

AGENDA
FLUVANNA COUNTY PLANNING COMMISSION
Regular Meeting
Circuit Court Room
Fluvanna Courts Building
April 25, 2012 at 7:00pm

1-CALL TO ORDER, PLEDGE OF ALLEGIANCE

2-DIRECTOR'S REPORT

Mr. Steven Tugwell, Senior Planner

T

3-PUBLIC COMMENTS #1 (3 minutes each)

4-APPROVAL OF MINUTES:

January 25, 2012

U

5- PUBLIC HEARINGS:

CPA 12:01, Fluvanna County – Comprehensive Plan Text Amendment

V

Amend the Vision chapter of the Comprehensive Plan, along with any other associated changes to the plan as a result of the additions. The existing text within the Vision chapter will be replaced with new text and illustrations prepared by the Board of Supervisors. The proposed amendment to the Comprehensive Plan adjusts the vision statement in order to better reflect the adopted goals of the Board of Supervisors and elaborate on the meaning of the County's vision statement. The amendment is generally consistent with other chapters of the Comprehensive Plan.

ZMP 12:01, Southern Land Holdings, LLC – B-C with amended proffer

W

An ordinance to amend the proffer associated with ZMP 01:01 of the Fluvanna County Zoning Map with respect to 1.43 acres of Tax Map 18B, Section 5, Parcel 1 to allow commercial greenhouses to the uses permitted by-right within the B-C, Business, Convenience District. The affected properties are located on the north side of Route 618 (Lake Monticello Road) approximately 1000 feet west of its intersection with Route 600 (South Boston Road). This property is located in the Palmyra (formerly Rivanna) Election District and is within the Rivanna Community Planning Area.

6-PRESENTATIONS (normally not to exceed 10-minute limitation)

7-SITE DEVELOPMENT PLANS:

SDP 12:05, Virginia Electric Power Company

XYZ

A site development plan request for a temporary equipment laydown yard with respect to 6.691 acres of Tax Map 4, Section A, Parcels 25 and 26. The property is zoned I-1, Industrial, Limited and is located on the southern side of Route 250 (Richmond Road) approximately 500 feet west of Memory Lane. The property is located in the Palmyra Election District and is within the Zion Crossroads Community Planning Area.

8-SUBDIVISIONS:

9-UNFINISHED BUSINESS:

10-NEW BUSINESS:

Initiate an Amendment to the Fluvanna County Zoning Ordinance related to Tree Protection and Off-Street Parking

A

Initiate an Amendment to the Fluvanna County Subdivision Ordinance related to Tree Protection and Off-Street Parking

B

11-PUBLIC COMMENT #2 (3 minutes each)

For the Hearing-Impaired – there is a listening device available at the Circuit Court Room upon request. TTY access number is 711 to make arrangements.

For persons with Disabilities – if you have special needs, please call the County Administrator's Office at 591-1910 and relay your request.

12-ADJOURN

Pledge of Allegiance

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

ORDER

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

FLUVANNA COUNTY PLANNING COMMISSION PUBLIC HEARING RULES OF PROCEDURE

1. Purpose:
The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action. A hearing is not a dialog or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. Speakers:
Speakers should approach the lectern so they may be visible and audible to the Commission.
Each speaker should clearly state his/her name and address.
All Comments should be directed to Commission.
Each speaker is limited to three minutes and time may not be donated from other audience members.
All questions should be directed to the Chairman. Members of the Commission are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion. Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
Speakers with questions are encouraged to contact County staff prior to the public hearing.
Speakers should be brief and avoid repetition of previously presented comments.
County residents and taxpayers may be given priority in speaking order.
3. Action:
At the conclusion of the public hearing on each item, the Chairman will close the public hearing. The Commission will proceed with its deliberations and will act on or formally postpone action on such item prior to proceeding to other agenda items. Further public comment after the public hearing has been closed generally will not be permitted.

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COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

To: Fluvanna County Planning Commission
From: Planning and Community Development Department
Date: April 25, 2012
Re: Planning Director's Report

1. Board of Supervisors Actions:

April 4, 2012:

None

April 18, 2012:

None

2. Board of Zoning Appeals Actions:

April 3, 2012:

None

3. Technical Review Committee:

April 12, 2012:

- I. **SDP 12:05 – Virginia Electric Power Company** – A site development plan request for a temporary equipment laydown yard with respect to 6.691 acres of Tax Map 4, Section A, Parcels 25 and 26. The property is zoned I-1, Industrial, Limited and is located on the southern side of Route 250 (Richmond Road) approximately 500 feet west of Memory Lane. The property is located in the Palmyra Election District and is within the Zion Crossroads Community Planning Area.

- II. **SDP 12:07 – Tapscott Brothers Logging** – A site development plan request to construct a 7,200 square foot building addition with respect to 16.065 acres of Tax Map 39, Section A, Parcel 104. The property is zoned B-1, Business, General, District and is located on the northern side of Route 620 (Rolling Road), and State Route 6 (West River Road). The property is located in the Fork Union Election District and is within the Rural Preservation Planning Area.



FLUVANNA COUNTY
Building Inspections
P O Box 540
Palmyra, VA 22963

MONTHLY BUILDING INSPECTION REPORT

March 2012

	<u>NUMBER</u>	<u>VALUE</u>
New Homes	3	485,000
New Single Family Attached	4	360,000
Additions & Alterations	30	537,938
Accessory Building	1	1,500
Garage/Carports	1	7,000
Business Building	1	744,000
Other Building	1	5,000
Land Disturbing Permits	7	
TOTAL:	48	\$ 2,140,438

Number of Inspections made: 131

Fees Collected:

Building Permits	\$9,889.31
Land Disturbing Permits	2,975.00
Proffer	13,000.00
E 911 Surcharge	720.00
Zoning Permits	<u>2,850.00</u>
	\$29,434.31

Darius S. Lester
Building Official

BUILDING INSPECTION REPORT

Difference Current Year Over
Past Year

USE	Mar-11	VALUE	# YTD	YTD		Mar-12	VALUE	# YTD	VALUE	Mar/Diff	Difference Current Year Over Past Year		YTD PERMITS	VALUE
				VALUE	VALUE						VALUE	VALUE		
New Homes	13	2,580,000	24	4,577,000	3	485,000	13	2,260,000	-10	(2,095,000)	-11	(2,317,000)		
Duplex	0	0	0	0	0	-	0	-	0	-	0	-		
Single Family Attache	0	0	0	0	4	360,000	4	360,000	4	360,000	4	360,000		
Adds&Alterations	21	556,626	66	1,209,426	30	537,938	66	897,154	9	(18,688)	0	(312,272)		
Garages & Carports	3	64,000	3	64,000	1	7,000	5	55,000	-2	(57,000)	2	(9,000)		
Accessory Buildings	0	0	3	38,000	1	1,500	3	8,500	1	1,500	0	(29,500)		
Single Wide MH	0	0	0	-	0	-	0	-	0	-	0	-		
Swimming Pools	0	0	0	-	0	-	1	26,000	0	-	1	26,000		
Recreational Bldgs	0	0	0	-	0	-	0	-	0	-	0	-		
Business Bldgs	1	75,000	1	75,000	1	744,000	1	744,000	0	669,000	0	669,000		
Industrial Bldgs	0	0	0	-	0	-	0	-	0	-	0	-		
Other Buildings	1	10,000	1	10,000	1	5,000	2	5,100	0	(5,000)	1	(4,900)		
TOTALS	39	3,285,626	98	5,973,426	41	2,140,438	95	4,355,754	2	(1,145,188)	-3	(1,617,672)		
FEES	Mar-11	PREV TOT	YTD 11		Mar-12	PREV TOT	YTD 12		DIFFERENCE		DIFFERENCE YTD			
Building Permits	15,137.13	15,325.42	30,462.55		10,609.31	13,926.25	24,535.56		(4,527.82)		(5,926.99)			
Land Disturb Permits	3925.00	6,475.00	10,400.00		2,975.00	5,600.00	8,575.00		(950.00)		(1,825.00)			
TOTALS	19,062.13	21,800.42	40,862.55		13,584.31	19,526.25	33,110.56		(5,477.82)		(7,751.99)			
INSPECTIONS	Mar-11	PREVIOUS	YTD 11		Mar-12	PREVIOUS	YTD 12							
	172	276	448		131	280	411		-41		-37			

() represents a negative

Monthly Approval Report for March 2012

<i>District</i>	<i>Action</i>	<i>ID#</i>	<i>Description</i>	<i>Tax Map Parcels</i>	<i>Total Acreage</i>	<i>Number of Lots</i>
Columbia						
	<i>Approved</i>					
		SUB 12-005	Subdivision	19 (A)77	33.5	2
Cunningham						
	<i>Adjudicated/Closed</i>					
		CCE 12-005		16 (20)-22	15.914	
	<i>Approved</i>					
		SDP 11-013	Rebuild of existing compressor station	26 (A)22, (6)3	31.1835	
Fork Union						
	<i>Adjudicated/Closed</i>					
		CCE 08-004		51 (A)170B	2	
	<i>Approved</i>					
		BSP 12-003	Physical Survey	51 (A)70	0	
		SDP 12-002	Building Addition	29 (A)113	24.773	
Palmyra						
	<i>Approved</i>					
		SDP 12-003	Site Plan Amendment - Proposed Grading	4A 20A & 97A	22.631	

Wednesday, April 11, 2012

Page 1 of 1

<i>AFD - Agricultural Forestal District</i>	<i>BSP - Boundary Survey Plat</i>
<i>BZA - Board of Zoning Appeals (Variance)</i>	<i>CCE - Code Compliance Enforcement</i>
<i>CPA - Comprehensive Plan Amendment</i>	<i>SDP - Site Development Plan</i>
<i>SUB - Subdivisions</i>	<i>SUP - Special Use Permits</i>
<i>ZMP - Zoning Map Proposal (Rezoning)</i>	<i>ZTA - Zoning Text Amendment</i>

Code Compliance Enforcement Activity for Director's Report

ID#	Tax Map Parcels	Reported Against	Type of Violation	Status	Status Date
Columbia					
CCE 11-018	10 A-42	Eric D. Taylor, Sr.	SUPs	2nd Letter Sent	1/24/2012
Fork Union					
CCE 12-001	51A (A)22	JWS Enterprises, LLC (James W. Sherrill	Misc.	1st Letter Sent	1/12/2012
CCE 11-019	40 A-14	J.B. Martin, Catherine L. Allen-Deceased	SUPs	Awaiting Action	12/13/2011
Palmyra					
CCE 12-002	3 (A)-31, 32	JWS Enterprises, LLC (James W. Sherrill	Misc.	Awaiting Action	2/29/2012
CCE 10-013	10 (3)-2B	Eric D. Taylor	SUPs	3rd Letter Sent	1/24/2012
Rivanna					
CCE 11-015	18B (5)-1	Southern Land Holdings LLC	SUPs	BOS	10/26/2011

**FLUVANNA COUNTY PLANNING COMMISSION
REGULAR MEETING MINUTES
Circuit Courtroom
Fluvanna County Courts
January 25, 2012
7:00 p.m.**

MEMBERS PRESENT: James Halstead, Jr., Chairman
Donald Gaines, Vice-Chairman
Samuel Babbitt
Barry Bibb
Steven Nichols
Carolyn Tinsley
Joe Chesser, Board of Supervisors Representative

ALSO PRESENT: Frederick Payne, Fluvanna County Attorney
Darren Coffey, Planning and Community Development Director
Dwight Godwin, Fluvanna County Parks & Recreation Director
Colonel Eric Hess, Fluvanna County Sheriff's Office
Steven Tugwell, Senior Planner
Andrew Pompei, Planner
Lauren Ryalls, Senior Program Support Assistant

CALL TO ORDER

Mr. Darren Coffey, Planning and Community Development Director, called the Planning Commission meeting of January 25, 2012 to order at 7:00 p.m. in the Circuit Court room of the Fluvanna County Courts Building in Palmyra, Virginia.

2012 Organizational Meeting of the Fluvanna County Planning Commission

Election of Chairman - Mr. Coffey, Planning and Community Development Director, opened the floor for nominations for the position of Chairman.

Mr. Nichols nominated Mr. Halstead.

Mr. Bibb nominated Dr. Babbitt.

VOTE COUNT: Mr. Halstead 3-2-1 AYES: Gaines, Nichols and Tinsley
Dr. Babbitt 2-3-1 AYES: Babbitt and Bibb
ABSTAINED: Halstead

With the majority of AYES, Mr. Halstead was **elected** Chairman.

Election of Vice-Chairman – Chairman Halstead opened the floor for nominations for Vice-Chairman.

Ms. Tinsley nominated Mr. Gaines

VOTE COUNT: Mr. Gaines 5-0-1 AYES: Babbitt, Bibb, Halstead, Nichols and
Tinsley
ABSTAINED: Gaines

With the majority of AYES, Mr. Gaines was **elected** Vice-Chairman.

Selection of Dates for 2012 – The Planning Commission meetings will be held on the fourth Wednesday of each month with the exception of December due to the Christmas holiday. December's meeting will be on Monday the 19th.

MOTION:

Mr. Bibb moved to **adopt** the Planning Commission 2012 regular Meeting Calendar as presented [which does not include any joint meetings or work sessions].

Dr. Babbitt seconded. The motion carried with a vote of 6-0. AYES: Babbitt, Bibb, Gaines, Halstead, Nichols and Tinsley; NAYS: None.

Resolution of “Organizational Meeting of Fluvanna County Planning Commission 2012” - The Planning Commission meetings will be held in the Circuit Courtroom of the Fluvanna Courts Building at 7:00pm.

MOTION:

Dr. Babbitt moved to **adopt** the resolution entitled “Organizational Meeting of the Fluvanna County Planning Commission 2012,” which solidifies the meeting place and the day and time of the meetings.

Mr. Nichols seconded. The motion carried with a vote of 6-0. AYES: Babbitt, Bibb, Gaines, Halstead, Nichols and Tinsley; NAYS: None

Planning Commission By-Laws for 2012

MOTION:

Mr. Bibb moved to **adopt** the Fluvanna County Planning Commission By-Laws and Rules of Practice and Procedures **as amended** with the change of location under Public Sessions from the District Courtroom to the Circuit Courtroom and list six Commission members instead of five under Creation.

Ms. Tinsley seconded. The motion carried with a vote of 6-0. AYES: Babbitt, Bibb, Gaines, Halstead, Nichols and Tinsley; NAYS: None.

Planning Commission Regular Meeting

Chairman Halstead proceeded with the regular meeting of the Planning Commission for Wednesday, January 25, 2012.

PLANNING DIRECTOR’S REPORT

Mr. Darren Coffey, Planning and Community Development Director, gave the monthly report to the Planning Commission.

