. The applicant shall furnish with a Final Plan <del>a</del> A proposed deed of easement including restrictions safeguarding the permanent use of open areas and preventing encroachment thereupon and any deeds for any land dedicated to the</li> </ul>

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	<p>county as part of the Master Plan for <i>review and</i> approval by the County Attorney;  <del>After When</del> the Final Plan and deed of dedication <del>shall</del> have been approved by both the Planning Director and the County Attorney as being in conformity with this chapter and the <del>preliminary Preliminary</del> Master Plan, the Final Plan shall be...</p>
Sec. 22-7-12.	<p>This section describes Recreation requirements for master planned communities. Appears to be <b>a typo</b> in Group A:</p> <p>Group A permits bicycling... open play area (minimum ½ <del>area</del> acre).</p> <p><b>In addition</b>, options for &lt;14 residential units and 15-60 residential units. Need to include <b>exactly 14</b> residential units: ≤14 residential units.</p>
Sec. 22-9-2.	<p>This Section applies to Business, General, District B-1. Unlike most other Articles, this Article does not provide Use Regulations. Add Use Regulations for consistency.</p> <p><b>Sec. 22-9-2. Use Regulations.</b>  <i>In Business, General, District B-1, structures to be erected or land to be used shall be for one or more of the following uses, together with ordinary and necessary accessory uses, and no others.</i></p>
Sec. 22-9-3.	<p><b>Add Article name</b> for clarity:  All buildings, structures and uses in the B-1 District shall be subject to the provisions of Article 23: <i>Site Development Plans of this Code.</i></p>
Sec. 22-10-5.	<p><b>Add Article name</b> for clarity:  All buildings, structures and uses in the <del>BC</del> B-C District shall be subject to the provisions of Article 23: <i>Site Development Plans.</i></p>
Sec. 22-11-2.	<p><b>Add Use Regulations</b> to this Article for consistency with the rest of the Zoning chapter:</p> <p><b>Sec. 22-11-2. Use Regulations.</b>  <i>In Industrial, Limited, District I-1, structures to be erected or land to be used shall be for one or more of the following uses, together with ordinary and necessary accessory uses, and no others.</i></p>
Sec. 22-12-9.	<p><b>Correct internal reference:</b>  Off-street parking shall conform with Article 26 <del>17</del> of this chapter.</p>
<b>Article 13</b>	<p>This Article covers “Mobile Home Park, District MHP”. The current and more inclusive term is “manufactured homes” as in state law and our updated floodplain ordinance.</p> <p>Amend section title “<i>Manufactured Mobile</i> Home Park, District MHP”</p>

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	Amend references in this Article to “mobile homes” to “ <i>manufactured homes</i> ”.
Sec. 22-13-6.	<b>Update to reflect current regulations:</b> (l) <del>Manufactured Mobile</del> home standards. Every <del>manufactured mobile</del> home occupied as a dwelling unit in Fluvanna County shall meet the minimum standards of the <i>Virginia Manufactured Home Safety Regulations</i> and shall have been manufactured under the authority of the <i>National Manufactured Home Construction and Safety Standards Act</i> <del>Virginia Industrialized Building Unit and Mobile Home Safety Regulations</del> , as the same shall be in effect from time to time.
Sec. 22-13-7.	<b>Add Article name for clarity:</b> Each <del>manufactured mobile</del> home park shall be subject to the provisions of Article 23: <i>Site Development Plans</i> of this chapter.
Sec. 22-14-8.	<b>PUD District Density Regulations chart, amend title:</b> Minimum & Maximum Density Dwelling Units <del>par</del> per acre for Residential – Floor Area <del>Ration</del> Ratio for Commercial
Sec. 22-14-8.3.	<b>Change “+15%” to “&gt;15%”</b> in table to clarify.
Sec. 22-15-4.	(2)Maintenance and Removal (a) All signs shall be constructed in compliance with the <del>International Building Code</del> <i>Uniform Statewide Building Code</i> , as adopted by the Virginia State Code. ....
Sec. 22-17-1(b).	Clarify who issues additional requirements: (b) Each application for a zoning permit shall be accompanied by a site plan which complies with the provisions of Article 23: <i>Site Development Plans</i> of this chapter. In the case of any building...which is exempt from the provisions of Article 23, a sketch plan shall be submitted. Each such sketch shall show the size and shape of the parcel of land...and by all applicable deed restrictions known to the applicant. <i>The sketch plan shall also include any <del>Any</del> other information which the administrator may deem necessary for construction may be required...</i>
Sec. 22-17-6.	<b>Clarify meaning of section:</b> Whenever there shall be plans in existence <i>for</i> a project in the Secondary or Primary Six Year Plan that has been approved by the Virginia Department of Transportation and the governing body for the widening of any street or highway, the administrator may require...
Sec. 22-17-9.	<b>Add FN:</b> as to state law regarding conditional rezoning, see Code of Va., § 15.2-2296 et seq.
Sec. 22-17-15.	<b>Correct reference from “mobile home” to “<i>manufactured home</i>”</b>
Sec. 22-17-6.	<b>Amend to reflect that internal reference in (3)(d) was repealed:</b>

