

FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna Courts Building
June 16th 2010
7:00 p.m.

MEMBERS PRESENT: Gene F. Ott, Chairman
Shaun V. Kenney, Vice-Chair [arrived at 7:07 p.m.]
Mozell H. Booker
Joe Chesser
Donald W. Weaver

MEMBER ABSENT: John Y. Gooch

ALSO PRESENT: John Robins, Public Works Director
Frederick W. Payne, County Attorney
Darren Coffey, Planning Director
Bryant Phillips, Senior Planner
Steve Tugwell, Planner
Renee Hoover, Finance Director
Barbara Wall-Magee, Human Resource Manager
Pat Groot, Grants Administrator
Amy Hall, Building Permits Clerk
Alice F. Jones, Clerk to the Board of Supervisors

CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

Chairman Ott called the regular meeting of June 16th 2010 to order at 7:00 p.m. in the Circuit Courtroom of the New Courts Building in Palmyra, Virginia and the Pledge of Allegiance was recited after which, Chairman Ott called for a moment of silence.

REPORTS

Chairman Ott reported on the following items:

- Tab K concerning the naming of Mimosa Drive has been requested to be pulled due to a disagreement between the neighbors on this road
- a closed meeting concerning personnel and possible legal items has been requested
- Mrs. Vicki Karabinus has resigned; it is intended that her part time position will be advertised and filled unless the Board of Supervisors desires to proceed using a different approach
- litter crews from the Regional Prison in Orange have been picking up roadside trash along Rt. 15 and will continue on Rt. 6 toward Columbia
- Mr. Roger Smith, the supervisor for the Palmyra Sewer Plant and a water system operator has a new baby daughter; her name is Clara and she weighed in at 7 pounds and 5 ounces

PUBLIC COMMENTS #1

Chairman Ott opened the floor for the first round of public comments.

The following citizens addressed the Board with their concerns:

- Sheriff Washington honored Supervisor Weaver for his service on the Regional Jail Board; Mr. Weaver was presented with a clock
- Mr. Sam Patterson, Palmyra District, addressed the Board regarding the tax rate, the cash reserve, the new high school, fiscal risk management, the county debt, the water pipeline, and the current financial debt load
- Mr. Adrian Miller, Rivanna District, addressed the Board regarding the James River Water Authority, the tax burden, and financial sustainability
- Ms. Debra Kurre, Rivanna District, addressed the Board regarding emergency communications and the lack of cell phone service in certain areas of the County

With no one else wishing to speak, Chairman Ott closed the first round of public comments.

CONSENT AGENDA

The following item was pulled and will be presented at a future date:

- Resolution to Adopt a Road Name: Mimosa Drive

The following items were approved under the consent agenda:

MOTION:

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

- Minutes, June 2nd 2010
- Resolution/Support Rt. 600 & Rt. 53 Roundabout [attached hereto]
- Resolution to Adopt a Road Name: Little Springs Drive [attached hereto]
- Insurance Recovery for Multi-Car Accident [in the amount of \$15,814.53]
- Insurance Recovery for Deputy Vehicle [vehicle struck a deer; in the amount of \$1,621.83]
- Fluvanna Partnership for the Aging Bylaws Amendment [changing frequency of meetings]

Mr. Kenney seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch.

ACCOUNTS PAYABLE

None

PUBLIC HEARING

AFD 10:01 Withdrawal/Byrd Creek

This is an application withdrawal from the Byrd Creek Agricultural and Forestal District located in the Columbia Voting District and consists of approximately 1,206 acres. The District was renewed by the Board of Supervisors on June 3rd 2009. The \$100 withdrawal fee has been paid by the applicant.

Mr. Steve Tugwell, Planner, addressed the Board regarding this item.

Chairman Ott opened the public hearing.

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

MOTION:

Mr. Weaver moved to approve the proposed withdrawal of approximately 301 acres (consisting of Tax Map Parcels 32-A-37, 32-A-41, 32-A-46 and 32-A-47) from the Byrd Creek Agricultural and Forestal District with the understanding that the property will be placed under the conservation easement of the Virginia Outdoor Foundation within eighteen (18) months. Mrs. Booker seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch.

SUP 10:01/Allen E. Haislip Mud Bog

This is a request to amend SUP 09:06 condition #1, with respect to 46 acres of Tax Map 39, Section 6, parcel 1A, which allows no more than six (6) off-road motor sport events to be held once a month during the months of April through November, and such events will be held on either Saturday, Sunday, or a holiday date.

Mr. Steve Tugwell, Planner, addressed the Board regarding this item.

Chairman Ott opened the public hearing.

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

MOTION:

Mr. Weaver moved to approve SUP 10:01 with a revision to condition #1 as described in the staff report.

- I. No more than six (6) off-road motor sports events (commonly known as “mud bogging”) will be held once a month during the months of April through November, and such events will be held on ~~Saturdays only~~ **weekends or holidays for one day only.***

Mr. Kenney seconded. The motion carried with a vote of 4-1. AYES: Booker, Chesser, Kenney and Weaver. NAYS: Ott. ABSENT: Gooch.

ZTA 10:01/Sign Ordinance

The Applicant is proposing to amend the Fluvanna County sign ordinance to address the issues that make it difficult to interpret and enforce the current regulations.

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

Chairman Ott opened the public hearing.

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

MOTION:

Mr. Chesser moved to approve the attached ordinance for ZTA 10:01, a request for a Zoning Text Amendment to amend and reenact Section 22, Article 15, portions of Section 22-22-1, and Section 22-25-5 of the Fluvanna County Code with respect to the regulation of signs and their respective definitions. Mrs. Booker seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch

ZTA 10:02/Amendment to Fluvanna County Zoning Ordinance Regarding Nonconforming Use Regulations

This is a request to partially amend the Nonconforming Uses section of the Zoning Ordinance as it relates to expansion or enlargement of structures and unimproved lots of record.

Mr. Darren Coffey, Director of Planning and Community Development, addressed the Board regarding this item.

Chairman Ott opened the public hearing.

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

MOTION:

Mrs. Booker moved to approve the attached ordinance of ZTA 10:02, a request for a Zoning Text Amendment to a portion of Article 16 of the Fluvanna County Code, Section 22-16-5 and Section 22-16-6, Nonconforming Uses. Mr. Kenney seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch.

Water Supply Plan

This action will substantially complete the development of a water supply plan as required by the Commonwealth for the County and the Town of Columbia. The plan will lay the foundation for future water systems as desired or needed by the County. This action will also conclude the development of a Water Supply Plan that assesses the County's potable drinking water needs for the next fifty (50) years. The plan is to be revised every five (5) years.

Mr. Darren Coffey, Director of Planning and Community Development addressed the Board regarding this item. Mr. Coffey introduced Ms. Sarah Jordan, Department of Environmental Quality (DEQ) and she was available if the Board had any questions.

Chairman Ott opened the public hearing.

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

MOTION:

Mrs. Booker moved that the Fluvanna County Board of Supervisors approve the water supply plan as presented and submit the plan to the Virginia Department of Environmental Quality for their review and approval. Mr. Chesser seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch.

PRESENTATIONS:

Thomas Jefferson Planning Economic Development Update

Mr. Mike Harvey, TJPED, provided a PowerPoint presentation to the Board providing an overview of Fluvanna County and the greater Charlottesville region. In the presentation Mr. Harvey pointed out that the purpose of his presentation was to provide a better understanding of local and regional economy [the positives and negatives; employment dynamics; and who's most affected by the changes]; the revenue implications for Fluvanna County; Macro economic outlook; and recommendations and discussion. He provided a summary of the economic and demographics of unemployment changes along with issues and challenges of job growth and what impact that has on jobs and the people of the region. Mr. Harvey indicated that the TJPED recommendations were to: 1) determine target industries; 2) create a favorable environment; 3) build a strong entrepreneurial partnership with UVA; 4) identify and address existing business needs; 5) cultivate home grown businesses; 6) develop message and outreach; 7) address workforce disparities; 8) help blaze career paths; 9) connect residents to opportunities; and 10) benchmark, track and adjust.