➤ **Board of Supervisors – January 4, 2012**

- *None*

➤ **Board of Supervisors – January 18, 2012**

- **SUP 11:05 – Central Virginia Electric Cooperative – Approved as Amended [5-0]** a request for a special use permit to install electric facilities related to a major utility with respect to 62.8 acres of Tax Map 26, Section A, Parcels 22, 23, and 24F. The applicant is proposing to construct, operate, and maintain electric transmission and substation facilities to serve the Transcontinental Gas Pipe Line Company’s natural gas pump station. The property is currently zoned A-1 and I-1 and is located on Transco Road (Route 643), approximately ½ mile west of Rolling Road South (Route 620). The property is located in the Cunningham Election District and is within the Rural Preservation Planning Area.
- **SUP 11:06, Central States Tower, LLC (Telecommunications Tower) – Approved [5-0]** a request for a special use permit to amend SUP 07:15 to allow for an increase in height from 125 feet to 195 feet for a wireless communications tower with respect to 29.389 acres of Tax Map 52, Section 1, Parcel 7. The property is zoned A-1 and is located on Route 15 (7021 James Madison Highway), just north of the Route 15 and Route 6 (East River Road) intersection. The property is located in the Fork Union Election District and is within the Rural Residential Planning Area.

- **Board of Zoning Appeals Actions – No January Meeting**
 - Mr. Easton Loving was appointed to the BZA for a five year term and Mr. Steven Nichols was appointed to the BZA for a three year term.
- **Technical Review Committee – No January Meeting**

PUBLIC COMMENTS #1

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

- Dr. Robert Mayfield, former president of Chamber of Commerce and Rotary Club, passed out a presentation that was given to the Board of Supervisors last year. Dr. Mayfield would like to place a sign on Route 15 that can be seen going both North and South displaying the clubs in the County. Dr. Mayfield stated a location is needed for this sign to be posted and that all associated costs would be covered by the clubs.
- Debra Kurre, Rivanna District, spoke out of order on the agenda about the sign ordinance, but the Planning Commission allowed it. Mrs. Kurre spoke in opposition of the current sign ordinance and requested changes to allow local businesses to thrive. Mrs. Kurre asked the Planning Commission to revisit the definition of signs and would like a new sign ordinance to support the new vision of the Board of Supervisors, “Fluvanna County – through self-reliance, self-sufficiency, and self-government – is the ideal place to raise families, foster entrepreneurship, and do business in the Commonwealth.”

After Mrs. Kurre addressed the Planning Commission the Commissioners decided to move the Sign Ordinance Discussion up on the agenda during the first section of public comments.

Sign Ordinance Discussion

- Jim Toms, local business owner, addressed the Planning Commission and would like the Planning Commission to amend the law concerning one sign per parcel.
- Andrew Bushey, Ink Under Pressure LLC, stated that signs are a way for businesses to advertise and thrive. Mr. Bushey questioned what factors were considered when reviewing the previous sign ordinance. Mr. Coffey stated that the sign ordinance was changed because there were sections of the sign ordinance making it unenforceable.
- John Alexander, Economic Development Commission member and local business owner, stated his concerns about the message Fluvanna County is sending with the sign ordinance. Mr. Alexander feels the businesses need eye catching signs to attract business.
- Chris Fairchild, local business owner, stated that there must be some sort of ordinance to regulate the County and agrees with the sign ordinance. Mr. Fairchild stated that too much signage can be distracting to customers and overwhelmed customers tend to move on.

Chairman Halstead closed the first section of public comments.

APPROVAL OF MINUTES

A motion by Mr. Bibb and seconded by Mr. Nichols to **approve** the December 28, 2011 minutes by a vote of 5-0-1. AYES: Babbitt, Bibb, Gaines, Nichols and Tinsley; NAYS: None; ABSTAINED: Halstead.

PRESENTATIONS:

2011 Development Activity Report – Mr. Andrew Pompei, Planner, presented the 2011 Development Activity Report to the Planning Commission. The activity report shows construction activity in the County along with approvals by the Board of Supervisors, Board of Zoning Appeals, Planning Commission, Planning Department, and Department of Building Inspections. The report also shows land use comparisons and recent land use activities.

MOTION:

Mr. Bibb moved to accept the 2011 Development Activity Report as the annual Planning Commission report.

Mr. Gaines seconded. The motion carried with a vote of 6-0. AYES: Babbitt, Bibb, Gaines, Halstead, Nichols, Tinsley; NAYS: None.

PUBLIC HEARINGS:

FY2013-2017 Capital Improvements Plan – Review and recommendation for the FY2013-2017 Capital Improvements Plan to be submitted in conjunction with the Fiscal Year 2013 Fluvanna County Budget. The Capital Improvements Plan indicates planned expenditures for capital items as well as methods of financing these projects.

Mr. Darren Coffey, Planning and Community Development Director, presented the Capital Improvements Plan to the Planning Commission.

Chairman Halstead opened the public hearing.

- Elizabeth Franklin, Fluvanna Taxpayers Association, complimented the Planning Commission on the improved CIP forms and information provided. Ms. Franklin also praised the Planning Commission for the reduction in debt compared to last year, but criticized that the CIP does not seem fiscally responsible.
- Dwight Godwin, Fluvanna County Parks and Recreation Director, commented on the CIP and how the majority of Parks and Recreation programs are driven by the Comprehensive Plan and community interest.

Chairman Halstead closed the public hearing.

The Planning Commission discussed the Capital Improvements Plan and what aspects should have the most emphasis placed on them.

MOTION:

Mr. Nichols moved to **recommend approval** of the FY2013-2017 Capital Improvements Plan as presented with a list of four funding priorities: E911, wastewater, school buses, and patrol vehicle replacement with equipment, and with Planning Commission support for the establishment of the reserve fund concept.

Mr. Gaines seconded. The motion carried with a vote of 6-0. AYES: Babbitt, Bibb, Gaines, Halstead, Nichols, Tinsley; NAYS: None.

SITE DEVELOPMENT PLANS:

None

SUBDIVISIONS:

None

UNFINISHED BUSINESSS:

None

OTHER BUSINESS:

None

PUBLIC COMMENTS #2

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

- Elizabeth Franklin, Fluvanna County Taxpayers Association, wanted to thank Darren Coffey and Renee Hoover for their hard work on improving the CIP. Ms. Franklin also wanted to thank Mr. Bibb for invoking the financial sustainability chapter twice.

Chairman Halstead closed the second section of public comments.

The Planning Commission discussed the sign ordinance as being part of the next work session on February 8, 2012, along with the parking and landscape ordinance.

ADJOURN

There being no further business, Chairman Halstead adjourned the Planning Commission meeting of January 25, 2012 at 8:42 p.m.

Minutes recorded by Lauren Ryalls.

James Halstead, Jr., Chairman
Fluvanna County Planning Commission

DRAFT



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

STAFF REPORT

To: Fluvanna County Planning Commission
Case Number: CPA 12:01

From: Andrew Pompei
Date: April 25, 2012

General Information: This request is to be heard by the Planning Commission on Wednesday, April 25, 2012 at 7:00 pm in the Circuit Courtroom in the Courts Building.

Applicant/Representative: Fluvanna County Board of Supervisors

Requested Action: A request for a Comprehensive Plan Amendment to revise the *Vision* chapter to better reflect the adopted vision statement of the current Board of Supervisors.

Location: Not Applicable

Zoning History: Not Applicable

Analysis

The Comprehensive Plan is a guide to future growth and development in Fluvanna County. It describes the county's goals and vision for the next twenty years, and includes strategies that may be used to achieve that vision. State law requires every locality to adopt a comprehensive plan (VA Code § 15.2-2223). The current Comprehensive Plan was adopted on March 18, 2009, after several months of public input.

At its meeting on February 15, 2012, the Board of Supervisors adopted a resolution initiating a Comprehensive Plan Amendment (CPA 12:01). The Board of Supervisors has proposed amending the *Vision* chapter of the Comprehensive Plan to include its newest Vision Statement, which was developed at the Board Retreat on January 6, 2012. The amendment is intended to clarify the goals and policies endorsed by the current Board of Supervisors.

The Comprehensive Plan may, at the discretion of the Board of Supervisors, be amended (VA Code § 15.2-2229). The *Plan Process and Implementation* section of the Comprehensive Plan describes the criteria that should be considered when determining the appropriateness of a proposed amendment (page 250). For a Comprehensive Plan amendment application to be accepted, one or more of the following criteria must be met:

1. The request must be a creative idea or concept that will benefit the community and that was unforeseen during the planning process for the comprehensive plan;
2. The subject property or concept was misinterpreted or overlooked in the comprehensive plan;
3. Conditions have changed substantially since the last comprehensive plan update, necessitating a change (e.g. changes in surrounding land use or economic conditions);
4. An undue hardship exists that substantially limits the use of the subject property; and/or
5. The amendment will effectively aid in the implementation of other goals of the comprehensive plan or the community vision.

Comprehensive Plan amendments should be carefully considered by the Planning Commission and the Board of Supervisors. These amendments should be based upon established goals and sound planning principles. Occasional revision is essential if the plan is to continue to serve as a reliable guide for community growth; however, constant amendment of the plan undermines and limits its effectiveness. Since its adoption in 2009, the Board of Supervisors has only approved three amendments to the current Comprehensive Plan (Table 1).

Table 1: Approved Amendments to the Current Comprehensive Plan

Applicant Name	Description	Date Approved
Steven L. Peters	Addition of Tax Map 8-A-A14A to the Rivanna Community Planning Area	January 20, 2010
Fluvanna County	Addition of the Financial Sustainability Chapter	February 17, 2010
Fluvanna County	Revisions to the Urban Development Area (UDA) and Telecommunications sections of the Comprehensive Plan.	November 16, 2011

Due to changing political and economic conditions, it may be appropriate to amend the Comprehensive Plan (see Criteria #3 above). Only two of the five current Board members (Ms. Booker and Mr. Weaver) were on the Board of Supervisors at the time of the plan’s adoption.

Relationship to the Other Chapters of the Comprehensive Plan

The Comprehensive Plan is divided into thirteen interrelated subject areas. The *Vision* chapter, which describes the adopted vision statement, is deeply connected with these subject areas. Below is an explanation of how the proposed amendment addresses each of these subject areas, and its consistency with rest of the Comprehensive Plan (Table 2).

Table 2: Summary of Proposed Amendment & Consistency with the Comprehensive Plan

Subject Area	Summary of Proposed Amendment	Consistency with the Comprehensive Plan
Natural Environment	Fluvanna County's natural resources should be preserved, when practical. Water and sewer systems should have a minimal impact on water quality, and the protection of the Rivanna River should remain a priority.	The proposed amendment is generally consistent with the <i>Natural Environment</i> chapter.
Land Use	Growth is directed to existing development areas, and the rural character of much of the county should be retained. Development areas should have adequate infrastructure, both public and private.	<p>The proposed amendment is generally consistent with the <i>Land Use</i> chapter, but there are some discrepancies.</p> <p>The proposed amendment calls for new economic development in the Kents Store/Fernclyff area, which is currently designated as a rural preservation area. The amendment does not specifically address growth in the Palmyra area, an important development node.</p>
Community Design	The proposed amendment does not thoroughly address community design. Specific land use concepts are described for most of the community planning areas, but design elements are not described in detail.	The proposed amendment does not thoroughly address the concepts presented in the <i>Community Design</i> chapter.
Infrastructure	Development areas should have adequate infrastructure, both public and private. The Fork Union Sanitary District (FUSD) should be repaired and adequately maintained. Local roads should also be well-maintained, and a multi-use trail network at Pleasant Grove accommodates bicyclists and pedestrians. By 2032, all residents should have broadband access.	The proposed amendment is generally consistent with the <i>Infrastructure</i> chapter.

Subject Area	Summary of Proposed Amendment	Consistency with the Comprehensive Plan
Transportation	Local roadways are well-maintained, and safety upgrades are improving travel in rural areas. Roundabouts are installed in-lieu of traffic signals. A network of biking and walking trails at Pleasant Grove compliments the biking facilities located along U.S. Bicycle Route 76.	The proposed amendment is generally consistent with the <i>Transportation chapter</i> .
Economic Development	Fluvanna County will be able to attract a variety of businesses, due to the area's well-educated workforce, well-built infrastructure, and proximity to Interstate 64. New businesses are encouraged to locate to the area, due to limited regulation. Agri-tourism and other home-based businesses are fostered.	The proposed amendment is generally consistent with the <i>Economic Development chapter</i> .
Historic Preservation	Historic resources should be preserved and promoted as a means of encouraging tourism. Historians are encouraged to collect and share stories of Fluvanna County's past, and the Board of Supervisors will commission its own historical narrative.	The proposed amendment is generally consistent with the <i>Historic Preservation chapter</i> .
Parks & Recreation	Pleasant Grove is developed as a destination for tourism, recreation, hiking, fishing, and other outdoor events. A trail system will connect Pleasant Grove with Palmyra and Lake Monticello.	The proposed amendment is generally consistent with the <i>Parks & Recreation chapter</i> .
Housing	Residential development will be directed to the community planning areas, where there is adequate infrastructure capable of handling new growth. A variety of housing types offer affordable options for retirees, families, and couples.	The proposed amendment is generally consistent with the <i>Housing chapter</i> .

Subject Area	Summary of Proposed Amendment	Consistency with the Comprehensive Plan
Human Services	The Department of Social Services will work with other agencies to promote self-sufficiency and self-reliance. Workforce development and continuing education promote financial independence.	The proposed amendment is generally consistent with the <i>Human Services</i> chapter.
Education	Fluvanna County's schools are among the top in the state in virtually all areas of academic achievement. Educators emphasize workforce development, which is the focus of a vocational training center. By 2032, the county will invest in significant technology upgrades, as well as a new upper elementary school.	The proposed amendment is generally consistent with the <i>Education</i> chapter.
Public Safety	Public safety personnel are fully-integrated and fully meet the county's needs. Emergency service personnel are well-paid, working in partnership with volunteers.	The proposed amendment is generally consistent with the <i>Public Safety</i> chapter.
Financial Sustainability	Property taxation rates remain below the regional average. A healthy mix of residential and commercial growth helps the county aggressively pay down its debt service. A healthy cash reserve helps the county obtain a triple-A bond rating.	The proposed amendment is generally consistent with the <i>Financial Sustainability</i> chapter.

Overall, the proposed amendment is generally consistent with the rest of the Comprehensive Plan. There are a few minor deviations from the concepts described in the rest of the Comprehensive Plan, but there are no significant inconsistencies (see Table 2).

The *Vision* chapter heavily influences the rest of the Comprehensive Plan, so it should be based upon sound planning principles. As one of the first sections of the document, it is the initial impression readers will get of Fluvanna County, and it sets the tone for subsequent chapters. The *Vision* chapter should be clear, concise, and logically organized, so that citizens and decision-makers are able to fully understand the concepts presented.