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	<p>(d) Any buildings or structures over <i>twelve</i> (12) feet in height, <del>other than public utility structures subject to the provisions of Section 22-17-14 of this chapter,</del> shall be located a minimum of 300 feet distant from adjoining property lines or edge of road rights-of-way;</p> <p><b>Omit commas to clarify:</b></p> <p>(1) In addition to obtaining zoning approval from Fluvanna County, the proposed power plant also will obtain, and maintain, valid permits as required by all other regulatory bodies of the state and federal governments.</p>
Sec. 22-17-18.	<p><b>ADD THIS SECTION TO THE TITLE PAGE.</b>  <i>Sec. 22-17-18. Necessary subordinate uses.</i></p>
Sec. 22-18-1.	<p><b>Add FN:</b> As to state law authorizing the formation of the county’s board of zoning appeals, see Code of Va., § 15.2-2308.</p>
Sec. 22-18-2.	<p><b>Add FN:</b> As to state law regarding powers of the board of zoning appeals see, Code of Va., § 15.2-2309.</p>
Sec. 22-18-4.	<p><b>Add FN:</b> as to state law regarding appeals to the board of zoning appeals, see Code of Va., § 15.2-2311.</p>
Sec. 22-18-6.	<p><b>Add FN:</b> as to state law regarding timing of public hearing and powers of the board of zoning appeals, see Code of Va., § 15.2-2312.</p>
Sec. 22-21-3(c)	<p><b>Add FN to (c):</b> as to state law provisions regarding district boundary lines, see Code of Va., § 15.2-2309(4).</p>
Art. 22	<p><b>Omit repealed code reference:</b>          CENTRAL SEWERAGE SYSTEM: ...by the board of supervisors pursuant to Title 15.1, Chapter 9, Article 9 of the Code of Virginia in accordance with Virginia Waste Management Act.</p>
	<p>CENTRAL WATER SUPPLY: ...by the board of supervisors pursuant to Title 15.1, Chapter 9, Article 7 of the Code of Virginia in accordance with the Virginia State Water Control Board regulations.</p>
	<p><b>Add Code reference:</b>          INOPERABLE MOTOR VEHICLE:... nor a valid inspection detail, as provided in the Code of Virginia, Section 15.2-904.</p>
	<p><b>Add Article name for clarity:</b>          PARKING BAY: ...as specified in Article <del>22</del> 26: <i>Off-Street Parking and Loading Spaces</i> of this chapter.</p>
	<p><b>Clarify definition:</b>          WOODSTORAGE, TEMPORARY: A lot utilized for the temporary (30, 60, or 90 days) storage/loading of...</p>
Sec. 22-23-6.	<p><b>Sec. 22-23-6. Site plan content</b> needs to be clarified and made consistent by changing formatting and adding numbering:</p> <p>1. The site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture, or land surveying, shall be prepared by a qualified person.</p>