ACTION MATTERS

Revenue Sharing Application for Routes 15 and 53 Roundabout

This project will improve overall safety performance at the intersection of two (2) primary roads for both current and future traffic volume, and will allow for the full potential of commercial development to occur on the property east of the intersection. The Comprehensive Plan calls for either signalization or a roundabout at this intersection; however, the plan also encourages roundabouts as a safety alternative. Ms. Pat Groot, Grants Administrator, addressed the Board regarding this issue. Mr. Darren Coffey, Planning Director and Mrs. Vicki Karabinus, Economic Development Coordinator were available to assist.

MOTION:

Mr. Kenney moved that the Board of Supervisors approve the application and resolution [attached hereto] to apply for Virginia Department of Transportation (VDOT) Revenue Sharing funds for the design and construction of a roundabout at the Route 15 and Route 53 intersection. Mrs. Booker seconded. The motion carried with a vote of 3-2. AYES: Booker, Chesser and Kenney. NAYS: Ott and Weaver. ABSENT: Gooch

Transfer of Animal Control

This item was pulled from the agenda.

Secure Our Schools (SOS) USDOJ Federal Grant Application

This project will create a county-wide, coordinated plan for all schools and emergency services to utilize when responding to an in-school crisis. A 50% match is required and this grant provides up to twenty-four 24 months of funding. This grant does not require the County to continue to fund any positions funded by the grant beyond the grant period.

Ms. Pat Groot, Grants Administrator and Sheriff Washington addressed the Board regarding this issue.

MOTION:

Mr. Chesser moved that the Board of Supervisors approve submission of the Secure Our Schools Program grant application administered by the Office of Community Oriented Policing Services (COPS), US Department of Justice for no more than \$210,000 with the required match funds of \$105,000 provided by private contribution and other grants. Mrs. Booker seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch.

VRS Member Contribution

Action must be taken before July 1st 2010 in order for this resolution to be in effect for FY 2011. If there is no action, new employees will be required to pay the five (5) percent retirement contribution through salary reduction.

Mrs. Barbara Wall-Magee, Human Resource Manager, addressed the Board regarding this issue.

MOTION:

Mr. Chesser moved to adopt the resolution [attached hereto] authorizing Fluvanna County's election to pay the five (5) percent VRS member contribution for employees hired on or after July 1st 2010. This decision remains in effect for Fiscal Year 2011. The election will remain in effect until Fluvanna County submits another resolution to the VRS to change this funding arrangement. Mrs. Booker seconded. The motion carried with a vote of 3-2. AYES: Booker, Chesser, and Ott. NAYS: Kenney and Weaver. ABSENT: Gooch.

JAUNT Stockholders Appointment of Proxies

JAUNT will hold its annual stockholders' meeting to formally approve appointment of Board members on Wednesday, July 14th 2010. The proxy-holders in each locality should attend this very brief meeting to ensure that there is a quorum to vote your shares.

MOTION:

Mr. Chesser moved to appoint Catherine Palmer with power of substitution, proxy to act and vote all shares of the undersigned at the annual meeting of the shareholders of JAUNT, Inc., a Virginia Public Service Corporation, on Wednesday, the 14th of July, 2010 and at any adjournments thereof, upon the election of directors, and, in his or her discretion, upon such other matters as may properly come before such meetings. This proxy shall be valid until December 31st 2010. Mrs. Booker seconded.

Upon additional discussion among the Board members, this item was postponed until the July 21st 2010 Board meeting.

Appointment/Fluvanna Transportation Safety Commission – Fork Union

MOTION:

Mrs. Booker moved to reappoint David Haney to the Fluvanna Transportation Safety Commission, Fork Union District, with a term to begin July 1st 2010 and to terminate on June 30th 2013. Mr. Kenney seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch.

Appointment/Fluvanna Transportation Safety Commission – Rivanna

MOTION:

Mr. Chesser moved to reappoint Frank Johnstone to the Fluvanna Transportation Safety Commission, Rivanna District, with a term to begin July 1st 2010 and to terminate on June 30th 2013. Mr. Kenney seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch.

Appointment/Parks & Recreation Advisory Board

MOTION:

Mrs. Booker moved to reappoint Libby Edwards-Allbaugh and John Thompson to the Parks & Recreation Advisory Board, At-Large positions, with a term to begin July 1st 2010 and to terminate on June 30th 2013. Mr. Kenney seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch.

Appointment/Piedmont Workforce Investment Board

MOTION:

Mr. Kenney moved to reappoint Chris Fairchild to the Piedmont Workforce Investment Board, with a term to begin July 1st 2010 and to terminate on June 30th 2012. Mr. Weaver seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch.

Appointment/Planning Commission – Fork Union District

MOTION:

Mrs. Booker moved to reappoint Samuel Babbitt to the Planning Commission, Fork Union District, with a term to begin July 1st 2010 and to terminate on June 30th 2014. Mr. Weaver seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch.

Appointment/Planning Commission – Rivanna District

MOTION:

Mr. Chesser moved to reappoint Donald Gaines, Jr. to the Planning Commission, Rivanna District, with a term to begin July 1st 2010 and to terminate on June 30th 2014. Mrs. Booker seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch.

Appointment/Regional Jail Board

MOTION:

Mr. Weaver moved to reappoint David Haney to the Regional Jail Board, with a term to begin July 1st 2010 and to terminate on June 30th 2012. Mr. Kenney seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch.

Appointment/Social Services Board

MOTION:

Mr. Kenney moved to reappoint Kathy Brent to the Social Services Board, with a term to begin July 1st 2010 and to terminate on June 30th 2014. Mrs. Booker seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch.

OLD BUSINESS

Visitor Center Update

Mrs. Vicki Karabinus, EDC Coordinator, provided a PowerPoint presentation with an update on the Piedmont Crossroads Visitors Center. She provided information on Fluvanna's investment; PCVC Visitor Data; opportunities and challenges regarding awareness, collaboration and revenue generation.

Other items discussed were:

- the need to review the boards and commissions listing; the need for teen representatives
- independent living projects
- hours and days of operation at the convenience center
- water committee town hall meetings
- what is to be done regarding the Economic Development Coordinator position [whether to advertise; is it full time or part-time?]

NEW BUSINESS

The following items were discussed under new business:

- the issue of staff talking to the press [there being no gag order; staff to speak on facts not policy]

- Board consensus that the Planning Director can attend a Rural Zoning conference for \$120
- BOS Retreat to be scheduled for Saturday, July 24th 2010 at 9:00 am in the former Board room [some topics should include water, economic development; telecommunications]

PUBLIC COMMENTS #2

Chairman Ott opened the floor for the second round of public comments.

The following citizen addressed the Board:

- Mr. Debra Kurre, Rivanna District, addressed the Board regarding the Economic Development position; stimulus dollars; tourism; and suggested a youth athletic association be formed

With no one else wishing to speak, Chairman Ott closed the second segment of public comments.

EXTEND MEETING

MOTION:

Mr. Weaver moved to extend the meeting until 12:00 midnight. Mr. Kenney seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch.