Technical Review Committee

The Technical Review Committee Meeting was held on March 15, 2012. No agencies commented on the request.

Conclusion

The Planning Commission should consider whether or not the proposed amendment is appropriate, based on the criteria described within the *Plan Process and Implementation* section of the Comprehensive Plan. Any amendment should build upon sound planning practices and the community's established goals.

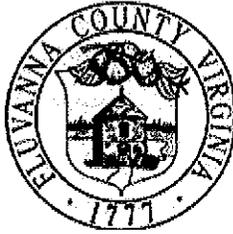
The proposed amendment to the *Vision* chapter of the Comprehensive Plan is generally consistent with current County policies, as well as subsequent chapters of the plan. Overall, the amendments do not introduce new concepts or ideals, but reflect policies adopted by the current Board of Supervisors.

Suggested Motion

I move that the Planning Commission recommend [approval/denial] of CPA 12:01, a request to amend the *Vision* chapter of the Comprehensive Plan, along with any associated changes, to further the vision and goals of the Comprehensive Plan.

Attachments

- A: Application
- B: Board Initiation
- C: Proposed Amendment
- D: Current *Vision* Chapter
- E: Summary of Each Comprehensive Plan Subject Area



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for
Comprehensive Plan Amendment

Resolution of Intent to Amend the Comprehensive Plan

[X] Amendment to Text [] Amendment to Map [] Other (Please specify)

Applicant/Contact: Fluvanna County Owner(s) of Record:

E911 Address: 132 Main Street (P.O. Box 540), Palmyra, VA 22963 E911 Address:

Phone: (434) 591-1910 Fax: (434) 591-1911 Phone: Fax:

Email: dcoffey@co.fluvanna.va.us Email:

Project Name: N/A

Tax Map and Parcel(s): N/A District: N/A Zoning: N/A

Location of property: (landmarks, intersections, or other) N/A

Proposed amendment to the Comprehensive Plan: (attach additional sheets as necessary)

If the amendment proposes to replace existing text, please provide a full copy of the existing text for the affected section.

Amend the Vision chapter of the 2009 Comprehensive Plan to more accurately reflect the Board of Supervisor's established direction for Fluvanna County in terms of its adopted Vision Statement.

Amendment

Requested: The Board of Supervisors adopted a resolution initiating a Comprehensive Plan Amendment to amend the Vision chapter of the Comprehensive Plan, along with any other associated changes to the plan as a result of the additions, at its meeting on February 15, 2012.

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, the Board of Supervisors, and the Board of Zoning Appeals during the normal discharge of their duties in regard to this request.

Date: 2/17/2012 Signature of Owner(s)/Applicant: [Signature]

Table with 2 columns: Planning Commission and Board of Supervisors. Rows include: OFFICE USE ONLY, Date Received, Text - \$750.00/fee paid, Resolution of Intent Adopted, Public Hearings, Advertisement Dates, APO Notification, Date of Hearing, Decision.



PLANNING COMMISSION
County of Fluvanna
Palmyra, Virginia

RESOLUTION
Comprehensive Plan Amendment – Vision Chapter Amendments

At a regular monthly meeting of the Fluvanna County Board of Supervisors held on Wednesday, February 15, 2012, in Palmyra, Virginia, the following action was taken:

<u>Present</u>	<u>Vote</u>
Shaun V. Kenney, Chairman	YEA
Robert Ullenbruch, Vice-Chairman	YEA
Donald W. Weaver	YEA
Mozell H. Booker	YEA
Joseph C. Chesser	YEA

On a motion by Mr. Chesser, seconded by Mr. Weaver, and voted in the affirmative (5-0), the following resolution was adopted:

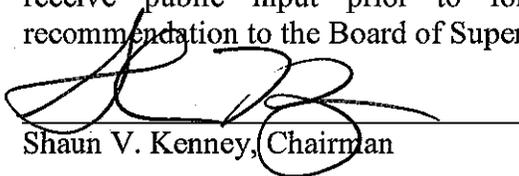
WHEREAS, the Fluvanna County Board of Supervisors approved and adopted the Comprehensive Plan on March 18, 2009; and,

WHEREAS, the Board of Supervisors adopted a new Vision statement for the County at their January 18, 2012 meeting; and,

WHEREAS, this Vision statement was directly derived from the Board Retreat on January 6, 2012 and necessitates the need to change the entire *Vision* chapter of the Comprehensive Plan; and,

WHEREAS, an amendment to the Comprehensive Plan is considered by the Planning Commission with the adoption of a resolution of intent to amend the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED that the Fluvanna County Board of Supervisors directs staff to initiate a Comprehensive Plan Amendment to amend the *Vision* chapter of the Comprehensive Plan, along with any other associated changes to the plan as a result of the revisions; and to schedule a public hearing on April 25, 2012 to receive public input prior to formal Planning Commission consideration and recommendation to the Board of Supervisors.


 Shaun V. Kenney, Chairman

VISION 2032

Vision Statement

Fluvanna County through self-reliance, self-sufficiency, and self-government is the ideal place to raise families, foster entrepreneurship, and do business in the Commonwealth.

— *Fluvanna County Board of Supervisors (2012)*

Fluvanna County's vision is based on the following key principles, which are used as guides for future development, governance, and land use policies for the county:

- That good government is no substitute for self government,
- That our government should reflect the values and principles of the people,
- That solidarity and prosperity are the proper means of fostering communities,
- That people forge economies and communities,
- That our rural character and natural resources are part of Fluvanna's unique heritage, and should be preserved where practical,
- That the individual citizens and taxpayers of Fluvanna consist of our community, and that their individual interests and rights subordinate the collective desires of our government,
- That a comprehensive, accessible, and quality system of education enabling a modern, highly skilled 21st century workforce is to be fostered,
- That future development be fiscally prudent while respecting individual property rights,
- That our infrastructure requirements are maintained and first-class,
- That our public safety personnel are properly equipped and compensated in a manner and means that respects their sacrifice,
- That Fluvanna's rich community heritage and our history be the cornerstones of our shared identity moving forward into the 21st century,
- That our rights as enumerated in the Virginia Declaration of Rights and the Virginia Constitution are to be maintained both in letter and in spirit.

In our vision, Fluvanna County will look like this over the next 20 years:

OVERVIEW

Fluvanna County by 2032 will sit along a thriving I-64 corridor between metropolitan Richmond and Charlottesville. No longer a bedroom community, Fluvanna County's mixed use development project at Zion Crossroads has landed at least one major anchor, as well as having become its own population center in its own right.

Fluvanna County's objectives in retaining its rural setting will have been overwhelmingly successful, with small home-oriented businesses complimenting large farms and tracts of forestry

as well. Lake Monticello and Pleasant Grove are neatly aligned, while popular tourism becomes a growing pastime among those seeking what "Thomas Jefferson's Virginia" may have looked and how Fluvanna's unique rural heritage appears and is preserved today.

Towns and villages such as Fork Union, Palmyra, and Zion Crossroads remain convenient places to spend an afternoon, while the Town of Columbia's revitalization effort completes its process and begins to rejuvenate Virginia's oldest incorporated town as a point of interest.

Property taxation rates remain remarkably beneath the regional average, while the public education system enjoys a large degree of harmony with private, charter, and home schooling efforts. Housing prices, though modestly above average for the region, remain affordable for retirees, families, and couples through a wide variety of housing options. Moreover, previously successful efforts at fostering economic development within Fluvanna and around Lake Monticello are now complimented and eclipsed by Zion Crossroads and the green shoots of mixed use development near Ferncliff and Columbia.

This healthy mix of residential and commercial/industrial growth finally begins to aggressively pay down the old high school debt service, enabling Fluvanna to go beyond meeting the required services for the growing population at Zion Crossroads. By this time, Fluvanna has invested once again in cost-effective measures to accommodate the increased number of students, looking towards a new upper elementary school and significant technology upgrades at the existing school buildings. Proffers over the last two decades have allowed Pleasant Grove to become much more than a park, having now become a destination for tourism, recreation, hiking, fishing along the Rivanna River, and other outdoor events. Such foresight and investment continues to earn the admiration and imitation of other localities in the Commonwealth.

Population and Taxation

Fluvanna's population will approach 36,000 people by 2032 as new residents, eager for the opportunities 21st century workspaces and work environments afford, come to Zion Crossroads to work, live, shop, and play near the I-64 corridor.

Thanks to investments on behalf of the Commonwealth, both the I-64 corridor and the rail system along the James have become ideal paths for commuters to and from Richmond. Routes 15 and 53 are modern, safe, and effective means of transport, while Route 6 remains a scenic byway.

Most of Fluvanna's population are white collar workers, with a sizable portion of the population being blue or green collar skilled workers. Fluvanna's continued successes with entrepreneurship and public education have gained Fluvanna the reputation of generating skilled individuals ready to immediately participate in an innovation economy.

Tax rates continue to be far lower than the surrounding region thanks to early investment in commercial and industrial growth inside the urban planning areas. Though there is an aversion to incurring public debt, Fluvanna County maintains a healthy cash reserve to support its long-established capital reserve, thus enabling Fluvanna to hold and maintain a triple-A rating.

Thanks to an aggressive and early policy of fostering workforce development and entrepreneurship, both Fluvanna's median salary and per capita salaries remain well above the regional average.

Infrastructure

Basic infrastructure such as water, sewer, and roads have all been identified as key areas of improvement over the last three decades. As a result, both the I-64 corridor as well as Lake Monticello-Pleasant Grove-Palmyra possess the basic core infrastructure to support their respective capacities free of public subsidy.

Universal broadband has long been in place in Fluvanna as digital bandwidth has been reapplied, offered both privately and through "hot spots" of public access in key areas of Fluvanna. Every homeowner in Fluvanna has the option of either purchasing or using some form of broadband access.

Roads in Fluvanna are maintained and clear, with adequate paths for biking along Route 76 to complement Fluvanna's bike trails and walking paths along Pleasant Grove. Roundabouts, where applicable, have been substituted for traffic signals, and improvements have mitigated some of Fluvanna's more treacherous roads in rural parts of the county.

Pleasant Grove has integrated most parts of the center of the county for the better part of a decade. Biking and walking trails enable one in the summer to travel from Lake Monticello early the morning, spend the lunch hour in Palmyra, then travel back to Pleasant Grove in the afternoon for weekly events before making one's way back to Lake Monticello that evening. Of particular interest are the old canal locks, including parts of the Rivanna Canal near the old town of Bernardsberg, where tourists as well as Fluvanna residents can view the well-preserved remnants of Thomas Jefferson's canal.

Education

Fluvanna's public education systems continues to preserve its upper quartile standing in virtually all areas of academic achievement. The old Fluvanna High School, now approaching its 20th anniversary, still continues to produce some of the best educated students in the Commonwealth, with students matriculating to the best Virginia public and private colleges, including quality universities out of state. Alumni returning to Fluvanna offer some of the best opportunities for economic activity, as doctors, lawyers, entrepreneurs, and others bring their skills back to raise their own families in the community they call home.

One of Fluvanna's key strengths in public education is its attention to workforce development, both within the high school and once students graduate from the high school. Fluvanna students are instantly prepared to enter the workforce should they choose, with a fully staffed and funded vocational training center as well as educational opportunities working with Piedmont Valley Community College.

Fluvanna's pilot initiatives concerning workforce development have borne fruit, as incoming businesses cite the flexibility of the workforce as one of the reasons businesses locate to and start in Fluvanna. This emphasis on a skilled workforce continues to compliment the public education system in Fluvanna as yet another tool making Fluvanna a great place for families to live.

Economic Development

Fluvanna's destination as a well-supported locality to do business allows Zion Crossroads to be in a position to bring practically any commercial or industrial firm, thanks to the flexibility and the robust nature of the regional workforce.

Infrastructure along the I-64 corridor remains robust and strong, while the availability of broadband allows many start-ups and other innovation-oriented firms to jumpstart themselves at Zion Crossroads.

Fluvanna's early start in microfinance has earned the county a reputation as a regional incubator for entrepreneurial ideas. Fluvanna continues to find new ways protect this status versus competing localities — not with further incentives — but with fewer regulations and red tape to allow small firms the head start they need to develop, all run through a well-staffed and motivated Office of Economic Development.

Agri-tourism and other home-based businesses continue to proliferate in Fluvanna County. Local produce and other small scale industries and agriculture enjoy a friendly government that treats them in a similar manner to every other enterprise in Fluvanna, making significant allowances for property improvements that do not adversely impact viewsheds or quality of life.



Figure V-1: Farmers' Market at Pleasant Grove

Public Safety

Fluvanna County's public safety personnel are fully integrated and fully meet the needs of Fluvanna County. Emergency services personnel are well paid, working in partnership with a first-class volunteer network.

Social Services

The Fluvanna County Department of Social Services is a leader in collaboration with other community agencies, promoting self-reliance, opportunity, well-being, and the best possible quality of life for county citizens and taxpayers. Affordable housing opportunities, as well as access to workforce development and adult-education classes, offer paths to independence rather than dependence.

Tourism & Agriculture

Tourism remains a part of the economic renaissance over the last two decades, as the link between Fluvanna's heritage and history meets the opportunities Fluvanna enjoys along the I-64 corridor. Tourists come from as far away as Washington, Staunton, Hampton Roads and Danville to enjoy a weekend along the trails at Pleasant Grove's Heritage Museum, or to drive the circuit from Palmyra to Monticello and back. Working with the Fluvanna Historical Society, the rich heritage of Fluvanna's history from the Revolutionary War to the modern day offers a visitor a glimpse at what early America was like, what early America became, and perhaps an opportunity to both do business in — and possibly move to — Fluvanna County.

Land Use

Fluvanna's land use practices ensure the rural appearance of the county is not substantially different than it was 20 years ago, even though Fluvanna now has a larger population and a healthier economic base.

Land use is directly related to quality of life. Natural resources are protected, ensuring that our rivers and streams are clean and full of life. The land's relationship to the availability of clean and adequate water, clean air, and successful forestry and agriculture production -- both large scale and small scale -- are just a few of the factors considered in planning decisions.

Other land use planning decisions include the direction of residential and commercial/industrial growth to areas that have facilities and adequate infrastructure, both public and private. Areas of service include Columbia, Fork Union, Palmyra, Lake Monticello, and Zion Crossroads. Water and sewer systems will have a minimal, if not negligible, impact on local streams, rivers, and groundwater.

The continued protection of the Rivanna River remains a priority as a scenic river. Zoning and subdivision regulations provide for the preservation of a significant amount of open space, particularly within designated rural residential and rural preservation areas.

Agriculture, open space, and forestry continue to be important land uses over the next two decades. Networks and infrastructure for local farm and forest products and the expansion of diversified local and speciality markets continue to strengthen. Farmers and other large landowners will have local and state guidance in successfully navigating the challenges of increasing costs for energy, fertilizer, and other inputs.