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	<p>2. Final site plans submitted for approval shall be certified by an architect...</p> <p>3. <del>The</del> <i>All</i> minor major site plans shall include:</p> <ul style="list-style-type: none"><li>A. The proposed title...</li><li>B. A signature pane...</li><li>C. A North arrow...</li><li>D. A vicinity map...</li><li>E. <del>The existing</del> <i>Existing</i> zoning and zoning district boundaries on the property in the development...; <del>all</del> <i>All</i> special zoning requirements...; <del>the proposed</del> <i>Proposed</i> changes in zoning, if any.</li><li>F. ...</li><li>G. ...</li><li>H. <del>The features</del> <i>Features</i> ...</li><li>I. <del>The building</del> <i>Building</i> setback lines..and type of dwelling units where applicable; <del>and preliminary</del> <i>Preliminary</i> plans and elevations for...</li><li>J. <del>The type</del> <i>Type</i>, location, height...</li><li>K. <del>The site</del> <i>Site</i> coverage, showing percentage...</li><li>L. <del>All existing</del> <i>Existing</i> and proposed topography...</li><li>M. ...</li><li>N. ...</li><li>O. The location of all existing and porposed off-street parking and parking bays, loading spaces, and pedestrian walkways, indicating types of surfacing, dimensions of stalls, width of aisles and a specific schedule showing the number of parking spaces. See Article 22-26 <del>Off-Street</del> <i>street</i> Parking and Loading <del>Spaces Requirements</del> of this Ordinance. <i>To the greatest extent possible, parking areas shall not be located between the adjacent public right-of-way and the principal parking structure on the site unless topographic features or vegetation provide effective screening. Cul-de-sacs may not be construed or employed as a parking area.</i></li><li>P. ...</li><li>Q. ...</li><li>R. ...See Article 22-15 <del>Sign Regulations</del> <i>Signs</i> of this Ordinance.</li><li>S. All paving...surfaces, <i>which</i> shall be of a design and quality ... as required by Article 22-26 Off-Street Parking and Loading <i>Spaces</i>.</li><li>T. <del>The limit</del> <i>Limit</i> of the one-hundred-year floodplain, as defined in Section <del>22-23-14(a)(5)</del> <i>22-17-8A</i> of this Ordinance.</li></ul>
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	<p>U. <del>The location</del> Location of any...</p> <p>V. ...</p> <p>W. ...</p> <p>X. <del>Cul-de-sacs may not be construed or employed as a parking area. All suitable</del> Suitable easements for future public water and sewer facilities necessary to serve the property shall be indicated on the plan.</p> <p>Y. All new electrical...and other utility lines on the site, <i>which</i> shall be installed underground.</p> <p>Z. <del>To the greatest extent possible, parking areas shall not be located between the adjacent public right-of-way and the principal structure on the site unless topographic features or vegetation provide effective screening.</del></p> <p><del>1.4.</del> In the B-1 and B-C zoning districts....</p> <p><del>AA-5.</del> Site planning shall consider the future development...</p> <p><del>BB-6.</del> 6. In the B-1, B-C, I-1, and I-2 zoning districts, sidewalks that comply with the most recent VDOT specifications shall be required on both sides of all roadways, public and private.</p> <p>A. A variation to the sidewalk regulations may be granted by the Planning Commission for projects where:</p> <p style="padding-left: 20px;">(a) The Virginia Department of Transportation...</p> <p style="padding-left: 20px;">(b) ...</p> <p style="padding-left: 20px;">(c) The application of the <del>before mentioned</del> <i>aforementioned</i> requirements...</p> <p>B. The applicant <i>for a variation to the sidewalk regulations</i> shall file a written request... and how the <del>before mentioned</del> <i>aforementioned</i> circumstances...</p> <p>C. The Planning Commission shall act...The Planning Commission may grant the variation if <del>he</del> <i>it</i> determines that one or more...</p> <p>D. The denial of a variation, or the approval...</p>
<p>Sec. 22-24-3.</p>	<p><b>Standardize listing of required items for clarity:</b></p> <p><del>A.</del> The Landscape <del>Plan</del> <i>plan</i> shall include the following elements:</p> <p><del>1.</del> (A) <del>The existing</del> Existing and proposed contours...;-</p> <p><del>2.</del> (B) <del>All Property</del> <i>property</i> boundary lines;-</p> <p><del>3.</del> (C) <del>The limits</del> Limits of grading and clearing;-</p> <p><del>4.</del> (D) <del>The tree</del> Tree protection zone(s), as applicable <i>and any and all information required for tree protection as indicated in Sections 22-24-8.1—3 of this Article</i>;-</p> <p><del>5.</del> (E) All proposed improvements;-</p> <p><del>6.</del> (F) <del>The existing</del> Existing and proposed...;-</p>

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	<p><del>7-(G) All rights-of-way</del> <del>Rights-of-way</del> and easements;→  <del>8-(H) An adequate, clearly identified, exterior water source; and</del>          (I) All planting details including:              1. The botanical <del>Botanical</del> and common name, size, spacing, and location of all trees, shrubs, and ground cover, and the location and extent of planting beds in which they are to be planted, if any;→  <del>9-2. All plants</del> <del>Plants</del> shall be labeled...;  <del>10-3. A planting symbol shall be provided to illustrate the...;</del>  <del>11-4. A planting list or matrix shall be provided showing...;</del>  <del>12-5. General details shall be provided illustrating the...;</del>  <del>13-6. Special details shall be provided illustrating the..;</del>  <del>14-7. General notes shall be provided specifying the...;</del>  <del>15. Any and all information required for tree protection as indicated in Section B of this article.</del>  <del>16. Provide and identify adequate exterior water source.</del></p>
<p>Sec. 22-24-4.</p>	<p>(A) <del>B.</del> All required landscaping shall be planted according to the following standards:          (1) <del>1.</del> All trees to be planted shall meet the <del>specifications of the American Landscape Association. American Standard for nursery stock published by the American Nursery and Landscape Association.</del>          (2) <del>2.</del>The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nursery and Landscape Nurserymen’s Association, <del>the Virginia Chapter and the Virginia Society of Landscape Designers, and the Virginia Chapter of the American Society of Landscape Architects,</del> or the Road and Bridge Specifications of the Virginia Department of Transportation.</p>
<p>Sec. 22-26-4.</p>	<p><b>Amend to clarify:</b>          (B) <del>B.</del> Handicapped Parking          (1) <del>1.</del> ...          (4) <del>4.</del> In parking lots having more than five (5) spaces, at least one (1) per <del>twenty-five (25) spaces shall be handicapped spaces in addition to the two handicapped spaces already provided in 22-26-4(b)3</del> 22-26-4(B)3.</p>
<p>Sec. 22-27-2.</p>	<p><b>Add Article name for clarity:</b>          Telecommunications antenna support facilities (TASFs) existing or permitted prior to the adoption of this Article shall be subject to the provisions of Article 16: <i>Nonconforming Uses</i> of this ordinance.</p>
<p>Sec. 22-27-6.</p>	<p><b>Correct definitions:</b>          ASR: The Antenna <del>Structure Registration</del> <del>Facility Registration</del> Number as required by the FAA and FCC.</p>