CLOSED MEETING

MOTION TO ENTER INTO A CLOSED MEETING:

At 10:41 p.m. Mr. Weaver moved the Fluvanna County Board of Supervisors enter into a closed meeting pursuant to the provisions of Section 2.2-3711 of the Code of Virginia, 1950, as amended, for the purpose of discussing personnel and litigation. Mr. Kenney seconded. The motion carried by a vote of 5-0. AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch.

MOTION TO EXIT A CLOSED MEETING & RECONVENE IN OPEN SESSION:

At 10:54 p.m., Mr. Weaver moved the closed meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session. Mr. Kenney seconded. The motion carried by a vote of 5-0. AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch.

MOTION:

At 10:55 p.m. the following resolution was adopted by the Fluvanna County Board of Supervisors following a closed meeting held Wednesday, June 16th 2010 on motion of Mr. Weaver, seconded by Mrs. Booker and carried by the following vote: AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch.

“**BE IT RESOLVED** to the best of my knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711-A of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting.”

CLOSED MEETING ACTION:

MOTION:

Mr. Weaver moved that Frank A. Pleva be hired as interim County Administrator effective June 21st 2010 at a monthly salary of \$5,500 plus lodging, all as set forth in the Memorandum of Agreement, a copy of which is attached hereto. Mr. Chesser seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch.

ADJOURN

MOTION:

At 10:57 p.m., Mr. Kenney moved to adjourn the meeting of Wednesday, June 16th 2010. Mr. Chesser seconded. The motion carried with a vote of 5-0. AYES: Booker, Chesser, Kenney, Weaver and Ott. NAYS: None. ABSENT: Gooch.

**RESOLUTION TO ADOPT A ROAD NAME:
Little Springs Drive**

WHEREAS, the establishment of an Enhanced 9-1-1 emergency telephone system in Fluvanna County has become effective; and

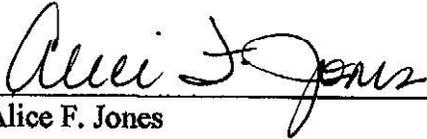
WHEREAS, such system requires the assignment of names to all streets and roads in the county, the assignment of building numbers to all buildings having telephones and/or occupancies, and the erection of appropriate street signs at intersections; and

WHEREAS, County staff has recommended this road name for consideration; and,

WHEREAS, the Board of Supervisors is empowered to name streets, roads and alleys within the County in accordance with Section 18-2 of the Fluvanna County Code;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Fluvanna County pursuant to Section 18-2 of the Fluvanna County Code that the road located off of Beals Lane just South of West River Road, be named Little Springs Drive.

Adopted this 16th day of June, 2010.



Alice F. Jones
Clerk to the Board of Supervisors

RESOLUTION TO SUPPORT RTE. 600/RTE. 53 ROUNDABOUT

WHEREAS, the Intersection of Route 53 (Thomas Jefferson Highway) and Route 600 (South Boston Road) is an existing unsignalized “T” intersection with a high volume of traffic; and

WHEREAS, VDOT held a Design Public Hearing to solicit input on the proposed improvements for consideration of the preliminary design for the proposed Roundabout at the Route 600/53 Intersection (Project Number 0600-032-188, P101, R201, C501; UPC 76192)(Federal Project Number STP-032-7(019) located in Fluvanna County; and

WHEREAS, 26 respondents commented at or following the Public Hearing held on Wednesday, April 28, 2010; and

WHEREAS, 34 percent of respondents supported the project with the condition that the intersection remain open throughout construction; and

WHEREAS, after reviewing the options and considering all aspects of the proposed project, VDOT recommends approval of the project design as presented at the public hearing to realign Route 53 to straighten approaches to the intersection and replace the current stop-sign controlled “T” intersection with a roundabout with the intersection remaining open to traffic throughout the construction.

NOW, THEREFORE, BE IT RESOLVED, that the Fluvanna County Board of Supervisors does hereby support the improvements to the intersection of Routes 600/53 as proposed by the Virginia Department of Transportation.

Adopted this 16th day of June 2010
by the Fluvanna County Board of Supervisors

ATTEST:

Alice F. Jones, Clerk to the Board of Supervisors



BOARD OF SUPERVISORS
County of Fluvanna
Palmyra, Virginia

RESOLUTION

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on June 16, 2010 in Palmyra, Virginia, the following action was taken:

<u>Present</u>	<u>Vote</u>
Gene F. Ott, Chairman	NAY
Shaun V. Kenney, Vice-Chairman	YEA
Donald W. Weaver	NAY
Mozell H. Booker	YEA
John Y. Gooch	ABSENT
Joe Chesser	YEA

On a motion by Mr. Chesser seconded by Mr. Kenney, and carried by a vote of 3-2, the following resolution was adopted:

**A RESOLUTION OF THE
FLUVANNA COUNTY BOARD OF SUPERVISORS
IN SUPPORT OF THE**

WHEREAS, the intersection at Rt. 15 and Rt. 53 is reaching a critical point in terms of functional level of service; and,

WHEREAS, construction of a roundabout at the Rt. 15 and Rt. 53 intersection for a cost estimated at \$1.1 million is the necessary solution for relieving anticipated traffic congestion and avoiding any adverse impact on local economic development options; and,

WHEREAS, the Fluvanna County Board of Supervisors desires to participate in the VDOT cost sharing program to fund this project as an equitable means to achieving the County's goals of economic development and transportation improvement; and,

WHEREAS, the Fluvanna County Board of Supervisors desires to submit an application for an allocation of funds of up to \$550,000 through the Virginia Department of Transportation Fiscal Year 2011-12 Revenue Sharing Program, representing the Commonwealth's share of the project; and,

WHEREAS, the Fluvanna County Board of Supervisors commits to providing \$550,000 or 50% of the project cost, whichever is less, plus VDOT project management fees estimated at \$20,000; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Fluvanna County Board of Supervisors hereby supports this application for an allocation of \$550,000 through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT: the Fluvanna Board of Supervisors hereby authorizes the County Administrator, Interim County Administrator, or Assistant County Administrator to execute any agreements, certificates and other documents required on behalf of the County of Fluvanna to carry out the terms of the Project .

ADOPTED this 16th day of June, 2010

Gene F. Ott,
Chairman of the Board of Supervisors

A COPY ATTEST:

Alice F. Jones, Clerk to the Board

RESOLUTION

**Authorization to Pick-up the Employee's Contribution to VRS
Under § 414(h) of the Internal Revenue Code For Plan 2 Employees**

WHEREAS, the Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2 Employees"). The legislation stipulates that Plan 2 Employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h) on a pre-tax basis; and

WHEREAS, the legislation allows certain employers, including the **County of Fluvanna** to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

WHEREAS, the election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (July 1 - June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and

WHEREAS, employee contributions that are picked-up as an additional benefit not paid as salary are not considered wages for purposes of VA Code § 51.1-700 et seq. nor shall they be considered salary for purposes of VA Code § 51.1-100 et seq.; and

WHEREAS, the **County of Fluvanna** desires to pick-up and pay its Plan 2 Employees' member contributions to VRS as an additional benefit not paid as salary in an amount equal to (1%) (2%) (3%) (4%) (5%) of creditable compensation; and

WHEREAS, VRS tracks such picked-up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS.

NOW, THEREFORE, IT IS HEREBY RESOLVED that effective the first day of July, **2010**, the **County of Fluvanna** shall pick-up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to (1%) (2%) (3%) (4%) (5%) of creditable compensation subject to the terms and conditions described above; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the **County of Fluvanna** in lieu of member contributions; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked-up contributions made by the **County of Fluvanna** directly instead of having them paid to VRS.

Adopted in Palmyra, Virginia this 16th day of June 2010.

