

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna Courts Building
October 21st 2009
7:00 p.m.**

MEMBERS PRESENT: Marvin F. Moss, Chairman
Charles W. Allbaugh, Vice Chairman
Mozell H. Booker
John Y. Gooch
Gene F. Ott
Donald W. Weaver

ALSO PRESENT: G. Cabell Lawton, IV, County Administrator
Shelly Wright, Assistant County Administrator
Frederick W. Payne, County Attorney
Bryant Phillips, Senior Planner
Pat Groot, Grants Administrator
Alice F. Jones, Clerk, Board of Supervisors

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairman Moss called the regular meeting of October 21st 2009 to order at 7:00 p.m. in the Circuit Courtroom of the Fluvanna Courts Building in Palmyra, Virginia and the Pledge of Allegiance was recited, after which, Chairman Moss called for a moment of silence.

REPORTS

The County Administrator, G. Cabell Lawton, IV, reported to the Board on the following matters:

Change in Agenda – apprised the Board that staff request the Board pull agenda item R [JRWA Inter-Jurisdictional Agreement] from consideration; staff will be meeting with VRA on October 23rd and that may necessitate changes to the agreement

Introduction of Ingrid Crump – introduced the Board to Ingrid Crump, who is the part-time employee replacing Joann Rawls who worked in Administration.

EDC Roadshow – apprised the Board of Supervisors that the EDC would be presenting “roadshows” throughout Fluvanna County at varying locations, dates and times

Podcasting – apprised the Board that staff’s initial attempt at podcasting was not very successful; we will be testing new hardware and software at the November Board and PC meetings

Election Day – apprised the Board that staff has been working with the Electoral Board and has developed a plan of action in the event of power outages on Election Day; the Electoral Board will likely be seeking additional funding from the Board for expenses related for this plan

PUBLIC COMMENTS #1

Chairman Moss opened the floor for the first public comment section.

The following citizens addressed the Board of Supervisors:

- Mr. Bob Trumbull, Fork Union District, addressed the Board regarding cell towers and provided the Board with a picture of the Nile River in Egypt which showed a communications tower on a hill
- Mr. Ray Signoretti, Cunningham District, addressed the Board regarding tax rates
- Mr. Doug Johnson, Cunningham District, addressed the Board regarding the JRWA suit which is now in appeal with the Supreme Court
- Mr. Adrian Miller, Rivanna District, addressed the Board regarding his appreciation to Supervisor Ott for pushing through VDOT regarding the problem of sight distance at the Monish Gate [which has been improved greatly]; he also mentioned the water plan; financial sustainability; debt service; the JRWA permit; and the selling of Pleasant Grove property

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

CONSENT AGENDA

The following items were approved under the consent agenda:

MOTION:

Mr. Weaver moved to approve the consent agenda which consisted of:

- Minutes of October 7th 2009
- Water Supply Plan Grant Supplemental Appropriation [authorized the County Administrator to execute a contract, after County Attorney approval as to form, with the Department of Environmental Quality to receive \$4,500 in additional grant funds for the Water Supply Plan project; further moved to approve the following associated fiscal actions:
 - Revenue #3-100-024040-0036 \$4,500
 - Expense #4-100-081610-3120 \$4,500]
- Memorandum of Understanding (MOU) with Rivanna River Basin Commission (RRBC) to Implement Stormwater Grant [authorized the County Administrator to enter into a Memorandum of Understanding with the Rivanna River Basin Commission, after County Attorney approval as to form, to implement the National Fish and Wildlife Foundation grant that focuses on stormwater measures that will positively impact the Rivanna River watershed; further moved to approve the following associated fiscal actions:
 - Revenue #3-302-033020-4100 \$147,000
 - Expense #4-302-094100-3177 \$147,000]
- Appointment/Fluvanna Transportation Safety Commission [reappointed Jerome Hill with a term to be retroactive to July 1st 2009 and to expire on June 30th 2012]

Mr. Ott seconded. The motion carried with a vote of 6-0. AYES:
Allbaugh, Booker, Gooch, Ott, Weaver and Moss NAYS: None

ACCOUNTS PAYABLE

None

PUBLIC HEARINGS

ZTA 09:03/Amendment to Fluvanna County Zoning Ordinance Regarding Uses Permitted and Defined

Mr. Bryant Phillips, Senior Planner, addressed the Board regarding this item.

Chairman Moss opened the public hearing.

With no one wishing to speak, Chairman Moss closed the public hearing.

The Board discussed alternatives for the “guest house” definition. They decided to leave that unchanged and discuss that in more depth later.

MOTION:

Mr. Ott moved that the Board of Supervisors approve the attached ordinance for ZTA 09:03, a request for a Zoning Text Amendment to Amend and reenact portions of Chapter 22 of the Fluvanna County Code with respect to permitted uses and definitions for such uses including Sections 22-4-2.1, 22-4-2.2, 22-5-2.1, 22-5-2.2, 22-6-2.1, 22-6-2.2, 22-7-9, 22-8-2.1, 22-8-2.2, 22-9-2, 22-10-3, 22-10-4, 22-11-2, 22-12-2, 22-13-2, and 22-22-1; and the addition of Section 22-4-2.3, Mobile Homes; less the definition for Guest House. Mr. Gooch seconded. The motion carried with a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

PRESENTATION

None.

ACTION MATTERS

Award Contract for RFP on Tax Collections

This process complies with the Virginia Public Procurement Act and is not the first time that Fluvanna County has utilized the services of a delinquent tax attorney. The County received three (3) proposals in response to the RFP which was advertised. Fluvanna based attorneys were directly notified in writing of the opportunity to do business with the County [none responded]. Of the three proposals received, one was from Albemarle and two from Richmond.

Mrs. Shelly H. Wright, Assistant County Administrator, addressed the Board regarding this issue.

Mrs. Linda H. Lenherr, Treasurer, was available to answer any questions directed to her.

MOTION:

Mr. Allbaugh moved to award Mr. Anthony Paone, Innsbrook Law Group, the contract for the “Request for Proposals to Perform the Services of a Delinquent [Collections] Tax Attorney” subject to approval as to form by the County Attorney. Mr. Weaver seconded. The motion carried with a

vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss
NAYS: None

OLD BUSINESS

Inter-Jurisdictional Agreement between Fluvanna and Louisa County

This item was deferred.