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	<p><del>LEASE</del> <i>LEAST</i> VISUALLY OBTRUSIVE PROFILE: ...</p> <p>TELECOMMUNICATION ANTENNA SUPPORT FACILITY (hereinafter “TASF”): Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals, or other telecommunications, and usually <del>consistent</del> <i>consisting</i> of an antenna support facility...</p>
Sec. 22-27-9.9.	<p><b>Update sections:</b></p> <p>(1) A <i>wireless broadband facility</i> <del>Wireless Broadband Facility</del> may be collocated in accordance with the provisions of <del>Sec. 22-37-13.8</del> <i>Secs. 22-27-9.5 and 22-27-10.2., as applicable;</i> and</p>
Sec. 22-27-10.2	<p><b>Add introductory clause for clarity:</b></p> <p><i>Additional requirements for applications for attached antenna, both concealed and non-concealed; colocations; colocation modifications; antenna replacements of a different size, weight or frequency, and antenna combining shall include all of the following:</i></p> <p>(1) A written statement...</p>
Sec. 22-27-10.3	<p><b>Add introductory clause for clarity:</b></p> <p><i>Additional requirements for applications for freestanding telecommunication and broad cast antenna support facilities shall include all of the following:</i></p> <p>(1) One (1) original and two (2) copies of a survey...</p>
Sec. 22-27-10.3.A.	<p><b>Add introductory clause for clarity:</b></p> <p><i>Additional requirements for applications for non-broadcast TASFs shall include all of the following:</i></p> <p>(1) Technical data included in the report shall include...</p> <p>(6) A stamped or sealed certification from a registered radio frequency engineer demonstrating compliance with <b>Section 22-27-7</b> (Siting <del>alternatives</del> hierarchy)...</p>
Sec. 22-27-10.3.B.	<p><b>Add introductory clause for clarity:</b></p> <p><i>For applications for broadcast antenna support facilities, the technical <del>Technical</del> data included in the report shall include...</i></p>
Sec. 22-27-11.1.	<p><b>Add introductory clause for clarity:</b></p> <p><i>The review of a “by right” application shall be as follows:</i></p> <p>(1) The zoning administrator or designee...</p>

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	<b>Public Purpose:</b> Amend and Re-enact the Code to conform to enabling state and federal legislation.	
	<b>Chapter 22: Zoning Substantive Amendments</b>	
<b>Fluvanna Code §§</b>	<b>Mandatory Update</b>	<b>Discretionary Update</b>
22-1-2.	Section 15.2-2283 has undergone a few amendments, <b>update:</b>  ...This chapter has been designed (1) to provide for adequate light, air, convenience of access, and safety from fire, flood, <i>impounding structure failure, crime</i> and other dangers; (2) <del>to accommodate traffic to reduce or prevent congestion in the public streets</del> (3) to facilitate... (6) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available...fire, flood, <i>impounding structure failure, panic</i> or other dangers... and (9) to promote <i>the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the county is situated.</i>	
Sec. 22-4-9.1.	Update definitions of livestock to reflect Virginia Code §§ 3.2-5400, 3.2-303, 15.2-4302, 15.2-4402 etc. and include goats and furbearing animals:  (1) Livestock includes all domestic or domesticated <i>animals, including but not limited to: cattle, sheep, hogs, goats, horses, poultry, and furbearing animals</i> <del>bovine animals, such as cattle; equine animals such as horses; ovine animals, such as sheep; caprine or hircine animals such as goats; and porcine animals, such as hogs.</del> (2) Intensive livestock, dairy or poultry facility... Livestock: 300 slaughter of feeder cattle Livestock: 750 swine... Livestock: 3,000 sheep, <i>lamb, or goats</i> <del>or lambs</del> ... Poultry: 30,000 laying hens or broilers <i>Livestock: 16,500 Furbearing animals such as rabbits, chinchilla</i>	<b>Consider:</b> adding agritourism definitions and regulations – wineries/vineyards, breweries, etc..
Sec. 22-13-2.	<b>The floodplain ordinance contains specific requirements for manufactured homes, so add reference to Use Regulations:</b>	