Authorized Signature Title

AN ORDINANCE TO AMEND AND REENACT SECTION 22, ARTICLE 15, PORTIONS OF SECTION 22-22-1, AND SECTION 22-25-5 OF THE FLUVANNA COUNTY CODE WITH RESPECT TO THE REGULATION OF SIGNS AND THEIR RESPECTIVE DEFINITIONS.

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 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 preserve natural beauty, and to identify, direct and provide necessary information to motorist and pedestrians. No sign shall be permitted erected or used in the county, except as permitted in this article.

Sec. 22-15-2. ~~Reserved.~~ 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;*
 - 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 – 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.*

Sec. 22-15-2.1. 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.*

~~Sec. 22-15-3. General provisions.~~

- ~~1. Signs may be illuminated unless designated as “not illuminated”_provided the illumination shall be properly focused upon or directed at the sign itself as to prevent glare upon the surrounding area and be shielded from adjacent properties~~

~~and any public right of way and compliant with Section 22-25 Outdoor Lighting Control of the Zoning Ordinance.~~

- ~~2. Signs with flashing, animated, or intermittent illumination or a mobile type sign shall not be permitted.~~
- ~~3. Red and green lighted signs shall not be permitted within one hundred (100) feet of a signaled intersection.~~
- ~~4. On stores and other permitted commercial or industrial uses, exterior signs pertaining to the use permitted are not to exceed one square foot per lineal foot of property frontage and shall be attached flat against the wall of the building and must be limited to the store front portion of the facade not projecting above the roof line or coping nor facing the side lot of an adjoining residential property, and being in general conformity to the structure, and the surrounding architecture. Projecting or free standing signs (including signs 6 feet or less) shall be monument signs a maximum of eight feet high and not more than fifty (50) square feet in area may, in addition, be approved by the Planning Commission in commercial or industrial areas.~~
- ~~5. No signs will be permitted which would extend above the building line.~~

Sec. 22-15-3. Signs Permitted.

(1) Agricultural (A-1) – The following signs shall be permitted in the A-1, Agricultural, General zoning district:

<i>Type of Sign</i>	<i>Number Allowed</i>	<i>Max. Sign Area</i>	<i>Max. Sign Height</i>
<i>Awning Sign</i>	<i>1 per establishment</i>	<i>6 sq. ft.</i>	<i>N/A</i>
<i>Business Sign</i>	<i>1 per parcel</i>	<i>24 sq. ft. (freestanding or monument)</i>	<i>6 feet</i>
<i>Home Occupation Sign</i>	<i>1 per parcel</i>	<i>12 sq. ft.</i>	<i>4 feet</i>
<i>Projecting Sign</i>	<i>1 per establishment</i>	<i>9 sq. ft.</i>	<i>Roof line of the building</i>
<i>Subdivision Sign</i>	<i>1 per entrance</i>	<i>40 sq. ft.</i>	<i>6 feet</i>
<i>Temporary Subdivision Advertising Sign</i>	<i>1 per public road that property has frontage on</i>	<i>32 sq. ft.</i>	<i>8 feet</i>
<i>Wall Sign</i>	<i>1 per road frontage</i>	<i>3 sq. ft. per 1 lineal foot of building/tenant frontage*</i>	<i>Roof line of the building</i>

**No more than 50% of the total sign area may be displayed on the front of the building. The remaining 50% may be distributed on the sides and rear of the*

building, with a maximum of 25% distribution per side and a maximum of 50% distribution on the rear of the building.

(2) Residential (R-1, R-2, R-4, MHP) – The following signs shall be permitted in the R-1, Residential, Limited; R-2, Residential, General; R-4, Residential, Limited; and MHP, Mobile Home Park zoning districts:

Type of Sign	Number Allowed	Max. Sign Area	Max. Sign Height
<i>Business Sign</i>	<i>1 per parcel</i>	<i>20 sq. ft. (freestanding or monument)</i>	<i>6 feet</i>
<i>Home Occupation Sign</i>	<i>1 per parcel</i>	<i>9 sq. ft.</i>	<i>4 feet</i>
<i>Subdivision Sign</i>	<i>1 per entrance</i>	<i>40 sq. ft.</i>	<i>6 feet</i>
<i>Temporary Subdivision Advertising Sign</i>	<i>1 per public road that property has frontage on</i>	<i>32 sq. ft.</i>	<i>8 feet</i>

(3) Residential (R-3), Business (B-1, B-C), Planned Unit Development (PUD), and Industrial (I-1, I-2) – The following signs shall be permitted in the R-3, Residential, Planned Community; B-1, Business, General; B-C, Business, Convenience; PUD, Planned Unit Development; I-1, Industrial, Limited; and I-2, Industrial, General zoning districts:

Type of Sign	Number Allowed	Max. Sign Area	Max. Sign Height
<i>Awning Sign</i>	<i>1 per establishment</i>	<i>6 sq. ft.</i>	<i>N/A</i>
<i>Business Sign (standalone businesses or not part of business/ industrial park)</i>	<i>1 per parcel</i>	<i>24 sq. ft. (freestanding)</i>	<i>6 feet (freestanding)</i>
		<i>28 sq. ft. (monument)</i>	<i>8 feet (monument)</i>
<i>Business Sign (shopping centers or business/ industrial parks)</i>	<i>1 per shopping center or business park entrance</i>	<i>1.5 square feet of sign area for each lineal foot of building/tenant frontage – up to a maximum of 150 sq. ft. aggregate</i>	<i>10 feet (freestanding) 15 feet (monument)</i>
<i>Canopy Sign</i>	<i>1 per establishment</i>	<i>12 sq. ft.</i>	<i>N/A</i>
<i>Directory Sign</i>	<i>1 per establishment or development</i>	<i>16 sq. ft.</i>	<i>6 feet</i>
<i>Electronic Message Sign</i>	<i>1 per parcel</i>	<i>28 sq. ft.</i>	<i>8 feet</i>

<i>Projecting Sign</i>	<i>1 per establishment</i>	<i>12 sq. ft.</i>	<i>Roof line of the building</i>
<i>Subdivision Sign</i>	<i>1 per entrance</i>	<i>40 sq. ft.</i>	<i>8 feet</i>
<i>Temporary Subdivision Advertising Sign</i>	<i>1 per public road that property has frontage on</i>	<i>32 sq. ft.</i>	<i>8 feet</i>
<i>Wall Sign</i>	<i>1 per road frontage</i>	<i>3 sq. ft. per 1 lineal foot of building/tenant frontage*</i>	<i>Roof line of the building</i>

**No more than 50% of the total sign area may be displayed on the front of the building. The remaining 50% may be distributed on the sides and rear of the building, with a maximum of 25% distribution per side and a maximum of 50% distribution on the rear of the building.*

Sec. 22-15-3.1. Political signs on privately owned property.

- a. ~~No political sign may be larger than the largest other sign allowed in the zoning district.~~
- b. ~~No political sign may be illuminated if it is larger than a business sign allowed in the zoning district.~~
- c. ~~Every political sign which 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.~~

Sec. 22-15-4. Regulations.