NEW BUSINESS

None

PUBLIC COMMENT #2

Chairman Moss opened the floor for the second public comment section.

The following citizen addressed the Board of Supervisors:

- Mr. Doug Johnson, Cunningham District, addressed the Board regarding collection of debt; the budget; and the increase in taxes

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

ADJOURN

MOTION:

At 8:02 p.m. Mr. Allbaugh moved to adjourn the regular Board of Supervisors meeting of Wednesday, October 21st 2009. Mrs. Booker seconded. The motion carried by a vote of 6-0. AYES: Allbaugh, Booker, Gooch, Ott, Weaver and Moss. NAYS: None.

AN ORDINANCE TO AMEND AND REENACT PORTIONS OF CHAPTER 22 OF THE FLUVANNA COUNTY CODE WITH RESPECT TO PERMITTED USES AND DEFINITIONS FOR SUCH USES INCLUDING SECTIONS 22-4-2.1, 22-4-2.2, 22-5-2.1, 22-5-2.2, 22-6-2.1, 22-6-2.2, 22-7-9, 22-8-2.1, 22-8-2.2, 22-9-2, 22-10-3, 22-10-4, 22-11-2, 22-12-2, 22-13-2, AND 22-22-1; AND THE ADDITION OF SECTION 22-4-2.3, MOBILE HOMES.

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

Article 4. Agricultural, General, District A-1

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

The following uses shall be permitted by right:

Agricultural Uses

- Agriculture
- Conservation areas
- Farm sales
- Hunt clubs
- Hunting preserves

Civic Uses

- Parks, public
- Public uses

Commercial Uses

- Parks, private

Industrial Uses

- Sawmills, temporary

Miscellaneous Uses

- Accessory uses
- Cemeteries, non-commercial
- Greenhouses, non-commercial
- Marinas, private non-commercial
- Rural cluster developments
- Utilities, minor
- Woodstorage, temporary

Residential Uses

- Dwellings, two-family
- Group homes
- Guest houses
- Home occupations

Manufactured houses that are on a permanent foundation and on individual lots,
subject to development standards equivalent to those applicable to site-built,
single family dwellings

Mobile homes, as defined in Sec. 22-4-2.3

Single-family detached dwellings, including family subdivisions and conventional
minor subdivisions, but excluding conventional major subdivisions recorded
after April 5, 2004

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

The following uses shall be permitted by special use permit only:

Agricultural Uses

Livestock feed lots, commercial

Livestock sales yards, commercial

Wholesale distribution (but not manufacturing) of agricultural related products, to
include equine

Civic Uses

Amusements, public

Educational facilities

Places of worship

Public safety facilities

Commercial Uses

Adult retirement communities

Amusements, commercial

Antique stores

Assisted living facilities

Bed and breakfasts

Boarding houses

Camps

Country stores

Daycare centers

Equestrian facilities

Greenhouses, commercial

Kennels, commercial

Recreational facilities

Restaurants, small

Shooting ranges

Veterinary offices

Industrial Uses

Mining

Miscellaneous Uses

Aviation facilities

Telecommunication facilities
Utilities, major

Residential Uses
Small home industries

Sec. 22-4-2.3. Mobile homes.

One mobile home per parcel shall be permitted, with issuance, by the Planning Director, of a zoning permit, in the following instances:

- (a) Mobile home to be occupied by a bona fide farm tenant with the permit to be revalidated by the governing body every two years so long as the conditions are met;
- (b) Mobile home to be occupied because of an emergency medical or moral obligation with the permit to be revalidated by the governing body every two years so long as the conditions exist. For purposes of this section, the term "an emergency medical or moral obligation" shall be deemed to mean a set of circumstances in which a landowner must provide shelter and/or care to one or more persons through the occupancy of the mobile home in order to alleviate a clearly demonstrable danger of serious impairment to the health and/or welfare of any person or persons which is occasioned by a medical disorder or condition or other compelling cause beyond the control of such person or persons and which cannot be remedied in any other reasonable manner;
- (c) Mobile home to be occupied by the owner of the property while constructing a permanent single-family dwelling on the same property or reconstructing a single-family dwelling destroyed by natural disaster. This permit shall be for a period of one year only but may be renewed each year by the governing body for a period of not more than five continuous years. In addition, the governing body may grant an additional extension of time for the occupancy of any such mobile home, not to exceed 24 months from the expiration of the last renewal period of the original permit, upon a finding that the owner of the property has attempted in good faith to complete such single-family dwelling within the time permitted by law, but has been unable to do so as a result of adverse weather conditions, act of God, bona fide inability to timely obtain satisfactory building materials, or other circumstances or condition beyond the control of such owner.

Article 5. Residential, Limited, District R-1

Sec. 22-5-2.1. Uses permitted by right.

The following uses shall be permitted by right:

Civic Uses

Parks, public
Public uses

Commercial Uses

Parks, private

Miscellaneous Uses

Accessory uses
Cluster developments
Greenhouses, non-commercial
Utilities, minor

Residential Uses

Dwellings, single-family detached
Group homes
Home occupations

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

The following uses shall be permitted by special use permit only:

Civic Uses

Educational facilities
Places of worship
Public safety facilities

Commercial Uses

Daycare centers

Miscellaneous Uses

Telecommunication facilities
Utilities, major

Article 6. Residential, General, District R-2

Sec. 22-6-2.1. Uses permitted by right.

The following uses shall be permitted by right:

Civic Uses

Parks, public
Public uses

Commercial Uses

Parks, private

Miscellaneous Uses

Accessory uses
Cluster developments
Greenhouses, non-commercial
Utilities, minor

Residential Uses

Dwellings, multi-family
Dwellings, single-family attached
Dwellings, single-family detached
Dwellings, two-family
Group homes
Home occupations

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

The following uses shall be permitted by special use permit only:

Civic Uses

Educational facilities
Places of worship
Public safety facilities

Commercial Uses

Daycare centers

Miscellaneous Uses

Telecommunication facilities
Utilities, major

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

Sec. 22-7-9.1. Uses permitted by right.