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	<p>In <i>Manufactured Mobile-Home Park</i>, District MHP, only one mobile home and its accessory uses and structures shall be permitted on each minimum lot area. Structures to be erected or land to be used shall be for some combination of the following uses.</p> <p><i>Manufactured homes used pursuant to this section, shall comply with the Flood Protection subsection of this Chapter found in Section 22-17-8A et seq.</i></p>	
<p><b>Article 15</b></p>	<p><b>Sign Regulations must be amended to Va. Code §§ 18.2-223, 18.2-224 for “going out of business sales”. Other amendments will be addressed separately.</b> Recommendations follow:</p>	
<p>Sec. 22-15-4.1</p>	<p><b>Add Section to reflect Va. Code §§ 18.2-223, 18.2-224:</b></p> <p><i>Sec. 22-15-4.1 “Going out of business” and “Special” sales.<sup>1</sup></i></p> <p><i>(a) All persons must obtain a permit from the county in order to advertise or conduct a sale for the purpose of discontinuing a retail business, or to modify the word “sale” in any advertisement with the words “going out of business” or any other words which tend to insinuate that the retail business is to be discontinued and the merchandise liquidated.</i></p> <p><i>(b) The applicant shall submit an application for a permit to the county administrator, or his designee, which shall include the following:</i></p> <ol style="list-style-type: none"> <li><i>(1) A statement of the purpose of the sale (i.e. liquidation of assets, terminating retail business);</i></li> <li><i>(2) An inventory including the kind and quantity of all goods to be offered for sale during the sale;</i></li> <li><i>(3) A copy of any proposed advertisements which may be posted or published in connection with the special sale; and</i></li> <li><i>(4) A fee of \$65 for the processing of the permit, which shall not be refunded.</i></li> </ol> <p><i>(c) Upon receipt of the complete application and fee, the county administrator or his designee, shall issue a special sale permit which shall be valid for a maximum of sixty (60) days. An extension of the sale or additional sale shall require an additional permit application and fee as described above. A maximum of one permit beyond the initial sixty (60) day permit may be granted solely for the purpose of liquidating only those goods contained in the initial inventory list which remain unsold.</i></p> <p><i>(d) The permittee shall prominently display the permit number and effective dates of the special sale on any and all advertisements for such sale. The permittee may not advertise along with its special sale any goods not listed in the inventory provided to the county in its application.</i></p> <p><i>(e) The permittee may not commingle or add to the special sale any goods not listed in the inventory list provided to the county. Upon proof that the permittee has commingled or added goods not listed in the inventory list to the special sale, the county may revoke the special sale permit.</i></p>	

<sup>1</sup> For state law requiring the county to oversee and permit such sales, see Code of Va., §§ 18.2-223, 18.2-224.

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	<p>(f) <i>The county administrator’s designee shall inspect the advertisement and conducting of the special sale to insure it is being advertised and conducted in conformity with the permit.</i></p> <p>(g) <i>Advertising or conducting a special sale without a permit, as required by this section, shall be punishable as a Class 1 misdemeanor.</i></p>	
Sec. 22-16-8.	<p>A (a) Where in any zone, a conforming structure devoted to a non-conforming activity or a nonconforming structure is destroyed or damaged in any manner, whether wholly or partially, either may be repaired or restored provided such repair or restoration is started within twelve months from the date of damage or partial destruction. Such restoration shall not exceed 200% of its size in square footage when destroyed. Any such expansion exceeding 100% of the original structure shall conform with the yard requirements of this ordinance. <i>Any such repair or restoration must be carried out in compliance with the Uniform Statewide Building Code, Fluvanna County flood plain regulations, as required in the Code of Virginia § 15.2-2307.</i></p> <p><del>B-Reserved</del> (b) <i>If a nonconforming structure is in an area under a federal disaster declaration and the structure has been damaged or destroyed as a direct result of the conditions that gave rise to the federal disaster declaration, then it may be repaired or restored for an additional two years after the time permitted in subsection (a) above.</i></p> <p><del>C-</del> (c) Any mobile/<i>manufactured</i> home which was lawfully in existence in the county ...</p> <p><del>a-</del> 1. The replacement mobile/<i>manufactured</i> home...</p> <p><del>b-</del> 2. The replacement mobile/<i>manufactured</i> home...</p> <p><del>c-</del> 3. The replacement mobile/<i>manufactured</i> home shall...the replacement mobile/<i>manufactured</i> home shall be... as the mobile/<i>manufactured</i> home being replaced;</p> <p><del>d-</del> 4. The mobile/<i>manufactured</i> home being replaced...no later than <i>ninety</i> (90) days after...;</p> <p><del>e-</del> 5. There shall be...such mobile/<i>manufactured</i> homes are being replaced-;</p> <p><del>f-</del> 6. The replacement mobile/<i>manufactured</i> home shall be... <i>ninety</i> (90) days after removal of the mobile/<i>manufactured</i> home to be replaced.</p>	
	(b)	
<b>Article 18</b>	Extensive amendments were made to the authorizing legislation regarding the BZA and granting variances in 2015. Significant amendments must be made to the Fluvanna Code as follow:	<b>Use “board” or “board of zoning appeals” for consistency.</b>
Sec. 22-18-1.	<p><b>Add resident provision, in accordance with § 15.2-2308:</b></p> <p>(a) A board consisting of five (5) members shall be appointed by the Circuit Court of Fluvanna County. <i>Members of the board shall be residents of Fluvanna County.</i> Members of the board may receive such compensation as may be authorized by the governing body. Members shall be removable for cause by the appointing court after hearing held after at least fifteen (15) days’ notice...</p>	
<b>Sec. 22-18-</b>	<b>Add new subsection to reflect new 2015 statute.</b>	