~~1. Advertising Outdoors Regulated— No person except a public officer or employee in performance of a public duty, shall paste, post, paint, print, nail, tack, erect, place, maintain, or fasten any sign, pennant, outdoor advertising sign, billboard, or notice of any kind, or cause the same to be done, facing or visible from any public street or public open space, except as provided herein.~~

~~2. Excluded Signs— The following shall not be deemed to be included within the definition of "sign":~~

- ~~(a) Signs of a duly constituted governmental body, including traffic or similar regulatory devices, legal devices, or warnings at railroad crossings.~~
- ~~(b) Memorial tablets or signs, grave stones.~~
- ~~(c) Signs required to be maintained by law or governmental order, rule or regulation, with a total surface area not exceeding ten (10) square feet on any lot or parcel.~~
- ~~(d) Signs which are within a ball park or other similar private recreational use and which cannot be seen from a public street or adjacent properties.~~
- ~~(e) Flags or emblems of a civic, philanthropic, educational or religious organization, temporary in nature of not more than fifty (50) square feet.~~

- ~~(f) Signs displayed for the direction or convenience of the public, including signs which identify restrooms, location of public telephone, freight entrances or the like.~~
- ~~(g) Signs placed by a public utility showing the location of underground facilities.~~

3. ~~Restricted Signs~~

- ~~(a) Unauthorized signs at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision between heights of two and one-half (2 1/2) and eight (8) feet, or at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic signs.~~
- ~~(b) Signs which produce noise or sounds capable of being heard even though the sounds produced are not undesirable sounds.~~
- ~~(c) Signs which emit visible smoke, vapor, particles, or odor.~~
- ~~(d) Signs erected, constructed, or maintained so as to obstruct, or be attached to any firefighting equipment, window, door, or opening used as a means of ingress or egress or for fire fighting purposes or placed so as to interfere with any opening required for proper light and ventilation.~~
- ~~(e) Signs with any lighting or control mechanism which causes radio or television or other communication interference.~~
- ~~(f) Those signs which imitate or resemble any official traffic sign, signal or device or use the words "Stop" or "Danger" prominently displayed or present or imply the need or requirement of stopping or the existence of danger on any highway.~~
- ~~(g) Those which are not effectively shielded so as to prevent beams or rays of light from being directed on any portion of the travel ways of a street or highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle.~~
- ~~(h) 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.~~
- ~~(i) Signs which are obsolete or inconsistent with state law or the provisions of this chapter.~~
- ~~(j) Roof signs.~~
- ~~(k) Billboards and off premise signs.~~
- ~~(l) Portable signs, including those displayed on a stationary vehicle.~~
- ~~(m) Signs affixed to trees, utility poles, or other unapproved support structures except for hunting, fishing, or trespassing signs affixed to trees.~~
- ~~(n) Signs illuminated with low pressure sodium, high pressure sodium, metal halide or neon lighting.~~

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 Building Code, as adopted by the Virginia State Code.*
- b. All signs and components thereof 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 (30) 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.*

~~Sec. 22-15-5. Signs permitted.~~

~~Signs will be permitted in the various districts as follows:~~

~~1. Agricultural A-1~~

- ~~(a) Business signs including auction signs, not to exceed twenty (20) square feet. Not to exceed more than one sign per state maintained road that borders the property.~~
- ~~(b) Bulletin boards and identification signs for places of worship not to exceed thirty two (32) square feet.~~
- ~~(c) Directional signs not to exceed four (4) square feet.~~
- ~~(d) Home occupation signs not to exceed twelve (12) square feet. Limited to no more than one sign per parcel.~~
- ~~(e) Location signs not to exceed twenty (20) square feet.~~
- ~~(f) Temporary signs not to exceed ten square feet and four feet high.~~

- ~~(g) No Hunting or Fishing or No Trespassing Signs not to exceed four (4) square feet.~~
- ~~(h) Identification Signs: Provided (a) not more than four (4) square feet in area; and not more than two (2) on any lot or premises.~~
- ~~(i) Political Signs.~~
- ~~(j) Public Signs.~~
- ~~(k) Sale or Rental Signs of nonresidential properties: Provided: (a) non-illuminated, (b) the area of the sign shall not exceed sixty (60) square feet (c) it is not a permanent sign.~~
- ~~(l) Sale or Rental Signs for residential properties: No larger than six (6) square feet and 3.5 feet high.~~
- ~~(m) Subdivision Signs.~~
- ~~(n) Temporary Event Signs: Provided: (a) not more than sixteen (16) square feet in area; (b) not more than two (2) on any lot or premises.~~

2. Residential R-1, R-2, R-4, R-10 and Mobile Home Park MHP

- ~~(a) Business signs including Auction Signs, only to advertise the sale or rent of the premises upon which erected, with a total surface area not exceeding nine (9) square feet per sign. Not to exceed more than one sign per intersection with a state road.~~
- ~~(b) Bulletin boards and identification signs for places of worship not to exceed thirty two (32) square feet.~~
- ~~(c) Directional signs not to exceed four (4) square feet~~
- ~~(d) Home occupation signs, with a total surface area not exceeding two (2) square feet. Limited to one sign per entrance and no more than one sign per parcel.~~
- ~~(e) Temporary signs with special permission from the Zoning Administrator.~~
- ~~(f) Identification Signs: Provided : (a) not more than two (2) square feet in area; and (b) not more than one (1) on any lot or premises.~~
- ~~(g) Political Signs, Public Signs and No Trespassing , Hunting and Fishing Signs, not to exceed four (4) square feet in size.~~
- ~~(h) Sale or Rental Signs: Provided : (a) not more than four (4) square feet in area; (b) not more than one (1) on any lot or premises.~~
- ~~(i) Subdivision Signs.~~
- ~~(j) Temporary Directional Signs no more than two (2) square feet in area and four (4) feet in height.~~

3. Residential R-3

- ~~(a) Business signs including Auction Signs, only to advertise the sale or rent of the premises upon which erected, with a total surface area not exceeding nine (9) square feet per sign. Not to exceed more than one sign per intersection with a state road.~~
- ~~(b) Bulletin boards and identification signs for places of worship not to exceed thirty two (32) square feet.~~
- ~~(c) Home Occupation signs not to exceed two (2) square feet. Limited to no more than one sign per parcel.~~

- ~~(d) Identification Signs: Provided: (a) not more than two (2) square feet in area; (b) not more than one (1) on any lot premises.~~
- ~~(e) Political, Public, No Trespassing, Hunting and Fishing Signs not to exceed four square feet in size.~~
- ~~(f) Sale or Rental Signs: Provided: (a) not more than thirty two (32) square feet in area; (b) not more than one (1) on any lot or premises; (c) no illumination permitted.~~
- ~~(g) Subdivision Signs.~~
- ~~(h) Temporary Direction Signs.~~
- ~~(i) Temporary Event Signs: Provided: (a) not more than four (4) square feet in area; (b) not more than one (1) on any lot or premises.~~
- ~~(j) Sale or Rental Signs of nonresidential properties: Provided: (a) nonilluminated, (b) the area of the sign shall not sixty (60) square feet and six feet high; (c) it is not a permanent sign (d) no more than one per building.~~
- ~~(k) Sale or Rental Signs for residential properties: No larger than six (6) square feet and 3.5 feet high.~~

4. Business B-1 and B-C

- ~~(a) Business signs including auction signs, not to exceed twenty (20) square feet or monument signs not to exceed twenty four (24) square feet and six (6) feet high. Not to exceed more than one sign per intersection with an existing state road that borders the subject property.~~
- ~~(b) Bulletin boards and identification signs for places of worship not to exceed thirty two (32) square feet.~~
- ~~(c) Directional signs not to exceed four (4) square feet.~~
- ~~(d) Location signs not to exceed twelve (12) square feet.~~
- ~~(e) Temporary signs with special permission from the Zoning Administrator.~~
- ~~(f) Political, Public, No Trespassing, Hunting and Fishing Signs not to exceed four (4) square feet in size.~~
- ~~(g) Sale or Rental Signs: Provided: not more than two (2) signs with an aggregate area of twenty four (24) square feet and limited to six (6) feet in height.~~