The following uses shall be permitted by right:

Agricultural Uses

Conservation areas

Civic Uses

Parks, public

Public uses

Commercial Uses

Automobile service stations

Bakeries

Beauty salons

Butcher shops

Cemeteries, commercial

Equestrian facilities

Financial institutions

Offices

Parks, private

Pharmacies

Recreational facilities

Retail stores

Miscellaneous Uses

Accessory uses

Greenhouses, non-commercial

Utilities, minor

Residential Uses

Dwellings, multi-family

Dwellings, single-family attached

Dwellings, single-family detached

Dwellings, two-family

Group homes

Home occupations

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

The following uses shall be permitted by special use permit only:

Civic Uses

- Educational facilities
- Places of worship
- Public safety facilities

Commercial Uses

- Adult retirement communities
- Assisted living facilities
- Bed and breakfasts
- Daycare centers
- Laundromats
- Lodges
- Restaurants
- Veterinary offices

Miscellaneous Uses

- Telecommunication facilities
- Utilities, major

Article 8. Residential, Limited, District R-4

Sec. 22-8-2.1. Uses permitted by right.

The following uses shall be permitted by right:

Agricultural Uses

Conservation areas

Civic Uses

Parks, public

Public uses

Commercial Uses

Parks, private

Miscellaneous Uses

Accessory uses

Greenhouses, non-commercial

Utilities, minor

Residential Uses

Dwellings, single-family detached

Group homes

Home occupations

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

The following uses shall be permitted by special use permit only:

Civic Uses

Educational facilities

Places of worship

Public safety facilities

Commercial Uses

Adult retirement communities

Assisted living facilities

Campgrounds

Daycare centers

Equestrian facilities

Lodges

Marinas, commercial

Offices

Recreational facilities

Restaurants

Miscellaneous Uses

Cluster alternative development
Telecommunication facilities
Utilities, major

Residential Uses

Dwellings, multi-family
Dwellings, single-family attached
Dwellings, townhouse

Article 9. Business, General, District B-1

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

The following uses shall be permitted by right:

Civic Uses

Amusements, public
Places of worship
Public uses

Commercial Uses

Auction houses
Automobile repair service establishments
Automobile sales
Automobile service stations
Bakeries
Beauty salons
Bed and breakfasts
Boarding houses
Car washes
Daycare centers
Financial institutions
Fitness centers
Funeral homes
Greenhouses, commercial
Hospitals
Hotels
Laundries
Offices
Pharmacies
Printing plants
Restaurants
Retail stores
Self-storage facilities
Theaters

Miscellaneous Uses

Accessory uses
Utilities, minor

Sec. 22-9-2.2. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Commercial Uses

- Amusements, commercial
- Assisted living facilities
- Dance halls
- Dry cleaners
- Lodges
- Nursing homes
- Recreational facilities
- Taverns
- Veterinary offices

Miscellaneous Uses

- Telecommunication facilities
- Utilities, major

Article 10. Business, Convenience, District B-C

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

The following uses shall be permitted by right:

Civic Uses

Amusements, public

Commercial Uses

Automobile service stations

Bakeries

Beauty salons

Butcher shops

Financial institutions

Offices

Pharmacies

Retail stores

Miscellaneous Uses

Accessory uses

Utilities, minor

Sec. 22-10-4. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Civic Uses

Places of worship

Public safety facilities

Public uses

Commercial Uses

Amusements, commercial

Daycare centers

Laundromats

Lodges

Restaurants

Veterinary offices

Miscellaneous Uses

Telecommunication facilities

Utilities, major

Article 11. Industrial, Limited, District I-1

Sec. 22-11-2.1. Uses permitted by right.

The following uses shall be permitted by right:

Civic Uses

Public safety facilities
Public uses

Commercial Uses

Corporate offices
Financial institutions
Offices
Retail stores
Veterinary offices

Industrial Uses

Contractor's storage yards
Lumberyards
Machine shops
Manufacturing, light
Manufacturing, medium
Research laboratories
Upholstery shops
Wholesale warehouses

Miscellaneous Uses

Accessory uses
Utilities, minor
Woodstorage, temporary

Sec. 22-11-2.2. Uses permitted by special use permit only.

The following uses shall be permitted by special use permit only:

Commercial Uses

Amusements, commercial
Auction houses
Manufactured home sales

Industrial Uses

Sanitary landfills
Solid waste material recovery facilities

Miscellaneous Uses

Aviation facilities
Telecommunication facilities
Utilities, major

Article 12. Industrial, General, District I-2

Sec. 22-12-2.1. Uses permitted by right.

The following uses shall be permitted by right:

Civic Uses

Public safety facilities
Public uses

Commercial Uses

Corporate offices
Financial institutions
Offices
Retail stores
Veterinary offices

Industrial Uses

Contractor's storage yards
Lumberyards
Machine shops
Manufacturing, light
Manufacturing, medium
Research laboratories
Sawmills, permanent
Truck terminals
Upholstery shops
Wholesale warehouses

Miscellaneous Uses

Accessory uses
Utilities, minor
Woodstorage, temporary

Sec. 22-11-2.2. Uses permitted by special use permit.

The following uses shall be permitted by special use permit only:

Commercial Uses

Auction houses
Manufactured home sales

Industrial Uses

Junkyards
Manufacturing, heavy
Mining
Petroleum distribution facilities
Sanitary landfills
Slaughterhouses
Solid waste material recovery facilities

Miscellaneous Uses

Aviation facilities
Telecommunication facilities
Utilities, major

Article 13. Mobile Home Park, District MHP

Sec. 22-13-2. Use regulations.

In Mobile Home Park, 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:

Civic Uses

Public uses

Miscellaneous Uses

Accessory uses

Utilities, major and minor

Residential Uses

Home occupations

Mobile homes

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.

ACCESSORY USE: A use or structure subordinate to the main use or structure on the same lot and serving a purpose naturally incidental to the main use or structure. When an accessory structure is attached to the main structure in a substantial manner, as by a wall or roof, such accessory structure shall be considered a part of the main structure.

ADMINISTRATOR, THE: The official charged with the enforcement of the zoning ordinance. The administrator may be any appointed or elected official who is by formal resolution designated to the position by the governing body. The administrator may serve with or without compensation as determined by the governing body.

ADULT RETIREMENT COMMUNITY: A planned development providing residences for elderly persons that emphasizes social and recreational activities but may also provide personal services, limited health facilities, and transportation.

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, aquaculture, horticulture, floriculture, viticulture, forestry, livestock, and poultry and the necessary accessory uses for packing, treating, or storing the produce.