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<p><b>1.1.</b></p>	<p><b>Sec. 22-18-1.1. Ex parte communications and proceedings.<sup>2</sup></b></p> <p>(a) <i>The non-legal staff of the governing body may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner or his agent or attorney may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case. If any ex parte discussion of facts or law does occur, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication and the identity of the individuals involved in the communication. For the purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which staff of the governing body, the applicant, landowner or his agent or attorney are all invited.</i></p> <p>(b) <i>Any materials relating to a particular case, including a staff recommendation or report furnished to a member of the board, shall be made available without cost to such applicant, appellant or other person aggrieved under Virginia Code Section 15.2-2314, as soon as practicable thereafter, but no more than three business days after providing such materials to a member of the board. If the applicant, appellant or other person aggrieved under Virginia Code Section 15.2-2314 requests additional documents or materials be provided by the locality other than those materials provided to the board, such request shall be made in accordance with FOIA requirements in Virginia Code Section 2.2-3704. Any such materials furnished to a member of the board shall also be made available for public inspection as required by Virginia Code Section 2.2-3707(F).</i></p> <p>(c) <i>For the purposes of this section, “non-legal staff of the governing body” means any staff who is not in the office of the county attorney, or for the board, or who is appointed by special law. Nothing in this section shall preclude the board from having ex parte communications with any attorney or staff or any attorney where such communication is protected by attorney-client privilege or other similar privilege or protection of confidentiality.</i></p> <p>(d) <i>This section shall not apply to cases where an application for a special exception has been filed pursuant to this chapter.</i></p>	
<p>Sec. 22-18-2.</p>	<p><b>Amend text</b> in accordance with Code of Va., § 15.2-2309.</p> <p>(a) To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of this ordinance or of any ordinance</p>	

<sup>2</sup> As to state law provisions regarding board of zoning appeals ex parte communications and proceedings, see Code of Va., § 15.2-2308.1.

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	<p>adopted pursuant thereto.</p> <p>(1) <i>The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The determination of the administrative officer shall be presumed to be correct.</i></p> <p>(2) <i>At a hearing on an appeal, the administrative officer shall explain the basis for his determination after which the appellant has the burden to rebut such presumption of correctness by a preponderance of the evidence.</i></p> <p>(3) <i>The board shall consider any applicable ordinances, laws, and regulations in making its decision. For the purposes of this section, determination means any order, requirement, decision or determination made by an administrative officer.</i></p> <p>(4) <i>Any appeal of a determination to the board shall be in compliance with this section, notwithstanding any other provision of law, general or special.</i></p> <p>(b) <del>To authorize</del> <i>Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases such a variance as defined by Virginia Code Section 15.2-2201 from the terms of the ordinance as will not be contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of the ordinance shall be observed and substantial justice done, as follows: the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in § 15.2-2201 and the criteria set out in this section, as follows:</i></p> <p>1. <del>When a property owner can show that his</del> <i>Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonable restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and</i></p> <p><i>(i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of the ordinance or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the use of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience with the intended spirit and purpose of the ordinance.</i></p>	
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	<p>(ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;</p> <p>(iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;</p> <p>(iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and</p> <p>(v) the relief or remedy sought by the variance application is not available through a special exception process or the process for modification of a zoning ordinance at the time of the filing of the variance application.</p> <p><del>2. No such variance shall be authorized by the board unless it finds: (a) that the strict application of the ordinance would produce undue hardship; (b) that such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (c) that the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.</del></p> <p><del>—3. 2. No such variance shall be authorized</del> <i>considered</i> except after notice and hearing as recorded...</p> <p><del>4. No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.</del></p> <p><del>—5. 3. In authorizing</del> <i>granting</i> a variance, the board may impose...</p> <p>....</p> <p>(e) No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.</p>	
<p>Sec. 22-18-4.</p>	<p><b>Amend to comply with amended statute</b> Code of Va., § 15.2-2311.</p> <p>(b) An appeal to the board may be taken by any person aggrieved or by an officer, department, board or bureau of the county affected by <del>such</del> any decision of the zoning administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this article, any ordinance adopted pursuant to this article, or any modification of zoning requirements pursuant to this chapter.</p> <p>1. Any written notice of a zoning violation or a written order of the zoning administrator dated on or after July 1, 1993, shall include a statement informing the recipient that he may have a right to</p>	

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	<p><i>appeal the notice of a zoning violation or a written order within thirty (30) days in accordance with this section, and that the decision shall be final and unappealable if not appealed within 30 days. The zoning violation or written order shall include the applicable appeal fee and a reference to where additional information may be obtained regarding the filing of an appeal. The appeal period shall not commence until the statement is given. A written notice of a zoning violation or a written order of the zoning administrator that includes such statement sent by registered or certified mail to, or posted at, the last known address of the property owner as shown on the current real estate tax assessment books or records shall be deemed sufficient notice to the property owner and shall satisfy the notice requirements of this section.</i></p> <p>2. Such appeal shall be taken within thirty (30) days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof. Pursuant to <del>Section 15.2-2311 of the Code of Virginia, the zoning administrator shall attach to any written notice of a zoning violation or any written order a statement informing the recipient that he may have a right to an appeal within thirty days, and that the zoning administrator's decision shall become final and unappealable if not filed within thirty days.</del></p> <p>3. <del>Upon the filing of the appeal, The</del> the zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed was taken.</p> <p>4. A decision by the board on appeal shall be binding upon the owner of the property which is the subject of such appeal only if the owner of such property has been provided notice of the zoning violation or written order of the zoning administrator. The owner's actual notice of such notice of zoning violation or written order or active participation in the appeal hearing shall waive the owner's right to challenge the validity of the board's decision due to failure of the owner to receive the notice of zoning violation or written order.</p> <p>5. An appeal shall stay all proceedings in furtherance...</p> <p>6. In no event shall a written order, requirement...The sixty-day limitation period shall not apply in any case where, with the concurrence of the attorney for the governing body, modification is required to correct clerical or <del>other nondiscretionary</del> errors.</p> <p>(c) <i>In any appeal taken pursuant to this section, if the board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.</i></p>	
<p>Sec. 22-18-5.</p>	<p>(a) Appeals and applications for variance requiring an advertised public hearing shall be accompanied by a filing fee as determined by a fee schedule adopted by resolution of the governing body. <i>The fee for filing an appeal shall not exceed the costs of advertising the appeal for public hearing and reasonable costs, as provided in Section 15.2-2311(A) of the Code of Virginia.</i> (Ord. 9-21-05).</p>	