Figure V-2: Agricultural Land

Lake Monticello

Lake Monticello continues to be the center of gravity for the county population, now being serviced with a collection of small shops as well as a completed set of biking trails and walking paths leading south to Pleasant Grove and Palmyra. Fire and rescue services continue to be well

maintained, and Lake Monticello as a place to live and raise families continues to enjoy the broad support of Fluvanna County's government.

Zion Crossroads

As an emerging mixed use development based along the Urban Development Area's (UDA's) guidelines, Zion Crossroads will have an eclectic but well planned mix of large box stores, small boutiques, bookstores, walkable communities, high-tech industries, government and contracting firms, light manufacturing, an appropriate mixture of residential buildings, as well as having landed a major anchor for the UDA.

Fork Union

Fork Union Military Academy continues to be the major highlight of the area, as improvement to the village with sidewalks and other amenities continue to make Fork Union a well-maintained and visually appealing community. Repair and maintenance of the Fork Union Sanitary District (FUSD) allows the opportunity for at least one mid-level firm to relocate nearby.

Columbia

After having been neglected for many years, Columbia's revitalization efforts has finally come to a completion, relocating a major portion of the town to the heights just west along Route 6 — allowing for a view of the James River while incorporating historical markers within the flood plain, a self-guided walking tour, a sustainable and walkable community, and storefront opportunities within the new town.

Scottsville

The picturesque quality of the southwestern part of Fluvanna remains one of our hidden jewels, with motorists enjoying the trip from Columbia to Fork Union and through to Scottsville being the lucky few to enjoy the trip.

Kents Store

Kents Store remains as it has for over 50 years, with a fire station and rescue station to serve the northeastern part of the county. Ferncliff just four miles away begins to see the first green shoots of economic activity, while planners and leaders begin to plot out how the Ferncliff area should be developed in a manner consistent with the successes of the previous two decades.

Community

Fluvanna's rich heritage and history are found in its people, and nowhere is this story better told or best lived than among the many communities and churches that dot the rural landscape.

The Fluvanna Board of Supervisors, following many of its peers during the late 1960s and early

1970s, commissions an authoritative and exhaustive history of Fluvanna leading up to the turn of the century. This exercise helps define the narrative of Fluvanna leading into the rapid changes of the early 21st century, and becomes the one-volume centerpiece for those coming to and experiencing Fluvanna for the first time.

Pleasant Grove continues to serve as a historical portrait of Fluvanna, with the Rivanna Canal locks and the Heritage Museum playing key roles in how this story is told.

Fluvanna's churches and their rich history are collected and shared by local historians, adding to the patchwork quilt that makes Fluvanna what it is today.



Figure V-3: Currin's Tavern

Local modes of economy are encouraged and established, allowing communities to find the nearby mechanic, technician, farmer, butcher, developer, carpenter, mason, or plumber to assist them with their needs.

Fluvanna continues to have a robust and active system of non-profits who perform various activities, some of which are assisted directly by the public trust with an eye towards self-sufficiency in the future.

The civic virtues of self-reliance, self-sufficiency, and self-governance continue to be emphasized by example in Fluvanna, thus creating the solidarity, community, and prosperity in which families, ideas, and businesses can live and thrive.

VISION 2029

Fluvanna County is the most livable and sustainable community in the United States.

—Fluvanna County Board of Supervisors

The Fluvanna County vision is based on the following key goals, which are used as guides for future development and land use policies of the county:

- To preserve natural resources.
- To preserve rural character.
- To manage growth by concentrating development in designated areas.
- To approve development that is fiscally self-sustaining and has a clear financial benefit to county taxpayers.
- To provide adequate infrastructure to support the needs of the county.
- To promote economic development
- To provide excellent educational opportunities.
- To protect individual property rights.
- To provide excellent safety and security for citizens.
- To provide safe and adequate transportation infrastructure.

In our vision, Fluvanna County will look like this over the next twenty years:

The county's land-use practices strive to ensure that the rural appearance of the county is not significantly different than it was twenty years ago, even though Fluvanna now has a larger population and a healthier economic base. Land use is recognized as directly



Figure V-1, Currin's Tavern

related to quality of life. Natural resources are protected: rivers are clean and full of life. The land's relationship to the availability of clean and adequate water supplies, clean air, and successful agricultural and forestry production are just a few of the factors routinely considered in planning decisions. Other land-use planning decisions include the direction of residential and commercial/industrial growth to community planning areas that have public facilities and adequate infrastructure. Areas of service for water

and sewer include Fork Union, Palmyra, Zion Crossroads, and other community planning areas. Water and sewer systems are designed, maintained, and operated to minimize negative impacts on local streams, rivers, and groundwater. Similarly, the continued protection of the Rivanna River remains a community priority, particularly since it's

Virginia's first designated scenic river. Zoning and subdivision regulations provide for the preservation of a significant amount of open space, particularly within designated rural residential and rural preservation areas.

Agriculture, open space, and forestry continue to be important land uses. Networks and infrastructure for local farm and forest products and the expansion of diversified, local, and specialty markets continue to strengthen. Demand for biofuels and other uses of bulk farm commodities such as corn, soybeans, and timber as sources of energy continues to increase and diversify, and these commodities are managed in an environmentally sustainable manner. Farmers and other large landowners have local and state support to successfully navigate the challenges of increasing costs for energy, fertilizer, and other inputs. Incentives also exist to help farmers and foresters, by assisting their business endeavors, maintain their property as farms, managed forest, and other viable open spaces.



Figure V-2, Agricultural Land

The county promotes phased residential and economic growth in the Zion Crossroads urban development area as well as other growth areas. These growth areas, locally referred to as community planning areas, offer high-quality living and business environments that are well buffered and attractive. The existing and planned infrastructure provides a safe and healthy environment for the community planning areas.



Figure V-3, Fork Union Military Academy Pedestrian Crosswalk

Desirable business and industrial uses are attracted to the county's community planning areas, particularly the Zion Crossroads urban development area, where they are integrated appropriately with a variety of residential choices. Many employment opportunities are available to our citizens. Through careful planning, the county seeks to achieve a healthy balance between residential and business tax revenues. One-third of tax revenues come from the business base, as is common in most economically viable communities.

Tourism has established itself as a significant contributor to the county's economy. This is primarily due to recreational resources such as fishing, hunting, trails, golfing, and our many historic structures and areas. These amenities have spawned new restaurants, bed and breakfasts, and other tourism-oriented businesses.

In the community planning areas, subdivisions and businesses are linked by greenways and hard surface paths so that bicycling and walking are a practical means of transportation between residential and commercial areas. Pedestrian and bicycle access are provided in appropriate settings. In addition, there is a good mix of public and private transportation options. Numerous park-and-ride facilities exist around the county. Areas in proximity to Interstate 64 and Lake Monticello are particularly well suited to these facilities. The county and the Virginia Department of Transportation (VDOT) work together to ensure safe and adequate transportation. Primary roads that have heavy commercial, industrial, and residential traffic are designed and constructed to handle the traffic. Secondary roads in the county are improved without losing their rural character. Dangerous curves and acute-angle intersections are eliminated. New roads have been built to accommodate the county's transportation needs. Properly designed private roads continue to be a part of the transportation system.

The county provides an excellent education in a healthy, nurturing, safe, and intellectually stimulating environment. The outstanding curriculum includes life skills, the arts, civics, finance, economics, and technology skills that help children with real-world challenges. Higher-level classes are offered to prepare children for post-high school education. Schools strive to keep class size to twenty or fewer students, allowing teachers to meet the special needs of an individual child. Schools provide cooperative work/school programs for students. Partnerships



Figure V-4, Carysbrook

continue to exist and expand with area institutions of higher learning and community programs. Schools provide the most current technology to their students. Classrooms are networked with other schools and educational sites. In addition, wide area networks are available for educational purposes for all residents of the county. Homeschooled populations retain the freedom to attend public classes and extracurricular activities, and have access to virtual classrooms that can provide a high-school diploma. Private schools continue to offer quality educational opportunities as well. Adult-education classes have their own center and cooperate with the county extension services in an outreach program.

The Department of Public Safety offers integrated, professional emergency management services that fully meet the needs of Fluvanna County. Fluvanna has well-paid personnel in fire and rescue stations, working in partnership with invaluable volunteers. Fork Union and Kents Store have new fire stations.

The Fluvanna County Department of Social Services is a leader in collaboration with other community agencies, promoting self-reliance, well-being, and the best possible quality of life for county citizens. Services that affect county residents include housing,

education, and health services. Affordable housing programs are integrated into all aspects of planning and development, resulting in housing for a wide variety of incomes, located in safe, healthy, and walkable environments.

Through thoughtful planning, Fluvanna County offers its residents the benefit of a rural environment while retaining a strong sense of community. Residents live in small villages of historic importance, open lands with forests and farms, small lots clustered to form a planned community, or more urban, mixed-use neighborhoods. These livable places, combined with the citizens' sense of place and history, make Fluvanna the most sustainable and livable community in the country.

Summary of Subject Areas
2009 Comprehensive Plan

Subject Area	Summary
Natural Environment	Natural resources should be protected, particularly the area's waterways. Compact development utilizes green infrastructure, and sustainable technologies limit the environmental impacts of new development.
Land Use	<p>New development should be directed to community planning areas, which have the infrastructure needed for population growth and sustainable development. Community planning areas cover less than 25% of the county, but will attract over 70% of its new development. Development strategies within each area are reflective of that community's values and character. Each community planning area accommodates mixed-use development that caters to a variety of income levels.</p> <p>Identified rural preservation areas are protected. The preservation of the county's historic and environmental resources helps the area retain its rural character.</p>
Community Design	New development is designed to protect the area's "sense of place." Fluvanna County's rural character is preserved, while new mixed-use development in the growth areas is designed to be interconnected, walkable, and appealing to residents of different income levels.
Infrastructure	Community planning areas are served by water and sewer. A comprehensive communications network ensures the reliability of public safety, wireless, and broadband services. Alternative modes of travel are an important part of the transportation system. The effective utilization of green infrastructure protects the area's natural and historic resources.
Transportation	Roadways are well-maintained through a combination of state and local funding sources. Alternative transportation systems, including bike paths, sidewalks, and mass transit, are expanded. Substantial road upgrades are paid for by the causal development.
Economic Development	Fluvanna County is a business-friendly community. The county attracts businesses that diversify the tax base and bring value-added services to the region. These businesses are supported by a safe and stable environment, an educated workforce, and favorable policies. Tourism is a significant contributor to the county's economy.

Subject Area	Summary
Historic Preservation	Historic structures and places are preserved and studied, providing practical, educational, and economical benefits for Fluvanna County’s residents.
Parks & Recreation	Fluvanna County has maintained its standard of living by protecting its natural resources and open space; providing outdoor recreation opportunities; and offering enhanced walking, hiking, and biking opportunities in parks, neighborhoods, and commercial areas. Pleasant Grove is developed according to its master plan, using grants, public/private partnerships, and local dollars. Cultural events contribute to the area’s identity.
Housing	There are a wide range of housing opportunities for all residents. The community planning areas specifically encourage a mixture of uses and residential units of varying sizes to serve a mixed-income population.
Human Services	A strong economic base generates the revenue needed to support the community’s human service programs and needs. Resources are maximized to effectively meet the changing needs of a diverse citizenry. Individuals and families are generally self-sustaining, and are part of communities that are actively caring.
Education	A diverse curriculum prepares students for real-world challenges. Higher-level classes and work/school programs prepare students for post-graduation opportunities. Schools are equipped with the most current technology. Adult-education classes have their own center.
Public Safety	The Department of Public Safety offers integrated, professional emergency management services that fully meet the needs of Fluvanna County. Fluvanna has well-paid personnel, who work in partnership with volunteers.
Financial Sustainability	Fluvanna County manages its resources in a financially-sustainable manner. There is a desire to maintain a proper balance between existing obligations, the delivery of services to citizens, and necessary new capital projects. Balancing budgets and not obligating future generations to excessive debt are integral to financial sustainability.



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

STAFF REPORT

To: Fluvanna County Planning Commission
Case Number: ZMP 12:01
Tax Map: Tax Map 18B, Section 5, Parcel 1

From: Steve Tugwell
District: Palmyra
Date: April 25, 2012

General Information: This request is to be heard by the Planning Commission on Wednesday, April 25, 2012 at 7:00 pm in the Circuit Courtroom in the Courts Building.

Owner/Applicant: Southern Land Holdings, LLC

Representative: Joseph J. Lodato

Requested Action: To amend the proffers associated with ZMP 01:01 of the Fluvanna County Zoning Map with respect to approximately 1.43 acres of Tax Map 18B, Section 5, Parcel 1 to allow commercial greenhouses to the uses permitted by-right within the B-C, Business, Convenience District. (Attachment A)

Location: The affected property is located on the north side of Route 618 (Lake Monticello Road) approximately 1000 feet west of its intersection with Route 600 (South Boston Road). (Attachment B)

Existing Zoning: B-C, Business, Convenience [with one (1) proffer]

Proposed Zoning: B-C, Business, Convenience with amended proffers

Existing Land Use: Professional office, commercial greenhouse

Planning Area: Rivanna

Adjacent Land Use: Adjacent properties are zoned A-1, Agricultural, General to the west, B-C, Business, Convenience, to the east, and R-4, Residential, Limited to the north of Tax Map Parcel 18B-5-1.

Zoning History: A Special Use Permit (SUP 87:05) was approved in August 1987 for a temporary professional office; SUP 90-10 was approved in December 1990 for professional offices; SUP 91-01 was approved

in June 1991 for an office in an existing building; SUP 92-06 was approved in August 1992 for offices; Rezoning request ZMP 92-01 was denied in August 1992 for A-1 to B-1; Rezoning request ZMP 01-01 was approved in March 2001 for R-4 to B-C , with proffers.

ZMP 11:02 was withdrawn by the applicant at the November 16, 2011 Board of Supervisors meeting.

Existing Proffer:

Limit the uses to business and professional offices with the only other possible use for the property would be veterinary clinic/boarding which may require a special use permit. All other uses would be prohibited. (Attachment C)

Proposed Proffers:

Limit the uses to business and professional offices, ~~with the only other possible uses for the property would be~~ veterinary clinic/boarding which may require a special use permit, *and commercial greenhouses*. All other uses would be prohibited.

The hours of operation shall be from 7:00 am to 8:00 pm Monday-Saturday, and 10:00 am to 5:00 pm on Sunday.

No equipment or in-bound deliveries will occur any time before 8:00 am, and there shall be no in-bound deliveries on Sundays. (Attachment D)

Comprehensive Plan:

Land Use Chapter:

The Comprehensive Plan designates this property as within the Rivanna Community Planning Area. According to this chapter, *“additional services and infrastructure are needed to accommodate more growth”*. Additionally, *“medium and small commercial businesses, along with office, civic, and residential uses, combine to form a series of neotraditional developments that are interconnected with surrounding development”*. This is a heavily populated area of the county, with a variety of retail establishments designed to support the existing residential community.