ALTERATION: Any change in the total floor area, use or adaptability of an existing structure.

AMUSEMENTS, COMMERCIAL: The provision of entertainment or games of skill to the general public for a fee, as permitted by general law.

AMUSEMENTS, PUBLIC: Fund-raising activities including those activities sponsored by charitable organizations for which remuneration must be paid by sponsor.

ANTIQUÉ STORE: A place offering antiques for sale. An antique, for purposes of this chapter, shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least 30 years old.

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.

AUCTION HOUSE: A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other, with all events and storage of inventory entirely enclosed in a building or structure.

AUTOMOBILE GRAVEYARD: Any lot or place which is exposed to the weather upon which more than five (5) inoperative motor vehicles of any kind. See junkyard use.

AUTOMOBILE REPAIR SERVICE ESTABLISHMENT: A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting.

AUTOMOBILE SALES: The use of any building, land area or other premises for the display of new and used automobiles, trucks, vans, or motorcycles for sale or rent, including any warranty repair work and other repair service conducted as an accessory use.

AUTOMOBILE SERVICE STATION: Any building, structure or land used primarily for the dispersal, sale, or offering for sale of automotive fuels, oils, and replacement or installation of minor parts and accessories, but not including major repair work, such as motor replacement or rebuilding, body and fender repair, or painting.

AVIATION FACILITY: Facilities for the take-off and landing of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities and devices, terminal buildings, aircraft maintenance facilities, aviation instruction facilities, and heliports.

BAKERY: A place for preparing, cooking, baking, and selling of products on the premises.

BASEMENT: A story having part but not more than one-half (1/2) of its height below grade. A basement shall be counted as a story for the purpose of height regulations, if it is used for business purposes, or for dwellings purposes, by other than a janitor employed on the premises.

BEAUTY SALON: An establishment where cosmetology services are provided including hair care, nail care, and skin care on a regular basis for compensation.

BED AND BREAKFAST: A transient lodging establishment, within an owner occupied single-family dwelling, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

BOARDING HOUSE: A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen (14) persons.

BUILDING: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or property.

BUILDING MASS: The height, width, and depth of a structure

BUILDING, HEIGHT OF: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

BUILDING, MAIN: The principal building or one of the principal buildings on a lot, or the building or one of the principal building housing the principal use on the lot.

BUTCHER SHOP: A retail store supplying meat and poultry products where meat processing is limited to making cuts of meat from pre-processed carcasses.

CAMP: A tract of land, complete with all necessary and accessory uses and structures, used for organized recreational activities under trained supervision. Seasonal accommodations may be provided and such uses shall include boarding camps, day camps and summer camps.

CAMPGROUND: An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar transportable or temporary sleeping quarters of any kind. For purposes of this definition, transient shall be for no more than 120 days.

CAR WASH: A building or site containing facilities for washing and cleaning automobiles, light trucks and vans, and recreational vehicles. Includes automatic and self-service car washes.

CELLAR: The portion of the building partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

CEMETERY, COMMERCIAL: A place where human remains are interred, above or below ground, and where plots are sold for that purpose, and perpetual care of the graves is furnished. Such uses shall also allow for cemeteries for the burial of domestic animal remains.

CEMETERY, NON-COMMERCIAL: A place where human remains are interred above or below ground and where plots are not sold. Such uses shall also allow for cemeteries for the burial of domestic animal remains.

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 pursuant to Title 15.1, Chapter 9, Article 9 of the Code of Virginia. See utilities, major and minor.

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 pursuant to Title 15.1, Chapter 9, Article 7 of the Code of Virginia. See utilities, major and minor.

CLUSTER DEVELOPMENT: A development design technique that concentrates buildings on a portion of the site to allow the remaining land to be used for recreation, open space, or the preservation of historically or environmentally sensitive features.

CODE, THE: The Code of Virginia as the same may be amended from time to time.

COMMISSION, THE: The Planning Commission of Fluvanna County, Virginia.

CONDOMINIUM: A building or group of buildings in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportionate undivided basis.

CONDOMINIUM ASSOCIATION: The community association that administers and maintains the common elements of a condominium.

CONNECTION, WATER OR SEWER: The provision of water and/or sewerage services to any dwelling unit or commercial or industrial establishment.

CONSERVATION AREA: Any parcel or area of substantially undeveloped land conserved in its natural state to preserve or protect endangered species, critical environment features, viewsheds, or other natural elements including, but not limited to, preserves, wildlife management areas and refuges, open spaces and habitat protection areas.

CONTRACTOR'S STORAGE YARD: Storage yards operated by, or on behalf of, a contractor for storage of large equipment, vehicles, or other materials commonly used in the individual contractor's type of business; storage of scrap materials used for repair and maintenance of contractor's own equipment; and buildings or structures for uses such as offices and repair facilities.

CORPORATE OFFICE: An establishment primarily engaged in providing internal office administration services as opposed to customer service. Such uses generally include the headquarters, regional offices or administrative offices for a corporation.

COUNTRY STORE: A retail establishment that offers for sale a limited line of groceries and other household goods for the convenience of the area. Gasoline may also be offered for sale, but only as a secondary activity of a country store.

CUL-DE-SAC: The turnaround at the end of a dead-end street.

CURVILINEAR STREET SYSTEM: A pattern of streets that is primarily curved.

DANCE HALL: A place of assembly where dances, parties, receptions, and other gatherings are held for profit, except when sponsored by civic, charitable, or nonprofit groups.

DAYCARE CENTER: A facility operated for the purpose of providing care, protection and guidance for children or adults 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.

DEVELOPMENT IN A FLOOD PLAIN DISTRICT: Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining dredging or drilling operations, which has adverse effect on the flood levels during a one hundred (100) year flood.

DISTRICT: A division of territory within Fluvanna County for the purposes of regulation of its use under the provisions of this chapter.

DRIVE-IN WINDOW: A facility designed to provide access to commercial products and/or services for customers remaining in their automobiles.

DRY CLEANER: An establishment which launders or dry cleans articles dropped off on the premises directly by the customer.

DWELLING: Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, motels mobile homes, and travel trailers.

DWELLING, MULTI-FAMILY: A building or portion thereof which contains two or more dwelling units for permanent occupancy, regardless of the method of ownership. Included in the use type would be garden apartments, low and high rise apartments, apartments for elderly housing and condominiums.