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	<p>(b) <i>All other procedural requirements of Section 15.2-2312 of the Code of Virginia shall be observed by the board of zoning appeals. Appeals and applications for variance requiring an advertised public hearing shall be accompanied by a filing fee as determined by a fee schedule adopted by resolution of the governing body. (Ord. 9-21-05)</i></p> <p>(c) <i>For the conduct of any hearing, a quorum shall not be less than three members of the board and the board shall offer an equal amount of time in a hearing on the case to the applicant, appellant or other person aggrieved, and the staff of the local governing body, pursuant to Section 15.2-2308 of the Code of Virginia.</i></p>	
<p>Sec. 22-18-7.</p>	<p>(d) <del>If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.</del></p>	
<p><b>Sec. 22-18-7.1</b></p>	<p><b>Add new subsection to reflect presumptions and burdens in Circuit Court review of BZA appeals:</b></p> <p><b>Sec. 22-18-7.1. Presumptions and burdens of proof.</b></p> <p>(a) <i>In the case of an appeal from the board of zoning appeals to the circuit court of an order, requirement, decision or determination of a zoning administrator or other administrative officer in the administration or enforcement of any ordinance or provision, or any modification of zoning requirements, the findings and conclusions of the board of zoning appeals on questions of fact shall be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision. The court shall hear any arguments on questions of law de novo.</i></p> <p>(b) <i>In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted an application for a variance, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut the presumption by proving a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision.</i></p> <p>(c) <i>In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted application for a special exception, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that the board of zoning appeals applied erroneous principles of law, or where the discretion of the board of zoning appeals is involved, the decision of the board (i) was plainly wrong, (ii) was in</i></p>	

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	<p><i>violation of the purpose and intent of the zoning ordinance, and (iii) is not fairly debatable.</i></p> <p><i>(d) In the case of an appeal from the board of zoning appeals to the circuit court of a decision of the board, any party may introduce evidence in the proceedings in the court in accordance with the Rules of Evidence of the Supreme Court of Virginia.</i></p>	
Art. 22	Article 22 Definitions	
	<p><b>This should only be a single unit for ≤8 residents + 1+ staff</b></p> <p>ASSISTED LIVING FACILITY: ... Such facility shall be deemed a single unit for the purpose of calculating density <i>when and as required by the Code of Virginia Section 15.2-2291.</i></p>	<p><b>Consider</b> revisions of “automobile graveyard,” “contractor’s storage yard,” “junk,” “junkyard,” “lumberyard” and “salvage/scrap yard” to make more broadly applicable.</p>
	<p>Fluvanna’s definitions of DAYCARE CENTER and FAMILY DAYCARE HOME are outdated. This area is highly regulated, so Fluvanna’s definitions should reflect state definitions as follows:</p> <p>DAYCARE CENTER: <del>See CHILD DAY CENTER, CHILD DAY PROGRAM, FAMILY DAY HOME. A facility operated for the purpose of providing care, protection and guidance to ten (10) or more individuals during only part of a 24-hour day. This term includes nursery schools, preschools, daycare centers, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.</del></p> <p>CHILD DAY CENTER: <i>A child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care of (ii) 13 or more children at any location. See also CHILD DAY PROGRAM, FAMILY DAY HOME.</i></p> <p>CHILD DAY PROGRAM: <i>A regularly operating service arrangement for children where, during the absence of apparent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period. See also CHILD DAY CENTER, FAMILY DAY HOME.</i></p> <p>FAMILY DAYCARE HOME: <del>See CHILD DAY CENTER, CHILD DAY PROGRAM, FAMILY DAY HOME. A single-family dwelling in which more than five (5) but less than thirteen (13) individuals are received for care, protection, and guidance during only part of twenty-four (24) hour day. Individuals related by blood, legal adoption, or marriage to the person who maintains the home shall not be counted towards this total. The care of five (5) or fewer individuals for portions of a day shall be considered as a home occupation.</del></p> <p>FAMILY DAY HOME: <i>A child day program offered in the residence of the provider or the home of any of the</i></p>	