Economic Development:

The 2009 Comprehensive Plan states that Goal 2 under the Course of Action Section is *“to implement the county’s community planning areas, as shown on the Future Land Use Map”*. The Rivanna Community Planning Area is the most developed planning area in the county, and represents a good mixture of residential and commercial uses to sustain the citizenry. A variety of retail, food service, and professional service oriented businesses are located in and around the Rivanna CPA.

Background and analysis:

There is one (1) proffer attached to the original rezoning on this property (ZMP 01-01). The applicant is proposing to amend the proffer to add commercial greenhouses to the uses as permitted by-right in the B-C, Business, Convenience zoning district.

Around June of 2011, staff received a complaint with regard to a mulch business that had begun operations at this location, after having been formerly located further west along Route 618, at the Crofton Plaza shopping center.

Staff notified the applicant that the proffered condition associated with the property's zoning classification does not allow for a mulching business, a commercial greenhouse, or similar type of activity. Subsequently a letter of violation dated July 7, 2011 was issued, which led to the current application to amend the proffer. The mulch business has continued to operate since the notice of violation with the County's permission pending final action on this application. In addition staff had received complaints with regard to unauthorized signage at this property, for which two letters of violation were issued. As of October 12, 2011, all unpermitted signage had been removed, and as of April 10, 2012, there are no unauthorized signs at this location.

It should be noted that during the first application process last year, Fire Chief Mike Brent met with the applicant on-site on October 6, 2011 and determined that the defensible space around both the mulch pile and the office building is adequate. At the August 11, 2011 TRC meeting, Mr. Brent had inquired about the location of the mulch piles, and stated they would need to be located in such a way as to provide a defensible space that is not isolated and would be easy to access. According to Fire Chief Brent, defensible space around the mulch piles and the building remain adequate.

ZMP 11:02 was originally submitted to the County on July 14, 2011 as an amendment to ZMP 01:01. At the October 26, 2011 Planning Commission meeting, three citizens spoke in support of the application. The Planning Commission expressed concerns over the possibility of a convenience store at this site in the future, and the impacts that type of use could have on the area. The applicant stated that it is not their intention to ever use the property as a convenience store, but rather they wanted to ensure that the incidental sales associated with the greenhouse use would be permitted, and staff clarified that they would. The Commission inquired to staff as to whether or not the applicant could re-amend the proffer at the meeting for their consideration, and Mr. Payne stated they could not. Mr. Payne notified the Commission that a proffer statement must be voluntary by the applicant and cannot be compelled or modified by a third party. Upon hearing this, the applicant said he would re-amend his proffer and delete the text with regard to *neighborhood convenience retail store*. Mr. Guskind re-amended his proffer and submitted it to planning staff on October 27th. The re-amended proffer is restated excluding "*and neighborhood convenience retail store*". Two (2) additional proffers have been added to address potential impacts from noise and hours of operation.

The Commission discussed the property's sight distance, and deferred to VDOT's determination that the sight distance is adequate. After considerable discussion with regard to sight distance and the possible future use of the property if the amended proffer was approved as submitted, the

Commission recommended denial by a vote of 5-0-1. Mr. Halstead moved to recommend denial, and Mr. Gaines seconded, and Mr. Bibb abstained. The Commission was unanimous, however, in stating that they would have approved the proposed proffer amendment had the “*neighborhood convenience retail*” portion of the text been excluded.

ZMP 11:02 was withdrawn by the applicant at the November 16, 2011 Board of Supervisors meeting after a speaker voiced concerns with regard to noise and hours of operation during the public hearing portion of the meeting. The applicant has since revised his proffers to address those concerns with this current application (ZMP 12:01).

Neighborhood Meeting:

With the exception of the applicant, there were no attendees at the March 14, 2012 Neighborhood meeting.

Technical Review Committee:

At the March 15, 2012 Technical Review Committee meeting, The Fire Department inquired about the location of the mulch piles, and that they would need to be located in such a way as to provide a defensible space that is not isolated and would be easy to access;

The Health Department stated that the site has been connected to Aqua Source utilities, and now Health Department approval is needed; and that the applicant has adequately addressed any issues regarding storage/ containment of fertilizers/ other land applied agents;

VDOT commented that the sight distance is adequate in both directions and the entrance is large enough to accommodate the size of equipment entering the property. (Attachment E)

Conclusion:

The proffers have been revised to specifically address the concerns cited at the November 16, 2011 Board of Supervisors public hearing for the first application. Those concerns were in regard to noise generated from delivery trucks and the hours of operation, both of which have been proffered to mitigate the potential adverse impacts to adjoining properties.

While the application appears to be in general conformance with The Comprehensive Plan, given the site location and nature of the business, it appears that amending the proffer associated with this property’s zoning could impact the aesthetics, traffic pattern, and safety considerations of the immediate area. When reviewing this proffer amendment request, the Planning Commission may want to consider how this request does or does not meet the intent of the Comprehensive Plan, and the intent of the originally approved rezoning (ZMP 01:01).

Suggested Motion:

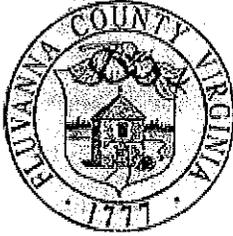
I move that the Planning Commission recommend approval/denial of the proposed proffer amendments for ZMP 12:01, a request to amend ZMP 01:01 with respect to approximately 1.43 acres of Tax Map 18B, Section 5, Parcel 1.

Attachments:

- A – Application, applicant’s letter, sketch plan and APO letter
- B – Aerial Vicinity Map
- C – Rezoning case number ZMP 01:01 Board of Supervisors extract
- D – Proposed proffers
- E – Email from Fire Chief Mike Brent, VDOT, and the Health Department

Copy: File

FEB 17 2012



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for Rezoning

Fluvanna County

Owner of Record: Southern Land Holdings LLC **Applicant of Record:** Joseph Lodato (Southern Land Holdings LLC)
E911 Address: 3647 Lake Monticello Rd Palmyra VA 22963 **E911 Address:** 3647 Lake Monticello Rd Palmyra VA 22963
Phone: 434 989-7647 **Fax:** 434 591-1210 **Phone:** 434 989-7647 **Fax:** 434 591-1210
Email: Joe@SouthernHomebuilders.net **Email:** Joe@SouthernHomebuilders.net

Representative: Joseph Lodato
E911 Address: 3647 Lake Monticello Rd Palmyra VA 22963
Phone: 434 989-7647 **Fax:** 434 591-1210
Email: Joe@SouthernHomebuilders.net

Tax Map and Parcel(s): 18B-5-1 **Deed Book Reference:** _____
Acreage: 1.93 **Zoning:** B-C **Deed Restrictions?** No Yes (Attach copy)

Location of Parcel: Lake Monticello Rd 1/4 mile from Rt 600 + 1/4 mile from Main gate to Lake Monticello
Requested Zoning: _____ **Proposed use of Property:** Add Green house Commercial

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

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

Affidavit to Accompany Petition for Rezoning

By signing this application, the undersigned owner/applicant authorizes entry onto the property by County Employees, the Planning Commission, and the Board of Supervisors during the normal discharge of their duties in regard to this request.
 I/We, being duly sworn, depose and say that we are Owner/Contract Owner of the property involved in this application and that we have familiarized ourselves with the rules and regulations of the Zoning Ordinance with respect to preparing and filing this application, and that the foregoing statements and answers herein contained and the information on the attached map to the best of our ability present the argument on behalf of the application herewith requested and that the statements and information above referred to are in all respects true and correct to the best of our knowledge.

Date: 2-18-12 **Signature of Owner/Applicant:** Joseph Lodato
Subscribed and sworn to before me this 17th **day of** February, 2012. **Register #** 7509714
My commission expires: 3/31/2015 **Notary Public:** Lauren M. Ryall

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

OFFICE USE ONLY	
Date Received: <u>2/17/12</u>	Pre-Application Meeting: _____
PH Sign Deposit Received: <u>CK#2495</u>	Application #: <u>ZMP 12:01</u>
\$1,000 plus \$50 for per acre plus mailing costs fee paid: Mailing Costs: \$20.00 Adjacent Property Owner (APO) after 1st 15, Certified	
Proffer or Master Plan Amendment: \$750.00 plus mailing costs <u>CK#2490</u>	
Election District: <u>Palmyra</u>	Planning Area: <u>Rivanna CPA</u>
Public Hearings	
Planning Commission	Board of Supervisors
Advertisement Dates: <u>April 12th + 19th</u>	Advertisement Dates: <u>May 3rd + 10th</u>
APO Notification: <u>April 1th</u>	APO Notification: <u>May 2nd</u>
Date of Hearing: <u>April 25th</u>	Date of Hearing: <u>May 16th</u>
Decision: _____	Decision: _____

FEB 17 2012



Fluvanna County Annie Lodato <angypsy39@gmail.com>

Lake Monticello Mulch

1 message

abbyguskind <sr516@aol.com>

Wed, Feb 15, 2012 at 9:57 PM

To: angypsy39@gmail.com

16 February 2012

To Whom it May Concern,

I authorize Joseph Lodato to represent Southern Land Holdings, LLC for the upcoming rezoning for Monticello Mulch. Thank you for your cooperation in this matter.

Sincerely,

Abby Beth Guskind

S. Lum
 Approved for Recordation Date
 9/6/01

N/A
 Approved LMOA Date

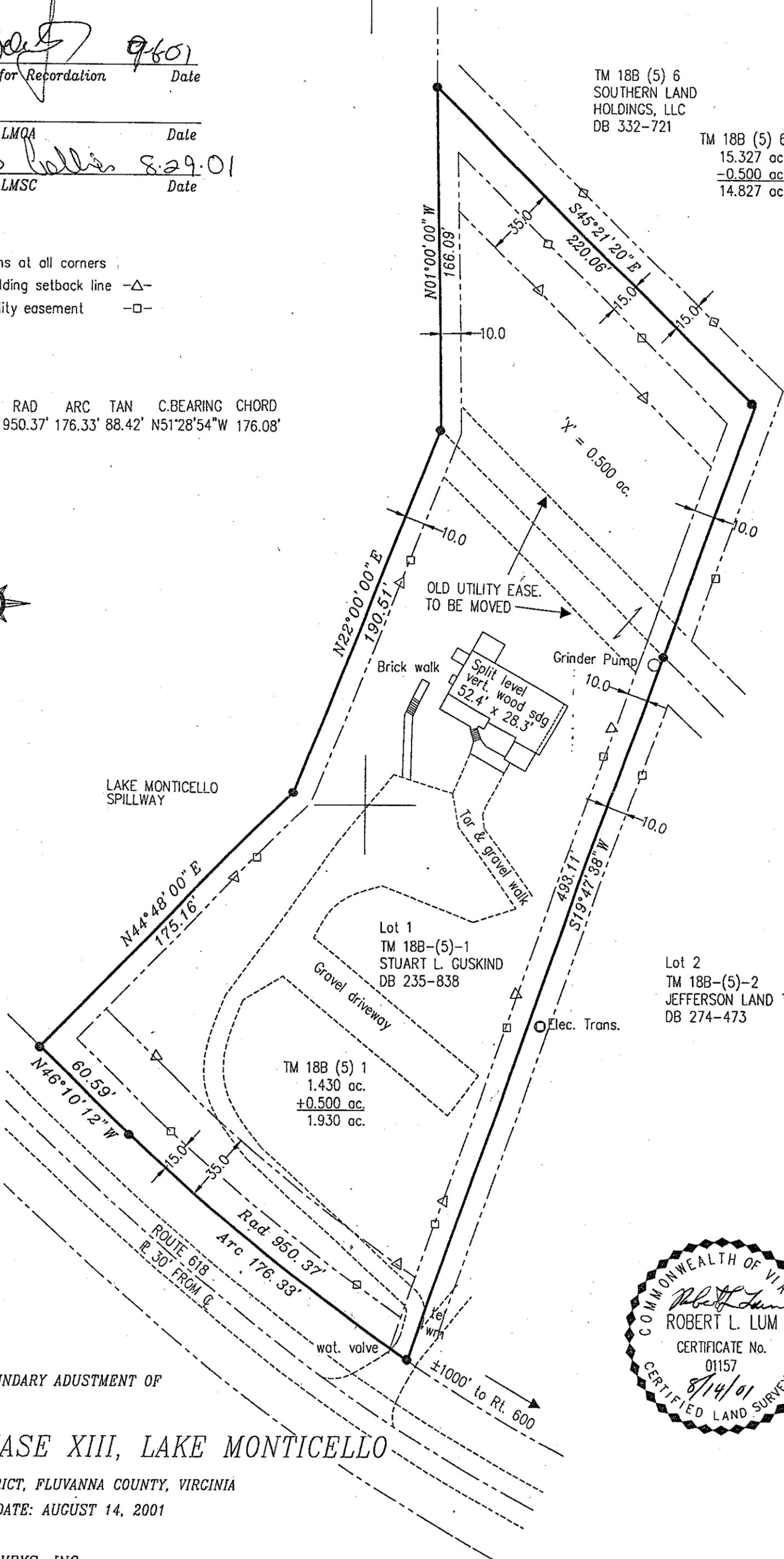
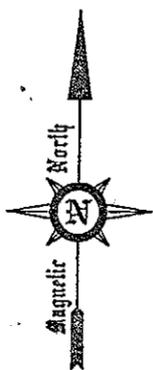
Sto. Collins
 Approved LMSC Date
 8.29.01

TM 18B (5) 6
 SOUTHERN LAND
 HOLDINGS, LLC
 DB 332-721

TM 18B (5) 6
 15.327 ac.
 -0.500 ac.
 14.827 ac.

NOTE: Irons at all corners
 Building setback line -△-
 Utility easement -□-

NO DELTA RAD ARC TAN C.BEARING CHORD
 1 1037'50" 950.37' 176.33' 88.42' N51°28'54"W 176.08'

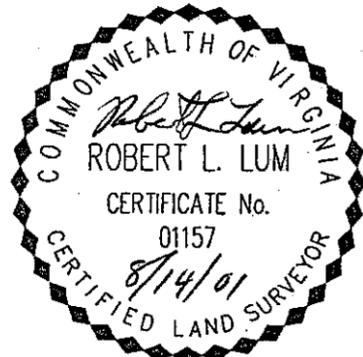


LAKE MONTICELLO
 SPILLWAY

Lot 1
 TM 18B-(5)-1
 STUART L. GUSKIND
 DB 235-838

Lot 2
 TM 18B-(5)-2
 JEFFERSON LAND TRUST
 DB 274-473

TM 18B (5) 1
 1.430 ac.
 +0.500 ac.
 1.930 ac.