DWELLING, SINGLE-FAMILY ATTACHED: Two or more single family dwellings sharing two or more common walls, each on its own individual lot. Attached dwellings are not vertically stacked.

DWELLING, SINGLE-FAMILY DETACHED: A building designed for occupancy by one family which has no connection by a common party wall to another building or structure similarly designed.

DWELLING, TOWNHOUSE: A single-family attached dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

DWELLING, TWO-FAMILY: A building designed as a single structure, containing two separate living units, each of which is designed to be occupied as a separate permanent residence for one family.

DWELLING UNIT: Any building or portion of building intended to be used for residential purposes by a single family and designed or arranged in such a manner that none of the facilities or areas customarily provided for cooking, sleeping, eating sanitation, or other residential functions is shared by any other family or persons residing in the same structure.

EDUCATIONAL FACILITY: A public or private institution for the teaching of children or adults including primary and secondary schools, colleges, professional schools, dance schools, business schools, trade schools, art schools, and similar facilities.

EGRESS: an exit

EQUESTRIAN FACILITY: Facilities designed and used primarily for equestrian related activities including, but not limited to: riding schools, horse exhibition facilities, polo fields, and pack stations. This includes barns, stables, corrals, and paddocks accessory and incidental to the above uses.

EVERGREEN: A plant with foliage that remains year-round.

FAMILY:

- (1) An individual; or
- (2) Two (2) or more persons related by blood, marriage, adoption, or guardianship, plus not more than (2) unrelated persons living together as a single housekeeping unit in a dwelling or dwelling unit; or
- (1) A group of not more than four (4) persons not related by blood, marriage, adoption or guardianship living together as a single housekeeping unit in a dwelling or dwelling unit.
- (2) A group home of eight (8) or fewer people residing in a single- family residence as described in Section 15.2-2291 of the Code of Virginia.

FARM: One or more parcels of land used for the primary purpose of agricultural production.

FARM SALES: The sale of agricultural produce or merchandise produced primarily by the resident operator on his farm.

FINANCIAL INSTITUTION: An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies, such as: trust companies, savings banks, industrial banks, savings and loan associations, building and loan associations, commercial banks, credit unions, federal associations, and investment companies.

FITNESS CENTER: An establishment where persons engage in physical activity in order to increase, maintain, or improve their physical health or appearance. Activities such as aerobics, weight lifting, circuit training, and supervised instructional exercising may be provided as well as programs involving therapeutic recreation and nutrition, and other athletic activities.

APPROXIMATED FLOOD PLAIN DISTRICT: The flood plain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100) year flood plain has been approximated as delineated on the Flood Boundary and Floodway Map accompanying the Flood Insurance Study for Fluvanna County prepared by the U.S. Dept. of HUD, Federal Insurance Administration, dated February 1978 and the Flood

Insurance Study for the Town of Columbia prepared by the U.S. Dept. HUD, Federal Insurance Administration, dated March, 1978 and shown on the accompanying Flood Boundary and Floodway Map. In determining the necessary elevations for the purposes of this ordinance, other sources of data may be used such as Corps of Engineers' Flood Plain Information Reports, the U.S. Geological Survey's Flood Plain Quadrangles, USDA, Soil Conservation Service's Flood Hazard Analysis, studies by professional and certified engineers, etc.

BASE FLOOD/ONE-HUNDRED YEAR FLOOD: A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

FLOOD-FRINGE DISTRICT: That area of the 100-year flood plain not included in the Floodway District. The basis for the outermost boundary of this District shall be the one hundred (100) year flood elevations contained in the flood profiles of the Flood Insurance Study for Fluvanna County prepared by the U.S. Dept. of HUD, Federal Insurance Administration, dated February, 1978 and delineated on the accompanying Flood Boundary and Floodway Map and the Flood Insurance Study for the Town of Columbia prepared by the U.S. Dept. of HUD, Federal Insurance Administration dated March, 1978, and shown on the accompanying Flood Boundary and Floodway Map.

FLOODWAY DISTRICT: That area of the one hundred (100) year flood plain which is capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas include those specifically defined in Table 2 of the Flood Insurance Study by the U.S. Department of HUD, Federal Insurance Administration, dated February, 1978 and shown on the accompanying Flood Boundary and Floodway Map and the Flood prepared by the U.S. Dept. of HUD, Federal Insurance Administration, dated March, 1978 and shown on the Insurance Study for the Town of Columbia accompanying Flood Boundary and Floodway Map.

FLOOR AREA RATIO: The gross floor area of all buildings or structures on a lot divided by the total lot area.

FOOTCANDLE: 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.

FRONTAGE: The continuous uninterrupted distance along which a parcel abuts a single adjacent road or street.

FUNERAL HOME: A facility for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. Typical uses include funeral homes or mortuaries.

GOVERNING BODY: The Board of Supervisors of Fluvanna County, Virginia.

GREENHOUSE, COMMERCIAL: A greenhouse operation in which plants and other related products are offered for sale to the public, either at wholesale or at retail.

GREENHOUSE, NON-COMMERCIAL: A greenhouse operation in which no product is offered for sale to the public.

GREENWAY: (1) A linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridge line, or over land along a railroad right-of-way converted to recreational use. a canal, a scenic road, or other route; (2) any natural or landscaped course for pedestrian or bicycle passage; (3) an open space connector lining parks, natural reserves, cultural features, or historic sites with each other and with populated areas; and (4) locally, certain strip or linear parks designated as a parkway or greenbelt.

GROUP HOME: A licensed residential facility in which no more than eight mentally ill, mentally retarded, or developmentally disabled persons reside, with one or more resident counselors or other staff persons, shall be considered a residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance. Such facility shall be licensed by the Commonwealth of Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, in order to qualify as a single family use.

GUEST HOUSE: An accessory use to a dwelling unit that is not used as a principal residence that may be occupied for brief periods of the year and not for compensation.

HEALTH OFFICIAL: The legally designated health authority of the State Board of Health for Fluvanna County or his authorized representative.

HISTORICAL AREA: As indicated on the zoning map to which the provisions of this chapter apply for protection of a historical heritage.

HOME OCCUPATION: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and no one is employed other than members of the family residing on the premises, provided that not more than 25% of the gross floor area of such dwelling shall be used for such occupation.