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	<p><i>children in care for one (1) through twelve (12) children under the age of thirteen, exclusive of the provider’s own children and any children who reside in the home, when at least one (1) child receives care for compensation. Family day homes serving six (6) through twelve (12) children, exclusive of the provider’s own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four (4) children under the age of two, including the provider’s own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed. See also CHILD DAY CENTER, CHILD DAY PROGRAM.</i></p>	
	<p>Update MEDIA, ADULT to reflect DVD, Blu-Ray:</p> <p>MEDIA, ADULT: Magazines, books, videotapes, movies, <i>DVDs or Blu-Ray</i>, CD-ROMS or other devices...</p>	
	<p>Update NURSING HOME to reflect Va. Code § 32.1-123.</p> <p><del>NURSING HOME: Any place or institution, other than a hospital, for the aged, infirm, senile, chronically ill, or convalescent established to render domiciliary care, custodial care, treatment or lodging to three (3) or more nonrelated persons.</del> <i>or facility, or any identifiable component of any facility, other than a hospital, licensed pursuant to the Code of Virginia, Section 32.1-123, in which the primary function is the provision, on a continuing basis, of nursing and health-related services for the treatment and inpatient care of two or more nonrelated individuals, including, but not limited to, facilities known as convalescent homes, skilled nursing facilities, skilled care facilities, intermediate care facilities, extended care facilities, and nursing or nursing care facilities.</i></p>	
	<p><b>UTILITIES: add “information” to reflect internet, consistent with Va. Code:</b></p> <p>UTILITY, MAJOR: Facilities for the ... including, but not limited to, transmission lines, production plants, electrical substations, pumping stations, treatment facilities, and <i>information and</i> communication facilities.</p> <p>UTILITY, MINOR: Facilities for... meters, and <i>information and</i> communication lines.</p>	
	<p><del>VARIANCE: A variance is a relaxation of the terms</del> <i>reasonable deviation from the provisions of the zoning ordinance regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided where such variance will</i> is not be contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done. It shall not include a change in use which change shall be accomplished by a rezoning or by a conditional zoning.</p>	

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	<p>public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure of size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by the variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.</p>	
<p>Sec. 22-23-7.</p>	<p><b>Update:</b>          B. The pavement of vehicular travel lanes, driveways, or alleys <i>shall be</i> designed to permit vehicular travel...          D. Safe and convenient pedestrian and bicycle access to, from, and within the site shall be provided.              (1) In the B-1, B-C, I-1, and I-2 zoning districts... per Section <del>22-23-6(BB)</del> 22-23-6(6).          G. All drainage structures and facilities shall be adequate to provide efficient and complete drainage of surface waters from the site into adequate channels. They shall comply with the standards and applicable provisions of the Virginia Erosion and <del>Sedimentation</del> <i>Sediment Control Handbook of the Virginia Department of Environmental Quality, the Drainage Manual of the Virginia Department of Transportation, and the regulations of the Virginia Department of Environmental Quality.</i>          H. All public water supply and sewerage systems shall comply with the provisions hereof, <i>and obtain with</i> all applicable approvals <i>and permits of</i> from Fluvanna County and the <i>relevant Virginia Boards and Departments.</i> <del>Department of Health.</del>          I. Provisions <i>shall be made</i> for the adequate disposition of surface water in accordance with design criteria and...          J. Provisions and schedule <i>shall be made</i> for approval of adequate control of erosion and sedimentation, in accordance with the Fluvanna County Erosion and Sedimentation Control program, <i>Chapter 6 of this Code.</i></p>	
<p>Sec. 22-25-4.</p>	<p><b>*There is no Figure 2. Amend to clarify:</b>          (E)E. Full Cutoff Angle <i>shall mean</i> <del>The</del> the angle formed by a line drawn from the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted. <del>Refer to example graphics. (Refer to Figure 2)*</del></p>	
<p>Sec. 22-25-6.</p>	<p><b>*There is no Figure 1. Amend to clarify and standardize form:</b>          (D)D. Gasoline Station/Convenience Store Aprons and Canopies.              (1).<del>1.</del> The <del>lighting</del> <i>Lighting</i> fixture bulbs shall be recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling and light is restrained to no more than 85 degrees from vertical. <del>as shown in Figure 1.*</del>              (2) <del>2.</del> ...</p>	

**2015 Fluvanna County Code Update – Substantive Updates to Chapter 22 Zoning.  
Review by Planning Commission.**

	<p><del>(3) 3- ....</del> <del>(4) 4....</del> <del>(5) Spillover light, vertical or horizontal, from parking area luminaires onto public roads and property in residential...</del> <del>(6) The lighting of roofs or portions thereof is prohibited.</del></p> <p><del>5- (E) All Parking Lots, Loading and Display Areas. This lighting requirement applies to multi-family, educational, institutional, public, commercial business and retail, wholesaling, and limited and general industrial use categories identified within the Zoning Ordinance.</del> <del>(1)a- Lighting for all parking, display and loading areas...</del> <del>(2)b- Maximum ...</del></p> <p><del>6- (F) Spillover light, vertical or horizontal, from parking area luminaires onto public roads and property in residential...</del> <del>7-(G) The lighting of roofs or portions thereof is prohibited.</del></p>	
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