PLAT SHOWING BOUNDARY ADJUSTMENT OF
 TAX MAP 18 (5) 1

LOT 1 PHASE XIII, LAKE MONTICELLO

CUNNINGHAM DISTRICT, FLUVANNA COUNTY, VIRGINIA

SCALE 1" = 50' DATE: AUGUST 14, 2001

5-XIII.dwg

LUM'S LAND SURVEYS, INC.

P.O. BOX 154 PALMYRA, VA. 22963-0154

PHONE: (804) 589-8395

Memorandum

DATE: April 11, 2012
RE: APO'S for **ZMP 12:01** Public Hearing Letters
TO: Steve Tugwell
FROM: Lauren Ryalls

Please be advised the attached letter went out to the attached list of Adjacent Property Owners for the **April 25, 2012** Planning Commission meeting.



COUNTY OF FLUVANNA

“Responsive & Responsible Government”

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

NOTICE OF PUBLIC HEARING

April 11, 2012

«Title» «First_Name» «Last_Name»
«Company_Name»
«Address_Line_1»
«City», «State» «ZIP_Code»
«TMP_»

Re: Public Hearing on ZMP 12:01

Dear «Title» «Last_Name»«Company_Name»:

This letter is to notify you that the Fluvanna County Planning Commission will hold a public hearing on the above referenced item on **Wednesday, April 25, 2012** at **7:00 PM** in the Circuit Court Room at the Fluvanna County Courts Building in Palmyra, VA. The request is described as follows:

ZMP 12:01, Southern Land Holdings, LLC – B-C with amended proffers - An ordinance to amend the proffers associated with ZMP 01:01 of the Fluvanna County Zoning Map with respect to 1.43 acres of Tax Map 18B, Section 5, Parcel 1 to allow commercial greenhouses to the uses permitted by-right within the B-C, Business, Convenience District. The affected properties are located on the north side of Route 618 (Lake Monticello Road) approximately 1,000 feet west of its intersection with Route 600 (South Boston Road). This property is located in the Palmyra Election District and is within the Rivanna Community Planning Area.

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

Sincerely,

Steve Tugwell
Senior Planner

Adjacent Property Owners

TMP#	Owner	Address	City, State	Zip Code
9 A 2	LAKE MONTICELLO HOME OWNER'S	41 ASHLAWN BLVD.	PALMYRA, VA	22963
18B 5 6	SOUTHERN LAND HOLDINGS LLC ET AL	3647 LAKE MONTICELLO RD	PALMYRA VA	22963
18B 5 2	MORACE, THOMAS R & GAIL L	19 BLACKSMITH TERR	PALMYRA, VA	22963
18B 5 1	SOUTHERN LAND HOLDINGS LLC	3647 LAKE MONTICELLO RD	PALMYRA, VA	22963
18A 1 291	DANNA, JOHN K & JOYCE A	951 JEFFERSON DR	PALMYRA VA	22963
18A 1 289	PRATS, ALEX & MEGHAN M	947 JEFFERSON DR	PALMYRA VA	22963



Scale: 1:1128.497176

Date: 04/11/2012

Printed By:

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

FLUVANNA COUNTY
Post Office Box 299
Palmyra, Virginia 22963
804-589-3138 (Phone) 804-589-4976 (Fax)

TO: G. Cabell Lawton, Director of Planning & Development
COPY:
DATE: March 22nd 2001

*****E X T R A C T*****
(from the Draft Minutes)

At a regular meeting of the Fluvanna County Board of Supervisors held March 21st 2001 in the Board of Supervisors Meeting Room, Palmyra, Virginia.

Present: Andrew M. Sheridan, Jr., Chairman; Stafford M. Pace, Vice-Chairman; Cecil L. Cobb; Leonard F. Gardner and Donald W. Weaver.

Absent: None

* * * * *

ZMP 01:01/Request by Mr. Stuart Guskind for a conditional change in zoning district classification for tax map parcel 18B(5)1 from R-4 Residential to B-C Business Convenience

This is a proposed conditional change in zoning district classification for a parcel located on the north side of Rt. 618 approximately 1000 feet west of its intersection with Rt. 600 consisting of 1.930 acres.

Cabell Lawton, Director of Planning & Development, introduced this issue.

Stuart Guskind addressed the Board in his behalf.

Chairman Sheridan opened the public hearing.

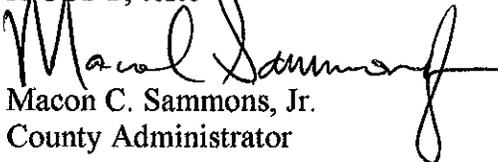
With no one wishing to speak, Chairman Sheridan closed the public hearing.

MOTION:

- 1) Mr. Gardner moved to approve ZMP 01:01 which consists of the rezoning of tax map parcel 18B(5)1 from R-4 Residential to B-C Convenience with the following proffer: "Limit the uses to business and professional offices with the only other possible use for the property would be Veterinary Clinic/boarding which may require a special use permit. All other uses would be prohibited." Mr. Pace seconded. The motion carried with a vote of 5-0. AYES: Cobb, Gardner, Pace, Weaver and Sheridan. NAYS: None.

* * * * *

A COPY, teste


Macon C. Sammons, Jr.
County Administrator

Received

FEB 17 2012

Fluvanna County

February 15, 2012

Southern Land Holdings, LLC
3647 Lake Monticello Road
Palmyra, VA 22963

Re: Proffer amendment to ZMP 01:01 Southern Holdings, LLC
Tax Map: 18B, Section 5, Parcel 1

To whom it may concern:

We wish to add to our existing right of use at Tax Map 18B-5-1 Greenhouse (Commercial) to the uses allowable on the above mentioned property which is already zoned B-C.

The hours of operation shall be from 7:00 am to 8:00 pm Monday-Saturday, and 10:00 am to 5:00 pm on Sunday.

No equipment or in-bound deliveries will occur any time before 8:00 am, and there shall be no in-bound deliveries on Sundays.

Thank you,



Joe Lodato
Representative Manager

Steven Tugwell

From: Rice, Gary (VDH) <Gary.Rice@vdh.virginia.gov>
Sent: Thursday, March 15, 2012 4:09 PM
To: Steven Tugwell
Subject: Comments for 3/15/12

ZMP 12:01 Southern Holdings, LLC

Site has been connected to Aqua Source utilities. Now Health Department approval needed.
Applicant has adequately addressed any issues regarding storage / containment of fertilizers / other land applied agents.

CPA 12:01

No comments re: VISION chapter of Comprehensive Plan.

Gary

Received

FEB 17 2012

Page 1 of 1

Fluvanna County

Steven Tugwell

From: Goodale, James E. [James.Goodale@VDOT.virginia.gov]
Sent: Thursday, August 11, 2011 2:05 PM
To: StevenTugwell
Subject: RE: 8/11/11 TRC meeting packet

Steve here are my comments, sorry I missed the meeting.

1. John Zehler, EST 11:01- No comments.
2. Southern Land Holdings LLC, ZMP 11:02 – Sight distance was okay in both directions and the entrance was large enough for the size of equipment entering the property.
3. Fluvanna County, ZTA 11:02 – No comments.

James E. Goodale
Highway Permits & Subdivision
Zions Crossroads South
P.O. Box 1017
Froy, VA. 22974
(434) 589- 2358

From: StevenTugwell [mailto:stugwell@co.fluvanna.va.us]
Sent: Tuesday, August 02, 2011 4:06 PM
To: mkbrent7@gmail.com; Rice, Gary (VDH); Goodale, James E.
Cc: Roger Black; Andy Wills; Tecastillo@aquaaamerica.com; Sam Babbitt; Donald Gaines; Darren Coffey
Subject: 8/11/11 TRC meeting packet

Dear TRC Members:

As we did for the June TRC meeting, we are sending you this month's TRC packet electronically in an effort to move it forward. Your feedback is valuable, so if you find this form of receiving the packets and information easier, or if you have comments on how it could be improved- please let us know!

Thanks, and I look forward to seeing you all on the 11th!

-Steve

From: Mike-Kathy Brent <mkbrent7@gmail.com>
Sent: Thursday, October 06, 2011 2:49 PM
To: Darren Coffey; Steven Tugwell
Cc: Scott Carpenter; Sales@monticellomulch.com
Subject: ZMP 11:02-ZMP 01:01, Mulch Monkeys, Lake Monticello Road.

Received

FEB 17 2012

Fluvanna County

Daren and Steve

I met with Eddie Patterson this morning at the above site. The Fire Dept. concerns expressed at the August 11, 2011 TRC meeting have been addressed by Mr. Patterson. The defensive space around the mulch pile is adequate and access to the property and house is good. Please forward these comments to the Planning Commission.

Thanks
Mike Brent, Chief
FCVFD



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

STAFF REPORT

To: Fluvanna County Planning Commission

Case Number: SDP 12:05

Tax Map: Tax Map 4, Section A, Parcels 25, 26

From: Steve Tugwell

District: Palmyra

Date: April 25, 2012

General Information: This item is scheduled to be heard by the Planning Commission on Wednesday, April 25, 2012 at 7:00 p.m. in the Circuit Courtroom in the Courts Building.

Owner: Puopolo Living Trust

Applicant/Representative: Virginia Electric and Power Company

Requested Action: Approval of a sketch plan to facilitate a temporary storage laydown yard with respect to 6.691 acres of Tax Map 4, Section A, Parcels 25, and 26. (Attachment A)

Location: The subject property is located on the south side of Route 250 (Richmond Road) approximately 0.10 miles west of its intersection with Zion Road (Route 615). (Attachment B)

Existing Zoning: I-1, Industrial, Limited

Existing Land Use: Existing dwelling and outbuildings (parcel 25), vacant parcel (parcel 26)

Adjacent Land Uses: Adjacent properties are zoned A-1

Comprehensive Plan: Zion Crossroads Community Planning Area

Zoning History: A rezoning (ZMP 05:08), from A-1 to I-1 was approved for this property on September 21, 2005; a Site Development Plan (SDP 05-18), for a warehouse was approved for this property on December 19, 2005.

Analysis:

The applicant is requesting sketch plan approval to facilitate a temporary storage laydown yard of I-1 property, approximately 6.691 acres in size. According to the submitted plan, the applicant is proposing to construct a new stone entrance from Route 250 (Richmond Road) onto Tax Map 4-A-26, in order to store steel poles and reel conductors. Storage yards are a by-right use in the I-1 Industrial, Limited zoning district. The temporary yard will facilitate storage of materials related to the Hollymead Transmission Line Project. The proposed laydown yard is comprised of two (2) contiguous I-1 zoned parcels (Tax Map 4-A-25, and 26). Parcel 25 contains a dwelling that has been recently used as a rental property, and parcel 26 is unimproved.

The applicant has stated that it is expected that the parcels will facilitate the temporary equipment yard through May of 2014. The applicant has stated they plan to keep the gravel yard and stormwater management area intact after the storage materials are removed in or around May of 2014. As the property is zoned I-1, retaining these improvements may assist the transition for future activity that is compatible to I-1 zoning. Required vegetative screening from Route 250 may help to mitigate any visual impacts. Based on the estimated timeline of the operation, the applicant has been advised that the existing dwelling on Tax Map 4-A-25 is a legally nonconforming use, however may not revert back to residential use after the equipment laydown yard ceases to operate. Pursuant to Sec. 22-16-1 (c) of the Fluvanna County Zoning Ordinance, “*if any nonconforming use, structure or activity is discontinued for a period exceeding two (2) years, after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of the ordinance*”. (Attachment C)

Parking/Roads

The site is proposed to be accessed from Route 250 (Richmond Road). There is an existing driveway off of Route 250 into parcel 25 to serve the existing dwelling, but it will not serve as the main entrance for the storage laydown yard. The Virginia Department of Transportation has approved and issued a driveway entrance permit into this site.

Landscaping/Screening

All landscaping should be in compliance with the Fluvanna County Zoning Ordinance. Vegetative screening is proposed along Route 250, along with security fencing.

Signage & Outdoor Lighting

If site lighting is proposed, then the plan must show outdoor lighting that is fully shielded and uses full cut-off lighting fixtures.

Stormwater Management

The sketch plan shows the general directions for site stormwater drainage, as well as a proposed stormwater management facility. Dominion Power has submitted annual standards and

specifications to the Department of Conservation and Recreation, therefore the County is not reviewing an erosion and sedimentation plan for this project.

Septic and Water Usage

This site is proposed as a temporary storage facility. Water and septic systems are not anticipated to be required, however the Environmental Health Department has stated that any existing wells (such as those for the existing dwelling on Tax Map 4-A-25), that is directly or indirectly influenced by proposed development must be properly protected if it continues to be used as a water supply in accordance with the Virginia Private Well Regulations. Also if it is intended that water supply be eliminated, then the wells must be properly abandoned in accordance with the requirements of the Well Regulations.

Technical Review Committee:

At the April 12, 2012 Technical Review Committee meeting, VDOT indicated that a permit had already been approved and issued for the new stone construction entrance into this site;

The Erosion and Sediment Control Officer commented that the applicant has submitted annual standard and specifications to the Department of Conservation and Recreation, therefore the county will not be reviewing an erosion and sedimentation plan for this project;

The Fire Department asked if any hazardous materials would be stored on site, whether or not any vehicles would be stored on site, and how long it is expected they will be there. The applicant replied that no hazardous materials, or vehicles would be stored on site, and that they expect to be there through May of 2014. The applicant will install a gate with a chain lock;

The Health Department stated that any existing wells (such as those for the existing dwelling on Tax Map 4-A-25), that is directly or indirectly influenced by proposed development must be properly protected if it continues to be used as a water supply in accordance with the Virginia Private Well Regulations. Also if it is intended that water supply be eliminated, then the wells must be properly abandoned in accordance with the requirements of the Well Regulations. The FCHD will need the AOSE report regarding the existing sewage disposal system and an AOSE report that delineates a primary and reserve drainfield area for the existing house. A new sewage disposal system will need to be installed if this house is once again inhabited;

Planning staff inquired how long it is expected that this use be present. The applicant responded through May 2014. Planning staff also notified the applicant that based on this time estimate, that the existing dwelling would lose its nonconforming status and would not be able to be used as a residence in the future, and that a note should be added to the final site plan stating that the dwelling is unoccupied as of a certain date, and that it will not be used as a dwelling.

The full list of TRC comments is attached. (Attachment D)

Conclusion:

The submitted sketch plan appears to meet the sketch plan requirements of Section 22-23-8.A of the Fluvanna County Zoning Ordinance. Prior to final approval, a site development plan that meets the requirements of Sections 22-23, 24, 25 and 26 of the Fluvanna County Zoning Ordinance must be submitted for staff review and approval.