HOMEOWNERS ASSOCIATION: A community organization, other than a condominium association, that is organized in a development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

HOSPITAL: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

HOTEL: A building or group of attached or detached buildings containing lodging units intended primarily for rental or lease to transients by the day, week or month. Such uses generally provide additional services such as daily maid service, restaurants, meeting rooms and/or recreation facilities. Such uses include hotels, motels, motor lodges, and motor courts.

HUNT CLUB: Areas reserved to members of the club for private hunting of wildlife, fishing, and accessory uses in support of those activities.

HUNTING PRESERVE: An area licensed by the commonwealth for public or private hunting of wildlife, fishing, and accessory uses in support of those activities.

IMPERVIOUS SURFACE: Any material that prevents absorption of stormwater into the ground.

INOPERATIVE MOTOR VEHICLE: Any motor vehicle, trailer or semitrailer, as such are defined in Virginia Code Section 46.2-100, which is not in operating condition; or

which for a period of sixty days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for the operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal.

JUNKYARD: The use of land for the abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals or other discarded materials, or for the abandonment, storage, or salvaging of discarded or inoperable vehicles, machinery, equipment or parts thereof.

KENNEL, COMMERCIAL: A place designed and used to house, board, breed, handle or otherwise keep or care for dogs for the specific intent of sale or in return for compensation.

KENNEL, PRIVATE: A place designed and used to house, board, breed, handle or otherwise keep or care for dogs, and for which commercial gain is not the primary objective.

LAUNDROMAT: *A building where clothes or other household articles are washed in self service machines and where such washed clothes and articles may also be dried or ironed.*

LAUNDRY: An establishment providing washing, drying, dry cleaning, or ironing services.

LEVEL OF SERVICE: A description of traffic conditions along a given roadway or at a particular intersection.

LIVESTOCK FEED LOT, COMMERCIAL: A commercial establishment where livestock is fattened for sale and where feed is transported from other places.

LIVESTOCK SALE YARD, COMMERCIAL: A commercial establishment wherein livestock is collected for sale or auctioning.

LODGE: A facility, owned or operated by a corporation, association, person or persons, for social, educational or recreational purposes, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business. A lodge does not include facilities for members to reside.

LOT: A parcel of land occupied or to be occupied by one structure or group of structures and accessory structures, together with such yards, open spaces, lot width and lot areas as are required by this chapter, either shown on the plat of record or considered as a unit of property and described by metes and bounds.

LOT, CORNER: A lot abutting upon two (2) or more street rights-of-way at their intersection. Of the two sides of a corner lot, in the absence of evidence to the contrary based on actual development, the front shall be presumed to be the shorter of the two sides fronting on streets.

LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE FRONTAGE: An interior lot having frontage on two (2) streets.

LOT, INTERIOR: Any lot other than a corner lot.

LOT, PIPESTEM: A large lot not meeting minimum frontage requirements and where access to the public road is by a narrow private right of way or driveway.

LOT, REVERSE FRONTAGE: A through lot that is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

LOT, THROUGH: A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

LOT, WIDTH OF: The average horizontal distance between side lot lines.

LOT OF RECORD: A lot, a plat or description of which has been recorded in the clerk's office of the Circuit Court.

LUMBERYARD: An area used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products, plywood, drywall, paneling, concrete masonry unit (CMU) blocks and other concrete products, but not including the manufacture of such products.

MACHINE SHOP: Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair shops; and overhaul shops.

MANUFACTURED HOME: A factory-built structure that is manufactured according to federal standards, is transportable in one or more sections, is built on a permanent foundation, and designed to be used as a single-family dwelling, when connected to the required utilities.

MANUFACTURED HOME SALES: Establishments primarily engaged in the display, retail sale, rental, and repair of new and used manufactured homes, modular homes, parts, and equipment.

MANUFACTURING, HEAVY: The manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

MANUFACTURING, LIGHT: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

MANUFACTURING, MEDIUM: The processing and manufacturing of materials or products predominantly from extracted or raw materials. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process.

MARINA, COMMERCIAL: A marina designed and operated for profit or operated by any club or organized group where hull and engine repairs, boat and accessory sales, packaged food sales, restaurants, personal services, fueling facilities, storage and overnight guest facilities or any combination of these are provided.

MARINA, PRIVATE NON-COMMERCIAL: A marina, including a dock for the use of a single parcel, designed and intended to be used for mooring of boats owned by residents of the general neighborhood with no commercial facilities other than those necessary for minor servicing and repairs.

MINING: The breaking or disturbing of the surface soil or rock in order to facilitate or accomplish the extraction or removal of minerals; any activity constituting all or part of a process for the extraction or removal of minerals so as to make them suitable for commercial, industrial, or construction use; but shall not include those aspects of deep mining not having significant effect on the surface, and shall not include excavation or grading when conducted solely in aid of on-site farming or construction. Nothing herein shall apply to mining of coal. This definition shall not include, nor shall this title, chapter, or section be construed to apply to the process of searching, prospecting, exploring or investigating for minerals by drilling (Virginia Code Section 45.1-180).

MOBILE HOME: A factory built, one-section transportable structure built on a permanent chassis and without a permanent foundation, designed to be used as a single-family dwelling, when connected to the required utilities.

MOBILE HOME PARK: Any site, lot, field or tract of land which is held out for the locations of occupied trailers which trailers or lots are intended for use by a person or persons other than the property owner, except as otherwise permitted in this chapter.

MURAL: A work of art (as a painting) applied to and made integral to a building wall, fence, etc., that is prepared by, or under the direction of, a skilled artist and shows imaginative skill in arrangement or execution and specifically not attempt to advertise any specific business, product or service.

NONCONFORMING ACTIVITY, NONCONFORMING USE: The otherwise legal use of a building or structure or of a tract of land that does not conform to the use regulations of this ordinance for the district in which it is located.

NONCONFORMING LOT: An otherwise legally platted lot that does not conform to the minimum area or width requirements of the ordinance for the district in which it is located.

NONCONFORMING STRUCTURE: An otherwise legal building or structure that does not conform with the lot area, yard, height, lot, coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance for the district in which it is located.

NURSERY: A place where plants are grown commercially, either for retail or wholesale distribution.

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.

OFFICE: A room, suite of rooms, or building used for conducting the affairs of a business, profession, service industry, or government.