5. Industrial I-1 and I-2

- ~~(a) Business signs including Auction Signs, only to advertise the sale or rent of the premises upon which erected, with a total surface area not exceeding nine (9) square feet per sign. Not to exceed more than one sign per intersection with a state road~~
- ~~(b) Bulletin boards and identification signs for places of worship not to exceed thirty two (32) square feet.~~
- ~~(c) Directional signs not to exceed four (4) square feet.~~
- ~~(d) Home occupation signs, with a total surface area not exceeding two (2) square feet.~~
- ~~(e) Location signs not to exceed ten (10) square feet.~~
- ~~(f) Temporary signs not to exceed twenty (20) square feet.~~

- ~~(g) Auction Signs: Provided: (a) not more than thirty two (32) square feet in area; (b) not more than one on any lot or premises;~~
- ~~(h) Political, Public, No Trespassing, Hunting and Fishing Signs not to exceed four (4) square feet in size.~~
- ~~(i) Sales or Rental Signs: Provided: not more than two (2) signs with an aggregate area of twenty (20) square feet and limited to six (6) feet in height.~~

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.*

~~Sec. 22-15-6. Reserved.~~

~~Sec. 22-15-7. Reserved.~~

~~Sec. 22-15-8. Non-conforming signs.~~

~~A nonconforming sign may continue, subject to the provisions, conditions and prohibitions set forth herein:~~

- ~~a. Alteration of copy. The copy of a nonconforming sign may be altered by refacing the sign by or for the current owner of the establishment to which the sign pertains.~~
- ~~b. Alteration of sign structure. A nonconforming sign shall not be structurally altered; provided that the zoning administrator may authorize a nonconforming sign to be structurally altered so that it is less nonconforming and further provided that each time the nonconforming sign is structurally altered, the sign area and sign height shall be reduced by at least twenty five (25) percent of its current area and height until the sign area and the sign height are conforming. This shall not apply to those signs that are conforming to size and height requirements of this article.~~
- ~~c. Consolidation. Two or more nonconforming signs on a lot may be consolidated into a single sign; provided that the resulting sign area and sign height shall be reduced by at least twenty five (25) percent of its current area and height until the sign area and the sign height are conforming, and further provided that each time the resulting nonconforming sign is thereafter consolidated with another nonconforming sign on the lot, the resulting sign area and sign height shall be reduced by at least twenty five (25) percent of its current area and height, until the sign area and the sign height are conforming. A sign resulting from the consolidation of nonconforming signs shall not have greater sign height than any of the signs that were consolidated.~~
- ~~d. Discontinuance of copy on sign face. A nonconforming sign without copy on its sign face for a continuous period of two (2) years shall lose its nonconforming status and be removed by the owner of the property on which the sign is located.~~

- e. ~~Discontinuance of use or structure to which sign pertains. A nonconforming sign shall lose its nonconforming status and be removed by the owner of the property on which the sign is located if the use to which the sign pertains is discontinued for more than two (2) years.~~
- f. ~~Enlargement or extension. A nonconforming sign shall not be enlarged or extended.~~
- g. ~~Maintenance. A nonconforming sign shall be maintained in good repair and condition.~~
- h. ~~Relocation. A nonconforming sign shall not be moved to another location on the same lot or to any other lot; provided that the zoning administrator may authorize a nonconforming sign to be moved to a location that is more in compliance with the purpose and intent of this section.~~
- i. ~~Replacement or restoration. A nonconforming sign may be replaced or restored only as provided below:
 - 1. ~~A nonconforming sign that is destroyed or damaged by the owner of the sign or the owner of the lot on which the sign is located shall not be replaced or restored unless it complies with this section.~~
 - 2. ~~A nonconforming sign that is destroyed or damaged as a result of factors beyond the control of the owner of the sign and the owner of the lot on which the sign is located, may be replaced or restored provided that the replacement or restoration is completed within two (2) years after the date of the destruction or damage, and the sign is not enlarged or extended.~~~~
- j. ~~Removal if in unsafe condition. A nonconforming sign declared to be unsafe by a public safety official because of the physical condition of the sign, including an unsafe physical condition arising from the failure of the sign to be maintained, shall be removed.~~
- k. ~~Registry of nonconforming signs. The owner of any property on which there is erected a nonconforming sign shall, upon notice from the zoning administrator, submit verification within sixty (60) days that the sign was lawfully in existence at the time of adoption of these sign regulations. The zoning administrator shall maintain a registry of such nonconforming signs.~~

Sec. 22-15-9. Administration of signs.

~~All signs must conform to the Basic BOCA Code and other county codes. All signs shall require a zoning permit to be issued by the Zoning Administrator in any district except for For Sale signs or other signs of a temporary nature.~~

~~Sec. 22-15-10. Design Guidelines for Signs in designated areas.~~

Permitted Signs

(a) ~~Wall mounted or painted signs, provided the following standards are met:~~

- ~~1. The sign shall be affixed to the front façade of the building and shall project outward from the wall to which it is attached no more than 6 inches.~~
- ~~2. The area of the signboard shall not exceed 5% of the ground floor building facade or 24 sq. ft., whichever is less.~~
- ~~3. The maximum permitted height is 15ft. above the front sidewalk elevation and shall not extend above the base of the second floor windowsill, parapet, eave or building façade.~~
- ~~4. The height of the lettering, numbers or graphics shall not exceed eight inches.~~
- ~~5. The sign shall be granted to commercial uses occupying buildings facing the public streets only and shall not be allocable to other uses.~~
- ~~6. Limited to one sign per business.~~
- ~~7. Wall mounted building directory signs identifying the occupants of a commercial building, including upper story business uses, provided the following standards are met:
 - ~~(a) The sign is located next to the entrance.~~
 - ~~(b) The sign shall project outward from the wall to which it is attached no more than 6 inches.~~
 - ~~(c) The sign shall not extend above the parapet, eave, or building façade.~~
 - ~~(d) The area of the signboard shall not exceed 3 sq. ft, with each tenant limited to 1 sq. ft.~~
 - ~~(e) The height of the lettering, numbers or graphics shall not exceed 4 inches.~~~~
- ~~8. Applied letters may substitute for wall mounted signs, if constructed of painted wood, painted cast metal, bronze, brass or black anodized aluminum. Applied plastic letters shall not be permitted. The height of the letters shall not exceed 8 inches.~~

~~(b) Projecting Signs, including graphic or icon signs, mounted perpendicular to the building wall, provided the following standards are met:~~

- ~~—The signboard shall not exceed an area of 6 sq. ft.~~
- ~~—The distance from the ground to the lower edge of the signboard shall be 10ft. or greater.~~
- ~~—The height of the top edge of the signboard shall not exceed the height of the wall from which the sign projects if attached to a single story building, or the height of the sill or bottom of any second story window, if attached to a multi-story building.~~
- ~~—The distance from the building wall to the signboard shall not exceed 3ft.~~
- ~~—The width of the signboard shall not exceed 3 ft.~~
- ~~—The height of the lettering, numbers or graphics shall not exceed 8 inches.~~
- ~~—Limit to one sign per business. Projecting signs are not permitted in conjunction with wall-mounted, freestanding or applied letter signs.~~

~~(c) Painted window or door signs provided the following standards are met:~~

- ~~—The sign shall not exceed 10% of the window or door area or 4 sq. ft. whichever is less.~~
- ~~—The sign shall be silk screened or hand painted.~~
- ~~—The height of the lettering, number or graphics shall not exceed 4 inches.~~
- ~~—Limited to one sign per business, painted on either the window or door, but not on both.~~
- ~~—May be in addition to only one of the following: a wall mounted sign, a freestanding sign, an applied letter sign, a projecting sign or a valance type awning.~~

~~(d) Awing signs, for ground floor uses only, provided that the following standards are met:~~