Recommended Conditions:

1. Meeting all final site plan requirements which include, but are not limited to, providing parking, landscaping, tree protection, and outdoor lighting plans;
2. Meeting any required Department of Environmental Health requirements;
3. Meeting all VDOT requirements.
4. Site plan notes stating the nonconforming status of the existing dwelling located on Tax Map 4-A-25, and that the dwelling may not revert back to residential use after a period of two (2) or more years transpires where it has not been used as a residence.

Suggested Motion:

I move to approve SDP 12:05, a sketch site plan to facilitate a temporary equipment laydown yard with respect to 6.691 acres of Tax Map 4, Section A, Parcels 25, and 26, subject to the conditions listed in the staff report.

Attachments:

- A – Application, site sketch plan, applicant’s TRC response letter
- B – Aerial Vicinity Map
- C – Sec. 22-16-1 (c) of the Fluvanna County Zoning Ordinance
- D – TRC Comment Letter, and emails from VDOT, Environmental Health Dept., and CVEC

Copy:

Owner: Puopolo Living Trust (Michael D. Puopolo), P.O. Box 5744, Charlottesville, VA 22905

Applicant/Representative: Virginia Electric and Power Company (Courtney R. Fisher), 701 E. Cary Street, Richmond, VA 23219

Engineer: Dewberry (Scott Kramer, P.E.), 4180 Innslake Drive, Glen Allen, VA 23060

Received

MAR 19 2012

Fluvanna County



COMMONWEALTH OF VIRGINIA
 COUNTY OF FLUVANNA
 Site Development Application

Owner of Record: Puoplo Living Trust **Applicant of Record:** Virginia Electric and Power Company
 E911 Address: _____ E911 Address: 701 E. Cary St., Richmond, VA 23219
 Phone: 434-531-5360 Fax: _____ Phone: 804-771-6408 Fax: 804-771-6303
 Email: _____ Email: courtney.r.fisher@dom.com

Representative: Dewberry, Scott Kramer, PE, Project Engineer
 E911 Address: 2502 Richmond Road, Troy, VA 22974
 Phone: _____ Fax: _____
 Email: _____

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

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

Tax Map and Parcel(s): 4(A)25 and 4(A)26 **Deed Book Reference:** DB 670 PG 597
Acreage: sum= 6.691 total **Zoning:** I-1 **Deed Restrictions?** No Yes (Attach copy)
 Location: 2502 Richmond Road, Troy, VA 22974

Description of Property: These are two parcels, one vacant & one with an existing house located east of an existing salvage yard.

Proposed Structure: no new structures are proposed

Dimensions of Building: no new bldgs. are proposed **Lighting Standards on Site:** No Yes

of Employees: N/A **# of Parking Spaces:** N/A

Noise Limitations: N/A

I declare that the statements made and information given on this application are true, full and correct to the best of my knowledge and belief. I agree to conform fully to all terms of any certificate or permit which may be issued on account of this application.
 Courtney Fisher

Applicant Name (Please Print) _____ **Applicant Signature and Date** C. Fisher 3/19/2012

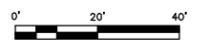
All plats must be folded prior to submission to the Planning Department. Rolled plats will not be accepted.

OFFICE USE ONLY		
Date Received: <u>3/19/12</u>	Pre-Application Meeting: _____	Fee Paid: <u>CWS #453699</u> Application #: <u>SDP 12: 05</u>
Election District: <u>Palmyra</u>	Planning Area: <u>Zion Crossroads CPA</u>	Number of Lots: <u>2</u>
Total Fees Due at Time of Submittal		
Sketch Plan: \$ 150.00 +	Minor Plan: \$550.00	or (Major Plan: \$1,100.00)
Additional Fees Due at Time of Review		
Health Department Subdivision Review:	\$250.00 + \$25.00 per lot	Existing System Review \$50.00
Street Sign Installation:	\$200.00 Per Intersection	
Amendment of Plan	\$150.00	
Outdoor Lighting Plan Review*	\$ 50.00	
Landscape Plan Review*	\$ 50.00	
Tree Protection Plan Review*	\$ 50.00	
* If not part of a Site Plan Review		

SEAL

KEY PLAN

SCALE



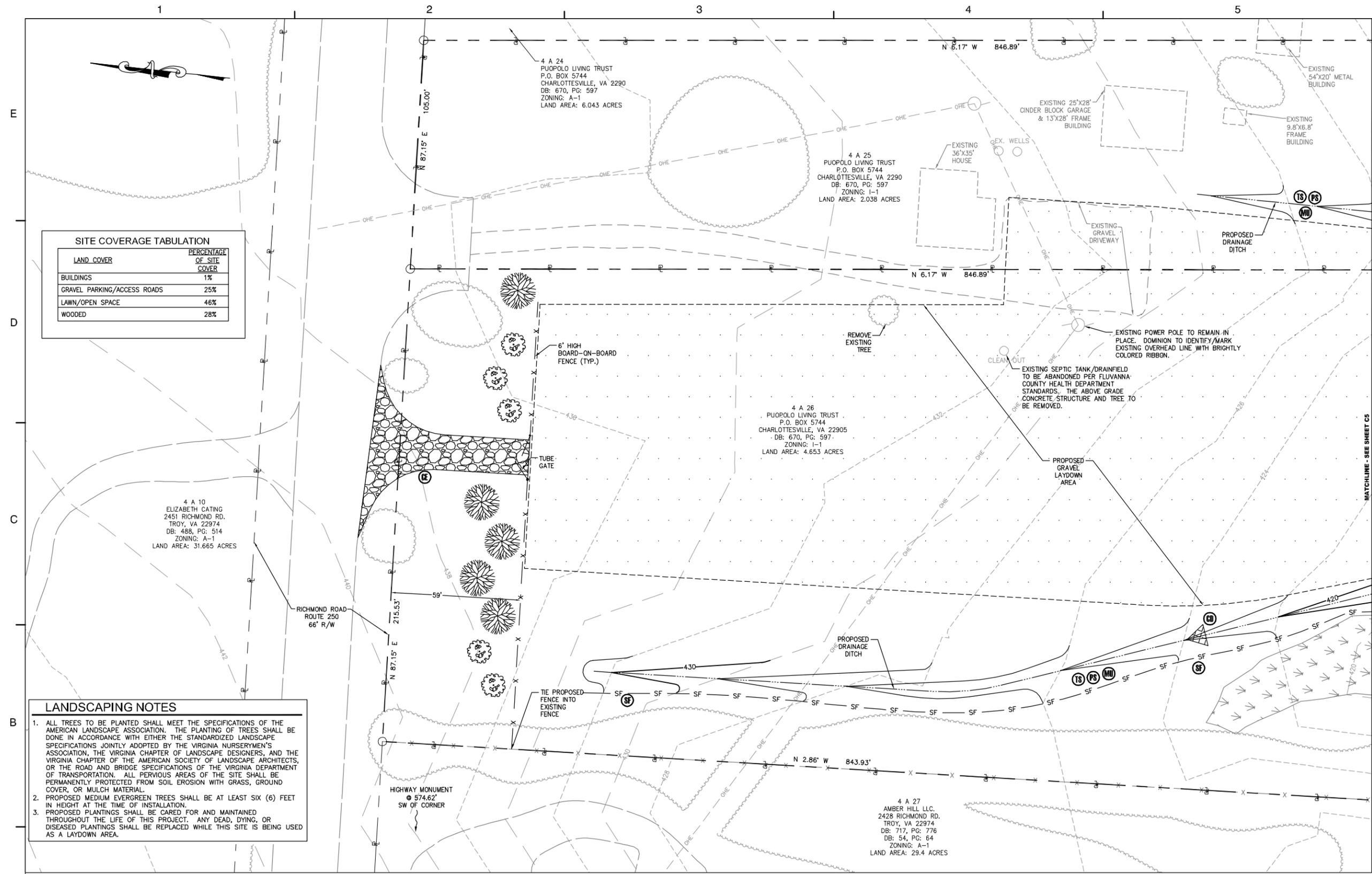
No.	DATE	BY	Description

DRAWN BY: SEK
 APPROVED BY: SEK
 CHECKED BY: KWW
 DATE: APRIL 17, 2012

TITLE
**MAJOR SITE DEVELOPMENT
 SKETCH PLAN**

PROJECT NO. 50050278

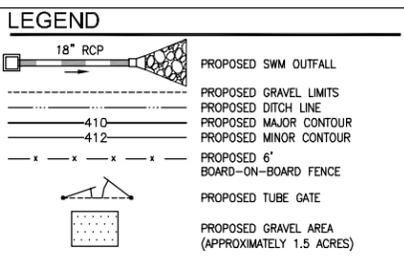
C1



SITE COVERAGE TABULATION

LAND COVER	PERCENTAGE OF SITE COVER
BUILDINGS	1%
GRAVEL PARKING/ACCESS ROADS	25%
LAWN/OPEN SPACE	46%
WOODED	28%

- LANDSCAPING NOTES**
- ALL TREES TO BE PLANTED SHALL MEET THE SPECIFICATIONS OF THE AMERICAN LANDSCAPE ASSOCIATION. THE PLANTING OF TREES SHALL BE DONE IN ACCORDANCE WITH EITHER THE STANDARDIZED LANDSCAPE SPECIFICATIONS JOINTLY ADOPTED BY THE VIRGINIA NURSERYMEN'S ASSOCIATION, THE VIRGINIA CHAPTER OF LANDSCAPE DESIGNERS, AND THE VIRGINIA CHAPTER OF THE AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS, OR THE ROAD AND BRIDGE SPECIFICATIONS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION. ALL PERVIOUS AREAS OF THE SITE SHALL BE PERMANENTLY PROTECTED FROM SOIL EROSION WITH GRASS, GROUND COVER, OR MULCH MATERIAL.
 - PROPOSED MEDIUM EVERGREEN TREES SHALL BE AT LEAST SIX (6) FEET IN HEIGHT AT THE TIME OF INSTALLATION.
 - PROPOSED PLANTINGS SHALL BE CARED FOR AND MAINTAINED THROUGHOUT THE LIFE OF THIS PROJECT. ANY DEAD, DYING, OR DISEASED PLANTINGS SHALL BE REPLACED WHILE THIS SITE IS BEING USED AS A LAYDOWN AREA.



LANDSCAPING PLANT LIST

QUANTITY	BOTANICAL NAME	COMMON NAME	PLANT TYPE	PROJECTED 10 YEAR TREE COVER AREA WITH A 6' PLANTING HEIGHT (SQ. FT.)
5	THUJA STANDISHII X PULICATA	GREEN GIANT ARBORVITAE	MEDIUM EVERGREEN	200
5	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	MEDIUM EVERGREEN	100

VIRGINIA UNIFORM CODING SYSTEM FOR EROSION AND SEDIMENT CONTROL PRACTICES

3.02	CONSTRUCTION ENTRANCE	CE	3.31	TEMPORARY SEEDING	TS
3.05	SILT FENCE	SF	3.32	PERMANENT SEEDING	PS
3.18	OUTLET PROTECTION	OP	3.35	MULCHING	MU
3.20	ROCK CHECK DAM	CD			

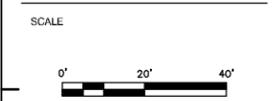
- NOTES**
- THE CONTRACTOR SHALL IMMEDIATELY REPORT TO THE OWNER ANY UNFORESEEN OR ADVERSE CONDITIONS DISCOVERED DURING LAYDOWN PREPARATION OPERATIONS.
 - CONTRACTOR SHALL PROTECT EXISTING PLANT MATERIAL FROM DAMAGE DURING CONSTRUCTION.
 - CONTRACTOR SHALL KEEP ALL SURROUNDING PUBLIC ROADWAYS AND DRAINAGE SYSTEMS FREE FROM DIRT, MUD, AND DEBRIS AT ALL TIMES.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR OF ANY ITEMS DAMAGED DURING LAYDOWN PREPARATION.
 - DISPOSAL OF DEBRIS OFF OF THE PROPERTY MUST BE COMPLETED LEGALLY.
 - THE EXISTING CONDITIONS PROVIDED IN THESE PLANS WERE GENERATED USING A COMBINATION OF FLUVANNA COUNTY GIS, FLUVANNA COUNTY DEED RECORDS, AND AERIAL IMAGERY. GIVEN THE MINIMAL SCOPE OF WORK BEING DONE, A FIELD SURVEY WAS NOT CONDUCTED FOR THIS PROJECT. THE CONTRACTOR IS TO DIG CAUTIOUSLY SO AS TO NOT DISRUPT SERVICE TO ANY UNIDENTIFIED UTILITY. ALSO, THE LOCATION OF THE UTILITIES THAT ARE SHOWN ON THESE PLANS IS APPROXIMATE, DEPTH IS UNKNOWN, AND THEIR EXISTENCE/FUNCTIONALITY IS UNKNOWN. DEWBERRY CLAIMS NO RESPONSIBILITY FOR THE ACCURACY OF THE EXISTING INFORMATION SHOWN IN THESE PLANS.
 - THE EXISTING WELL ON PARCEL 25 IS LOCATED OUTSIDE THE LIMITS OF DISTURBANCE AND IS TO REMAIN IN PLACE AND UNDISTURBED.
 - THE EXISTING CONCRETE SEPTIC TANK LOCATED ON PARCEL 26 IS TO BE PROPERLY ABANDONED PER FLUVANNA COUNTY HEALTH DEPARTMENT STANDARDS. THE ABOVE GRADE CONCRETE STRUCTURE AND EXISTING TREE GROWING INSIDE IT ARE TO BE REMOVED.
 - THE EXISTING DWELLING ON PARCEL 25 WILL BE UNINHABITED AS OF MAY 2012 AND THIS SITE WILL LOSE ITS LEGAL NON-CONFORMING STATUS ONCE DOMINION'S LAYDOWN ACTIVITIES ARE COMPLETE IN MAY 2014 (ESTIMATED DATE). THE OWNER IS AWARE THAT THE SITE CANNOT BE USED FOR RESIDENTIAL PURPOSES AFTER THAT POINT.