OFF-STREET PARKING AREA: Space provided for vehicular parking outside the dedicated street right of way as required by sections 22-17-7 through 22-17-7.10 of this chapter.

PACKAGE TREATMENT PLANT: Small, self contained sewage treatment facility built to serve designated service areas.

PARK, PRIVATE: Land owned or controlled and used by specific and designated entities or persons for active and/or passive recreational purposes.

PARK, PUBLIC: Land owned by a public entity used and designed for active and/or passive recreation purposes and for public use.

PARKING AREA: Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways, and legally designated areas of public streets.

PAVERS: Preformed paving blocks that are installed on the ground to form patterns while at the same time facilitate pedestrian and vehicular travel.

PERVIOUS SURFACE: Any material that permits full or partial absorption of stormwater into previously unimproved land.

PETROLEUM DISTRIBUTION FACILITY: A facility for the storage and distribution of fuels or other volatile products.

PHARMACY: An establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

PLACE OF WORSHIP: A special purpose building that is architecturally designed and particularly adapted for the primary use of conducting on a regular basis formal religious services by a religious congregation.

PRINTING PLANT: A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexography, and screen process printing.

PUBLIC SAFETY FACILITY: Public agency facilities that provide public safety and emergency services including fire, rescue squad, and police stations and related administrative facilities.

PUBLIC USE: Uses, structures, and facilities made available for public service including, but not limited to, parks, playgrounds, libraries, and administrative buildings.

PUBLIC WATER AND SEWER SYSTEM: A water or sewer system owned and operated by a municipality, county or other political subdivision of the Commonwealth.

PUMPING STATION: A building or structure containing the necessary equipment to pump a fluid to a higher level.

RECREATION, ACTIVE: Leisure-time activities, usually of a formal nature and often performed with others, requiring equipment and taking place at prescribed places, sites, or fields.

RECREATION, PASSIVE: Activities that involve relatively inactive or less energetic activities, such as walking, sitting, picnicking, card games, and table games.

RECREATIONAL FACILITY: Private facilities designed and used for various recreational activities including, but not limited to, golf courses, tennis courts, swimming pools, and athletic ball fields.

RECTILINEAR STREET PATTERN: A pattern of streets that is primarily characterized by right-angle roadways, grid pattern blocks, and four-way intersections.

RESEARCH LABORATORY: A facility for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

RESIDENTIAL AREA (GROSS): The total area of land and water within a residential development.

RESIDENTIAL AREA (NET): That area of land and water within a development designed for residential purposes and unoccupied by streets, open space or parking areas; provided that individual private driveways accessory to residential uses shall not be considered streets or parking areas.

RESIDENTIAL DENSITY (GROSS): The total number of dwelling units within a development divided by the gross residential area and expressed in dwelling units per acre.

RESIDENTIAL DENSITY (NET): The total number of dwelling units within a development divided by the net residential area and expressed in dwelling units per acre.

RESTAURANT: An establishment where food and beverages are prepared for sale and consumption either on or off the premises.

RESTAURANT, SMALL: An establishment engaged in the preparation of food and beverages containing no more than 2,000 gross square feet and characterized primarily by table service to customers.

RETAIL STORE: A commercial establishment offering goods or services for retail sale direct to walk-in customers.

SANITARY LANDFILL: A place for the disposal of solid wastes approved in accordance with the regulations of the State Board of Health.

SAWMILL, PERMANENT: A permanent facility where logs or lumber are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products.

SAWMILL, TEMPORARY: A portable sawmill located on private property for not more than 60 days unless used for the processing of timber cut only from that property or the property immediately contiguous thereto.

SELF-STORAGE FACILITY: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

SETBACK: The minimum distance by which any building or structure must be separated from the front lot line.

SHADE TREE: A tree, usually deciduous, planted primarily for overhead canopy.

SHOOTING RANGE: The use of land for shooting clubs and other facilities for target shooting and other recreational activities, other than hunting, involving the use of firearms.

SIGN: Any display of any letters, writing, words, numerals, figures, devices, emblems, flags, model, street clocks, temperature announcements, insignia, pictures, or any parts or combinations thereof, by any means whereby the same are made on, attached to or as a part of a structure, surface or any other thing, permanently affixed, including but not limited to the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is located.

SIGN, AREA: The entire face of a sign, including the advertising surface and any framing, trim, or molding but not including the support structure.

SIGN, AUCTION: A sign, not illuminated, advertising an auction to be conducted on or off the lot or premises upon which it is situated, such signs 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, BILLBOARD: A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

SIGN, BUSINESS: A sign which directs attention to a product, commodity, or service available on the premises including professional offices or institutional use.

SIGN, DETACHED: A business sign located upon a lot or parcel of ground, not attached to the main building, permanently affixed.

SIGN, DIRECTIONAL: A sign (one end of which may be pointed, or on which an arrow may be painted, indicating the direction to which attention is called) giving the name only of the firm, business residence or farm responsible for the erection of same.

SIGN FACE: The area of display surface used for the message.

SIGN, FLASHING: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

SIGN, GENERAL ADVERTISING: A sign which directs attention to a product, commodity, or service not necessarily conducted, sold, or offered upon the same lot where such sign is located.

SIGN, HOME OCCUPATION: A sign which directs attention to a product, commodity, or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.

SIGN, HUNTING, FISHING, OR TRESPASSING: A sign, not illuminated, four (4) square feet or less in area, erected on the appurtenant premises solely as a warning or notice.

SIGN, IDENTIFICATION: A sign which identifies or otherwise describes the name, ownership or location on the lot or parcel of land upon which it is situated.

SIGN, ILLUMINATED: A sign, or any part of a sign, which is externally or internally illuminated or otherwise lighted from a source specifically intended for the purpose of such illumination or lighting.

SIGN, INFLATABLE: *Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.*

SIGN, LOCATION: A sign which directs attention to the approximate location of an establishment from which the advertised products, service or accommodation may be obtained and not situated upon the premises upon which such establishment is located.

SIGN, MONUMENT: A sign affixed to, and made an integral part of, a structure built on grade that does not involve the use of poles as its major support and is less than 6ft. in height.

SIGN, OFF-PREMISE: A sign that directs attention to a business, product, service or establishment, conducted, sold or offered at a location other than the premises on which the sign is erected.