- ~~—If acting as the main business sign, it shall not exceed 10 sq. ft. in area, and the height of the lettering, numbers or graphics shall not exceed 8 inches.~~
- ~~—If acting as an auxiliary sign, it shall be located on the valance only, shall not exceed 4 sq. ft. in area and the height of the lettering, numbers, or graphics shall not exceed 4 inches.~~

- ~~— Limited to two such signs per business, on either awning or valance, but not on both.~~
- ~~— If acting as the main business sign, it shall not be in addition to a wall-mounted sign.~~

~~(e) One freestanding sign, provided that the following standards are met:~~

- ~~— The building, where the business to which the sign refers is located, shall be set back a minimum of 5ft. from the street line.~~
- ~~— The area of the signboard shall not exceed 3 sq. ft.~~
- ~~— The height of the lettering, numbers or graphics shall not exceed 4 inches.~~
- ~~— The height of the top of the signboard, or of any posts, brackets, or other supporting elements shall not exceed 6ft from the ground.~~
- ~~— The signboard shall be constructed of wood, with wood or cast iron brackets, and shall be architecturally compatible with the style, composition, materials, colors and details of the building.~~
- ~~— The signboard shall be illuminated during business hours only.~~
- ~~— The sign shall be located within four feet of the main entrance to the business and its location shall not interfere with pedestrian or vehicular circulation.~~
- ~~— Limited to one sign per building and shall not be in addition to wall-mounted applied letters or projecting signs.~~

~~(f) Businesses located in corner buildings are permitted one sign for each street frontage.~~

~~(g) Businesses with service entrances may identify these with one sign not exceeding 2 sq. ft.~~

~~(h) One directional sign, facing a rear parking lot. This sign may be either wall-mounted or free-standing on the rear façade, but shall be limited to 3 sq. ft. in area.~~

~~(i) In addition to other signage, restaurants and cafes shall be permitted the following, limited to one sign per business:~~

~~(1) A wall-mounted display featuring the actual menu as used at the dining table, to be contained within a shallow wood or metal case, and clearly~~

~~visible through a glass front door. The display case shall be attached to the building wall, next to the main entrance, at a height of approximately 5ft., shall not exceed a total area of 2 sq. ft. and may be lighted.~~

~~(2) Sandwich board sign, as follows:~~

~~(i) The area of the signboard, single-sided, shall not exceed 5 sq. ft.~~

~~(ii) The signboard shall be constructed of wood, chalkboard and/or finished metal.~~

~~(iii) Letters can be painted or handwritten.~~

~~(iv) The sign shall be located within 4 ft. of the main entrance to the business and its location shall not interfere with pedestrian or vehicular circulation.~~

~~(v) The information displayed shall be limited to daily specials and hours of operation.~~

~~(vi) The sign shall be removed at the end of the business day.~~

~~(j) Design Standards for Signs~~

~~1) Signs affixed to the exterior of a building shall be architecturally compatible with the style, composition, materials, colors and details of the building, as well as other signs used on the building or its vicinity.~~

~~2) Signs shall fit within the existing façade features, shall be confined to signable areas and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the façade where they are located. Signs shall be placed on a façade only in a manner historically appropriate to the style of the building.~~

~~3) Wherever possible, signs located on buildings within the same blockface shall be placed at the same height, in order to create a unified sign band.~~

~~4) Wood and painted metals are the preferred materials for signs. Flat signs should be framed with raised edges. Wood signs shall use only high quality exterior grade wood with suitable grade finishes.~~

~~5) Sign colors should be compatible with the colors of the building façade. A dull or matte finish is recommended, for it reduces glare and enhances legibility.~~

~~6) Signs shall be either spotlighted or backlighted with a light source. Lighting shall require complete shielding of all light sources; light shall~~

~~be contained within the sign frame and shall not significantly spill over to other portions of the building or site. Backlighting shall illuminate the letters, characters or graphics on the sign but not it's background. Signs shall be mounted so that the method of installation is concealed. Signs applied to masonry surfaces should be mechanically fastened to mortar joints only, and not directly into brick or stone. Drilling to provide electrical service should also follow the same rule.~~

Sec. 22-15-10.1 Exempt Signs.

~~Temporary civic, cultural and public service window posters, when posted inside commercial establishments, provided they do not, individually or combined, occupy more than 25 percent of the total area of said window of 5 sq. ft., whichever is less. Temporary window signs are permitted on ground floors only. Temporary promotional or special sales signs when erected in conjunction with a commercial establishment, provided they do not, individually or combined with other window signs, exceed 25% of the total area of the display window or 16 sq. ft., whichever is less. Temporary signs advertising a business opening or change in ownership shall not exceed an area of 16 sq. ft. and shall require a temporary permit, specifying the date of removal. All temporary signs shall have the date of removal printed clearly on the lower right hand corner, as viewed from the exterior, and shall be permitted for a period not to exceed 30 days. Temporary promotional signs are permitted on ground floor windows only.~~

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 maybe 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, USD A, 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, medial 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: Any object, device, display, or structure that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, projected images, or any combination thereof.

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, AUCTION: A 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 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, AWNING: A sign that is painted or otherwise applied on or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, or window of a building.

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, 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, CANOPY: A type of wall sign that is attached to the fascia of a canopy.

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, 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, DIRECTIONAL: A sign, not to exceed four (4) square feet, providing on-premise directions for pedestrian and vehicular traffic including, but not limited to, entrance/exit signs, parking areas, loading zones, and circulation direction.

SIGN, DIRECTORY: A sign that lists the names, uses, or locations of the businesses or activities conducted within a building or group of buildings of a development.

SIGN, ELECTRONIC MESSAGE: A monument sign or portion thereof in which the copy is composed of a series of lights that may be changed through electronic means. The total area of the electronic message display area for such signs shall not exceed 30% of the total area of the sign area permitted for that site.

SIGN, ESTATE: An on-premise sign that identifies the name, occupant, and/or street address of a private residence, property, or farm. Such signs shall not exceed nine (9) square feet.

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, FLASHING: An illuminated sign of which all or part of the illumination is flashing or intermittent, or changing in degrees of intensity, brightness or color. Electronic message signs that meet the requirements this Article and Sec. 22-15 shall not be considered flashing signs.

SIGN, FREESTANDING: A sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports, and not attached to or dependent for support from any building.

~~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, HOME OCCUPATION: A sign containing only the name and occupation of a permitted home occupation on the premises.

~~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, 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.

SIGN, MOVING: A sign, any part of which moves by means of an electrical, mechanical, or other device, or that is set in motion by wind.

SIGN, NONCONFORMING: A sign lawfully erected and maintained prior to the adopting of this ordinance that does not conform with the requirements of this ordinance.

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, ON-PREMISE: Any sign identifying or advertising a business, person, property, activity, goods, products, or services, located on the premises where the sign is installed and maintained.

SIGN, PENNANT: A sign, with or without a logo, made of flexible materials suspended from one or two corners, used in combination with other such signs to create the impression of a line, such as streamers.

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.

SIGN, PORTABLE: A sign that is not permanently affixed to the ground or to a permanent structure, or a sign that can be moved to another location including, but not limited to, signs with attached wheels, signs mounted upon or applied to a trailer, or signs mounted on or applied to a vehicle that is parked and visible from the public right-of-way.

~~*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, PROJECTING: A sign, attached to and supported by a building or wall, that projects out perpendicularly from that wall more than twelve (12) inches but not more than four (4) feet.

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

SIGN, PUBLIC: A sign that is erected and maintained by a federal, state, or local government agency.

SIGN, REAL ESTATE: A sign pertaining to the sale or lease of the premises on which the sign is located. Such signs shall not exceed nine (9) square feet.