SIGN, POLITICAL: A 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, PROJECTING: A business sign erected projecting perpendicularly to the building wall surface to which it is attached, no part of which is more than six (6) feet from the wall surface of the building on which it is erected.

SIGN, PUBLIC: A sign owned by and erected at the instance of a federal, state or local government agency.

SIGN, ROOF: Any sign so erected or affixed to a building wholly upon the roof of the building or any sign that projects above the intersection of the roof decking and wall face or any sign extending above the eave

or parapet shall be deemed a roof sign; provided that no sign located entirely on that portion of the wall of any building constituting the gable end thereof shall be deemed a roof sign.

SIGN, SALE OR RENTAL: A sign, not illuminated, which designates all or portions of the lot or premises upon which it is located to be for sale or lease not to exceed six feet in height. Such signs shall be removed within one (1) week of sale or lease of the lot or premises upon which it is situated, The lettering or message on any one (1) side of such sign may be different from any other side.

SIGN STRUCTURE: The supports, uprights, bracing and/or framework of any structure, be it single-faced, double-faced, v-type or otherwise exhibiting a sign.

SIGN, SUBDIVISION: A monument sign, not illuminated, thirty (30) square feet or less in aggregate area, identifying a subdivision and located thereon at the entrances to such subdivision. Said sign shall be no greater in height than six (6) feet and set back from any right-of-way for proper sign distance.

SIGN, TEMPORARY DIRECTIONAL: A directional sign erected for a period of not more than ten (10) days.

SIGN, TEMPORARY: A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows auctions or sales of land, construction signs indicating the name of the contractor on a job site, and banners, streamers, and related materials.

SIGN, WALL: A business sign erected or painted on a building, visible from the exterior thereof, no part of which is more than twelve (12) inches from the surface of the building on which it is erected. Illumination of Such sign must be source shielded.

SKETCH PLAN: An informal conceptual map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion.

SLAUGHTERHOUSE: A commercial facility where livestock is slaughtered, processed, and prepared for distribution to butcher shops or retail establishments such as grocery stores.

SMALL HOME INDUSTRY: Small commercial, professional, or light industrial uses which do not in any way detract from adjacent agricultural or residential uses and while clearly excluding large scale industrial and commercial uses and that are located within the same parcel as the residence of the owner and within 500 feet of said residence.

SOLID WASTE MATERIAL RECOVERY FACILITY: A solid waste management facility which may receive municipal solid waste and recyclables from off premises for processing and consolidation within an enclosed facility and shipment out of the county for further processing or disposal.

SOURCE SHIELDED ILLUMINATION: A source of illumination shielded to prevent direct viewing of the light source, including bulbs, lenses or any portions thereof. The only light that can be seen is that reflected from the sign.

SPECIAL USE PERMIT: A permit issued by the governing body for a use which is only permitted upon such permit; a special exception. See Article 17 of this chapter.

STORY: That portion of building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it the space between the floor and the ceiling next above it.

STORY, HALF: A space under a sloping roof, which has the line of intersection of roof decking and wallface more than three (3) feet above the floor level, and in which space not more than two-thirds (2/3) of the floor area is finished for use.

STREET (ROAD): Any vehicular way that: (1) is an existing state roadway; (2) is shown upon a plat approved pursuant to the subdivision ordinance that is duly filed and recorded.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things, dwellings and buildings, etc.

STRUCTURE, MAIN: A building in which is conducted the principal use of the lot on which it is located.

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

SUBDIVISION, MAJOR: The division of a parcel of land into six or more lots, and not a family subdivision. A subdivision shall be deemed to be a major subdivision if the parcel from which such subdivision is divided was, within five years next preceding the application, divided into an aggregate of five or more lots or divided in such a way as to create a new public or central water or sewer system or one or more public streets.

SUBDIVISION, MINOR: Any division of a parcel of land creating fewer than six lots, and not a family subdivision.

TAVERN: An establishment, or part of an establishment, devoted to the serving of alcoholic beverages and includes food service that is incidental to the primary use.

TELECOMMUNICATIONS FACILITY: A tower, pole or similar structure, 125 feet or greater in height, that transmits and/or receives electromagnetic signals for the purpose of transmitting analog or digital voice or data communications. Includes antennas, microwave dishes, horns, and all equipment and structures necessary to support said equipment.

THEATER: A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

TRAFFIC IMPACT STUDY: A report analyzing anticipated roadway conditions.

TRAVEL TRAILER: A vehicular, portable structure built on chassis and designed to be used for temporary occupancy for travel, recreational or vacation use; with the manufacturer's permanent identification "travel trailer" thereon; and when factory equipped for the road.

TRUCK TERMINAL: A facility for the receipt, transfer, short-term storage, and dispatching of good transported by truck. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Post Office.

UNDERGROUND UTILITIES: The placement of electric, telephone, cable, and other utilities customarily carried on poles in underground vaults or trenches.

UPHOLSTERY SHOP: A business that repairs and replaces upholstery to household and office furnishings.

UTILITY: All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for the generation of electricity.

UTILITY, MAJOR: Facilities for the distribution, collection, treatment, production, transmission and generation of public, private and central utilities including transmission lines, production plants, pumping stations, treatment facilities, and communication facilities.

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

VARIANCE: A variance is a 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.

VEHICLE TRIP: A motor vehicle moving from an origin point to a destination point.

VILLAGE: A small, compact center of predominantly residential character but with a core of mixed-use commercial, residential, and community services whether or not incorporated as a municipality.

VETERINARY OFFICE: An establishment for the care and treatment of animals and where the boarding of said animals is prohibited except when necessary in the medical treatment of the animal.

WHOLESALE AGRICULTURAL SALES: The wholesale distribution of agricultural related products including, but not limited to, farm tools and implements, feed, grain, tack, animal care products, and other farm supplies. This definition excludes the sale of large implements, such as tractors and combines.

WHOLESALE WAREHOUSE: Facilities for the display, storage, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment, including moving and storage facilities, warehouses, storage activities, and distribution centers.

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

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

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

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

SIDE: An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps and ramps affording pedestrian and

wheelchair access) and the side line of the lot, and extending from the front yard line to the rear yard line.

ZONING PERMIT: Any permit issued by the zoning administrator in accordance with this ordinance.

Adopted this 21st day of October 2009

by the Fluvanna County Board of Supervisors