~~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, ROOF: A sign that is mounted on the roof of a building or which extends above the top edge of the wall of a flat-roofed building, above the eave line of a building with a hip, gambrel, or gable roof, or the deck line of a building with a mansard roof.

~~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, SUBDIVISION: A monument sign erected at the entrance of a residential, commercial, or industrial development that identifies the development.

~~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, TEMPORARY: A sign for the advertising of a special event, product, group, or seasonal activity and not intended or designed for permanent display. 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 directional sign erected for a period of not more than ten (10) days.~~

SIGN, TEMPORARY DIRECTIONAL: A 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, TEMPORARY SUBDIVISION ADVERTISING: A sign erected on a parcel or at the entrance to a residential, commercial, or industrial subdivision that identifies the name of the development and advertises for sale lots within the development. Such signs shall be permitted for six-month increments, with a letter requesting renewal from the applicant for additional six-month increments and to be removed upon issuance of a permit for the placement of a permanent subdivision sign.

~~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.~~

SIGN, WALL: A sign mounted flat against, or painted on, the exterior wall of a building or structure and not projecting more than twelve (12) inches from the surface of the building, unless on the mansard portion of a roof.

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.

SIGN, WINDOW: A permanent or temporary sign affixed to the interior or exterior of a window or door, or within three (3) feet of the interior of the window or door; provided that the display of goods available for purchase on the premises is not a window sign. Such signs shall not exceed 25% of the total area of the window or door on which it is located.

~~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.

(Ord. 6-19-96; Ord. 10-18-00; Ord. 9-17-08; Ord. 10-15-08; Ord. 10-21-09)

Sec. 22-25-5. Shielding.

All outdoor light fixtures except those exempted, *or as otherwise specified in Sec. 22-15*, shall be fully shielded. A fully shielded fixture must be a full cutoff luminaire or decorative luminaire with full cutoff optics, and is defined as an outdoor lighting that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixtures. The light source visibility shall be fully shielded from the adjoining property.

AN ORDINANCE TO AMEND AND REENACT SECTION 22, ARTICLE 16, PORTIONS OF SECTION 22-16-5, AND SECTION 22-16-6 OF THE FLUVANNA COUNTY CODE WITH RESPECT TO THE REGULATION OF NONCONFORMING USES.

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 16. Nonconforming Uses

Sec. 22-16-5. Expansion or enlargement.

- (a) A nonconforming structure may be extended, expanded, or enlarged by a total of not more than 100% of its square footage *as of its initial construction as of May 5, 2004*, provided that all setback and yard requirements of the ordinance are met by the addition. The foregoing notwithstanding, in the case of any such ~~addition to any structure which was in existence on May 5, 2004, which cannot reasonably be developed in accordance with the requirements of the relevant district regarding setbacks and/or side and/or rear yards, such lot may be used provided that~~ *extension, expansion or enlargement to a structure which does not conform to the requirements of this ordinance*, the setbacks and/or rear and/or side yards provided for such addition shall in no event be less than the setback and/or rear and/or side yard requirements in effect on January 1, 1974, or on the date of completion of ~~it's~~ *the initial construction of the nonconforming structure*, whichever date is later.
- (b) *In addition to the foregoing, a nonconforming structure which was lawfully in existence prior to January 1, 1974, and which does not conform to the setback and/or yard requirements of this ordinance, or of any predecessor zoning ordinance, may be extended, expanded or enlarged to a reasonable extent, not to exceed 100% of its square footage as of its initial construction without regard to such requirements provided that the zoning administrator shall determine that,*
- (1) such extension, expansion or enlargement would not cause the structure to be made more nonconforming;*
 - (2) such extension, expansion or enlargement would be reasonable and would not be of substantial detriment to adjacent property, and the character of the zoning district would not be changed thereby;*
 - (3) such extension, expansion or enlargement cannot reasonably be accommodated in a manner consistent with such requirements; and*
 - (4) the failure to permit such extension, expansion or enlargement would be unreasonable under the circumstances.*
- (c) *Structures which are accessory to a nonconforming primary structure shall comply with the regulations in effect at the time the primary structure was built.*

- (d) A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this ordinance. (Ord. 03-15-06)

Sec. 22-16-6. Nonconforming unimproved lots.

Any unimproved lot of record at the time of the adoption of this ordinance which is less in frontage, area or width than the minimum required by this ordinance may be used only when the requirements of the relevant district regarding setbacks and side and rear yards are met. *The foregoing notwithstanding, in ~~in~~ the case of any unimproved lot shown on an approved subdivision plat of record at the time of the adoption of this ordinance which cannot reasonably be developed in accordance with the requirements of the relevant district regarding setbacks and/or side and/or rear yards, such lot may be used provided that the setbacks and/or rear and/or side yards provided for such construction or other development shall in no event be less than the setback and/or rear and/or side yard requirements in effect on July 5, 1992, shall in no event be less than the setback and/or rear and/or side yard requirements in effect on January 1, 1974, or on the date of recordation of the nonconforming lot, whichever date is later. In addition to the foregoing, a nonconforming unimproved lot which was lawfully of record prior to January 1, 1974, and which does not conform to the setback and/or yard requirements of this ordinance, or of any predecessor zoning ordinance, may be used to a reasonable extent, without regard to such requirements provided that,*

- (1) the failure to permit construction or other development for such use would be unreasonable under the circumstances;*
- (2) such construction or other development for such use would be reasonable and would not be of substantial detriment to adjacent property and the character of the zoning district would not be changed thereby ; and*
- (3) construction or other development for such use cannot reasonably be accommodated in a manner consistent with such requirements.*

MEMORANDUM OF AGREEMENT

This memorandum is intended to memorialize the agreement between the Board of Supervisors of Fluvanna County, Virginia, (“the County”) and Frank A. Pleva (Pleva). The County wishes to hire Pleva as interim county administrator for Fluvanna County pending the hiring of a permanent county administrator, and the terms of the agreement for this hire are set forth hereinafter.

SECTION 1: EMPLOYMENT; DUTIES

The County hereby agrees to employ Frank A. Pleva as interim county administrator of Fluvanna County, Virginia, to perform the functions and duties specified in Title 15.2 of the Code of Virginia, 1950, as amended, and to perform other legally permissible and proper duties and functions as the County shall from time to time assign.

Pleva agrees to serve as interim county administrator of Fluvanna County, Virginia and to perform the functions and duties specified in Title 15.2 of the Code of Virginia, 1950, as amended, and to perform other legally permissible and proper duties and functions as the County shall from time to time assign. Pleva shall be the chief administrative officer of the County of Fluvanna and responsible to the County for the proper administration of the affairs of the County. Pleva shall be in charge of all employees of the County. Pleva shall conduct himself in compliance with all provisions of state and federal law and all ethical considerations, including the International City/County Management Association Code of Ethics.

SECTION 2: TERM

Pleva’s employment with the County shall commence on June 21, 2010, and shall thereafter be at will, and either party may terminate his employment at any time, with or without good cause.

SECTION 3: COMPENSATION

For his services as interim county administrator, County agrees to pay Pleva effective June 21, 2010, a salary of \$5500 per month payable in installments as paid to other County employees, each such periodic payment to be as nearly equal as possible. The salary shall be subject to payroll deductions required by law and determined to be available and proper. It is understood and agreed that Pleva is a part-time, temporary employee in a sensitive executive position. As such, he is not entitled to fringe benefits normally accorded to full-time permanent County employees, and he is an exempt employee under the federal Fair Labor Standards Act. Pleva shall receive no allowance for meals or mileage for the use of his private vehicle.