**HOLLYMEAD
 TEMPORARY LAYDOWN YARD
 MAJOR SITE DEVELOPMENT SKETCH PLAN**

DOMINION VIRGINIA POWER
 FLDVANNIA COUNTY, VIRGINIA
 PALMYRA DISTRICT

SEAL

KEY PLAN



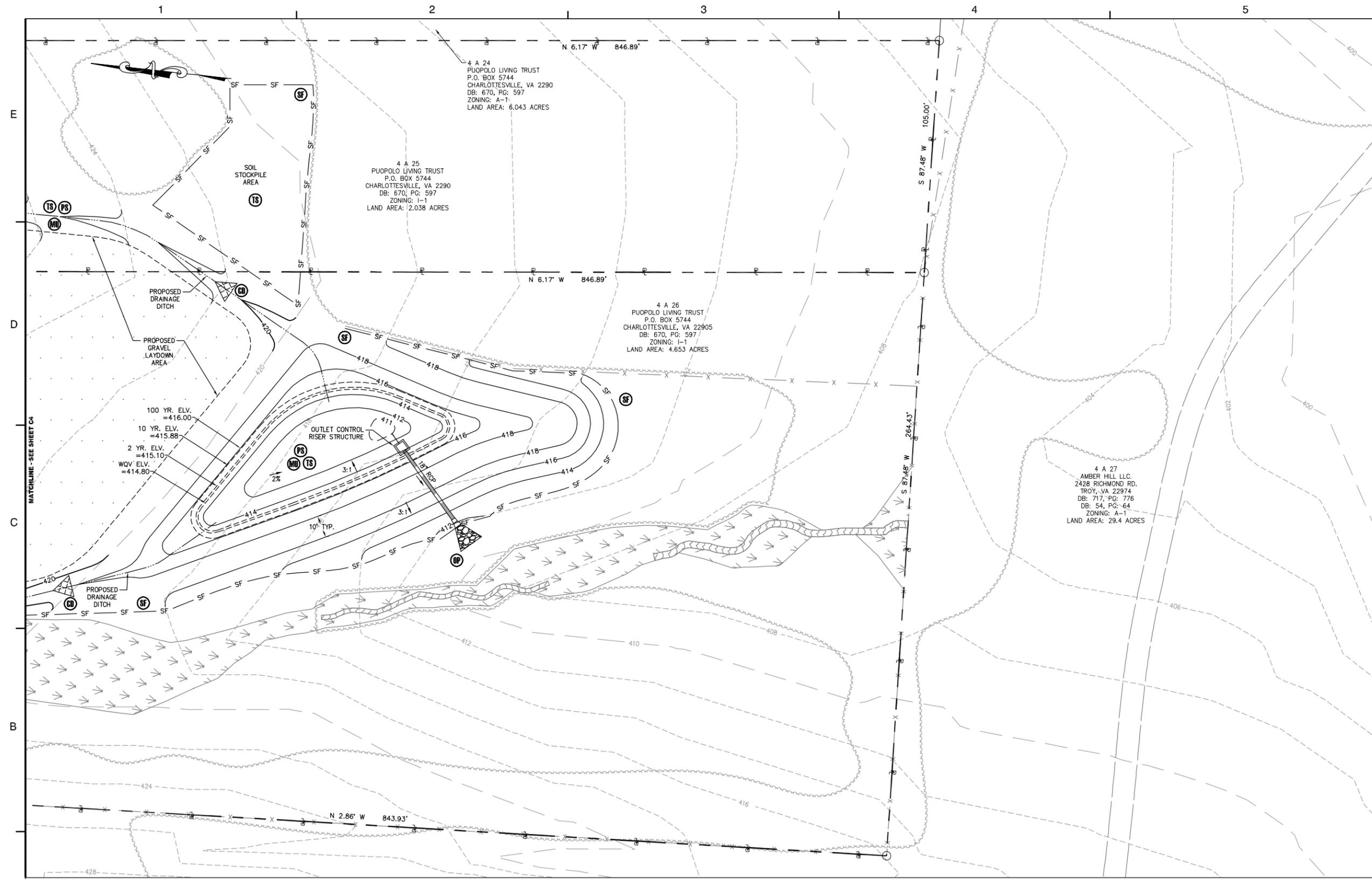
No.	DATE	BY	Description
REVISIONS			

DRAWN BY: SEK
 APPROVED BY: SEK
 CHECKED BY: KWW
 DATE: APRIL 17, 2012

TITLE
MAJOR SITE DEVELOPMENT SKETCH PLAN

PROJECT NO. 50050278

C2



LEGEND

- 18" RCP
- PROPOSED SWM OUTFALL
- PROPOSED GRAVEL LIMITS
- PROPOSED DITCH LINE
- PROPOSED MAJOR CONTOUR (410)
- PROPOSED MINOR CONTOUR (412)
- PROPOSED 6' BOARD-ON-BOARD FENCE
- PROPOSED TUBE GATE
- PROPOSED GRAVEL AREA (APPROXIMATELY 0.5 ACRES)

A

B

C

D

E

1

2

3

4

5

MATCHLINE - SEE SHEET C4

April 17, 2012

Mr. Steve Tugwell
Senior Planner
Department of Planning and Community Development
Fluvanna County, VA
132 Main Street
Palmyra, Virginia 22963

**RE: SUP 12:05 Virginia Electric Power Company Laydown Yard
Tax Map: 4-A-25, 26
Comment Responses**

Dear Mr. Tugwell:

On behalf of Dominion Virginia Power, Dewberry is pleased to submit the following responses to your Technical Review Committee meeting comment letter dated April 13, 2012:

1. The Erosion and Sediment Control Officer commented that the applicant has submitted annual standards and specifications to the Department of Conservation and Recreation, therefore the county will not be reviewing an erosion and sedimentation plan for this project.
Comment Response: That is correct. Dominion works under an annual approval from the Department of Conservation and Recreation (DCR). As part of this annual approval, Dominion agrees to meet the standards and requirements of the latest edition of the Virginia Erosion and Sediment Control Handbook (VESCH) and the Company's annually approved specifications.
2. The Fire Department asked if any hazardous materials would be stored on site, and whether or not any vehicles would be stored on site, the Fire Chief also asked how long it is expected they will be there. The applicant replied that no hazardous materials, or vehicles would be stored on site, and that they expect to be there through May of 2014, the applicant stated they will install a gate with a chain lock.
Comment Response: That is correct. No hazardous materials or vehicles will be stored on site. A standard livestock "tube" gate will be installed with a chain lock to deter unauthorized access to the site.

3. The Health Department stated that any existing wells (such as those for the existing dwelling on Tax Map 4-A-25), that is directly or indirectly influenced by proposed development must be properly protected if it continues to be used as a water supply in accordance with the Virginia Private Well Regulations. Also if it is intended that a water supply be eliminated, then the wells must be properly abandoned in accordance with the requirements of the Well Regulations. The FCHD will need the AOSE report regarding the existing sewage disposal system and an AOSE report that delineates a primary and reserve drainfield area for the existing house. A new sewage disposal system will need to be installed if this house is once again inhabited.

Comment Response: The existing dwelling will no longer be inhabited after April 2012. The site is currently Zoned I-1 and will lose its legal non-conforming status once Dominion's laydown activities are complete in May 2014. The existing well on Parcel 25 will not require protection as it is located outside the limits of disturbance and will not be directly or indirectly influenced by this proposed development. The well will stay in place as is for whatever the site's future use may be. A note has been added to the plans stating that this well is located outside the limits of disturbance and is to remain undisturbed.

The existing concrete septic tank, located on parcel 26, will be properly abandoned per FCHD standards and regulations. A note has been added to the plans stating this. Courtney Fisher emailed a copy of the AOSE's evaluation to Gary Rice, Steve Tugwell, and Les O'Donnell on April 16, 2012. As stated above, this house will no longer be used as a residential dwelling once Dominion's operations are complete. Any future use that requires septic will have to be assessed at that time by the owner for a primary and reserve drainfield.

4. Planning staff inquired how long it is expected that this use be present. The applicant responded through May 2014. Planning staff also notified the applicant that based on this time estimate, that the existing dwelling would lose its nonconforming status and would not be able to be used as a residence in the future, and that a note should be added to the final site plan stating that the dwelling is unoccupied as of a certain date, and that it will not be used as a dwelling.

Comment Response: The owner is aware that the existing dwelling will be losing its legal non-conforming status. A note has now been added to the plans.

5. The Field Engineering Supervisor for Central Virginia Electric stated:
That applicant is showing on the site plan to remove a CVEC power pole. This particular pole has a 14,400 Volt single phase line that continues on to provide electric service for the Cosner Brothers Auto Parts Building. CVEC is unable to remove the pole unless easements from all landowners can be obtained to relocate the line. The line if relocated could be placed underground and the service at Cosner changed from an overhead source to an underground source. This would be done at Dominion's expense. I suggested they contact CVEC Engineering to schedule an appointment to meet on site to discuss the options. The applicant indicated they may be able to leave the overhead line in place. After the meeting this morning, I went to the site and measured the clearance from the existing ground elevation to the system neutral at approximately 22' at 60 degrees F. My concern is one of safety and that no one makes contact with the line if it is left in place. Dominion has well trained professional people who are well aware of the dangers associated with working around energized conductors. Their employees have all the necessary safety equipment and knowledge to protect themselves when in that environment. My concern is for truck drivers who will be making deliveries and loading or unloading under the line. Do they have the same working knowledge and safety awareness?
Comment Response: Safety is a priority for Dominion and is one of their core values. Dominion plans to keep the overhead line in place and mark the existing overhead line with brightly colored ribbon. All materials delivered to the laydown yard will be overseen by either the Dominion construction coordinator or by C.W. Wright, the properly trained electrical contractor for this project. All project personnel will be made well aware of this existing overhead line on their site.

If you have any questions or additional comments please feel free to contact me at 804.205.3323 or by email at.

Sincerely,

Dewberry & Davis, Inc.



Scott Kramer, PE
Project Engineer



Scale: 1:2256.994353

Date: 04/18/2012

Printed By:

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

12-31-08

Article 16. Nonconforming Uses**Sec. 22-16-1. Continuation.**

(a) If, at the time of enactment of this ordinance, any legal activity is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this ordinance, such manner or use or purpose may be continued as herein provided. In addition, a landowner's rights shall be deemed vested in a land use and such vesting shall not be affected by a subsequent amendment to a zoning ordinance if the landowner is the beneficiary of, relies on, or incurs extensive obligations or substantial expenses due to a significant governmental act pursuant to all provisions of Section 15.2-2307 of the Code of Virginia.

(b) If any change in title or possession, or renewal of a lease, of any such lot or structure occurs, the use existing may be continued.

(c) If any nonconforming use, structure or activity is discontinued for a period exceeding two (2) years, after the enactment of this ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of the ordinance.

(d) Whenever a nonconforming structure, lot or activity has been changed to a more limited nonconforming use, such existing use may only be changed to an even more limited use.

(e) Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this ordinance are excluded, except as provided in subsection (c) above.

(f) Automobile graveyards and junkyards in existence at the time of the adoption of this ordinance are to be considered as nonconforming uses. They shall be allowed up to three (3) years after adoption of this ordinance in which to screen completely, on any side open to view from a public road.

Sec. 22-16-2. Permits.

(a) All nonconforming uses shall be identified and catalogued, and zoning permits and certificates of occupancy shall be issued by the zoning administrator within one year after the adoption of this ordinance.

(b) The construction or use of a nonconforming building for which a building permit was issued legally prior to the adoption of this ordinance may proceed, provided such building is completed within one (1) year, after the effective date of this ordinance.



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

April 13, 2012

Virginia Electric and Power Company
701 E. Cary Street
Richmond, VA 23219

Delivered via email

Re: SUP 12:05 Virginia Electric Power Company Laydown Yard
Tax Map: 4-A-25, 26

Dear Ms. Fisher:

The following comments are the result of the Technical Review Committee meeting that was held on Thursday, April 12, 2012.

1. The Erosion and Sediment Control Officer commented that the applicant has submitted annual standards and specifications to the Department of Conservation and Recreation, therefore the county will not be reviewing an erosion and sedimentation plan for this project;
2. The Fire Department asked if any hazardous materials would be stored on site, and whether or not any vehicles would be stored on site, the Fire Chief also asked how long it is expected they will be there. The applicant replied that no hazardous materials, or vehicles would be stored on site, and that they expect to be there through May of 2014, the applicant stated they will install a gate with a chain lock;
3. The Health Department stated that any existing wells (such as those for the existing dwelling on Tax Map 4-A-25), that is directly or indirectly influenced by proposed development must be properly protected if it continues to be used as a water supply in accordance with the Virginia Private Well Regulations. Also if it is intended that a water supply be eliminated, then the wells must be properly abandoned in accordance with the requirements of the Well Regulations. The FCHD will need the AOSE report regarding the existing sewage disposal system and an AOSE report that delineates a primary and reserve drainfield area for the existing house. A new sewage disposal system will need to be installed if this house is once again inhabited.
4. Planning staff inquired how long it is expected that this use be present. The applicant responded through May 2014. Planning staff also notified the applicant that based on this time estimate, that the existing dwelling would lose its nonconforming status and would not be able to be used as a residence in the future, and that a note should be added to the final site plan stating that the dwelling is unoccupied as of a certain date, and that it will not be used as a dwelling.

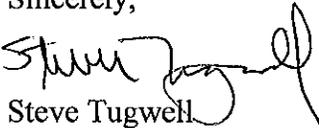
5. The Field Engineering Supervisor for Central Virginia Electric stated:

The applicant is showing on the site plan to remove a CVEC power pole. This particular pole has a 14,400 Volt single phase line that continues on to provide electric service for the Cosner Brothers Auto Parts Building. CVEC is unable to remove the pole unless easements from all landowners can be obtained to relocate the line. The line if relocated could be placed underground and the service at Cosner changed from an overhead source to an underground source. This would be done at Dominion's expense. I suggested they contact CVEC Engineering to schedule an appointment to meet on site to discuss the options. The applicant indicated they may be able to leave the overhead line in place. After the meeting this morning, I went to the site and measured the clearance from the existing ground elevation to the system neutral at approximately 22' at 60 degrees F. My concern is one of safety and that no one makes contact with the line if it is left in place. Dominion has well trained professional people who are well aware of the dangers associated with working around energized conductors. Their employees have all the necessary safety equipment and knowledge to protect themselves when in that environment. My concern is for truck drivers who will be making deliveries and loading or unloading under the line. Do they have the same working knowledge and safety awareness?

Please provide a minimum of 20 11"x 17" copies and three (3) full size copies of the revised sketch plans and any other materials or documentation that is to be included in the Planning Commission packet by **Thursday, April 19, 2012**. Submitting revisions by this deadline will place your request on the **April 25, 2012** Planning Commission agenda.

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

Sincerely,



Steve Tugwell
Senior Planner

Dept. of Planning & Community Development



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

Memo

To: Fluvanna County Planning Commission
From: Andrew J. Pompei, Planner
Date: April 13, 2012
Re: **Review of the Landscaping, Tree Protection, and Off-Street Parking Regulations (Zoning Ordinance)**

Over the past year, the Planning Commission and Department of Planning & Community Development have worked together to amend the subdivision and zoning ordinances, so that these policies are consistent with the intent of the current Comprehensive Plan. Since late 2011, the Planning Commission has considered changes to the *Tree Protection* and *Off-Street Parking and Loading* sections of the zoning ordinance, and related changes to the subdivision ordinance. Possible amendments were discussed at the Planning Commission work sessions in January, February, and March. The proposed amendments are based on input from the Planning Commission, local landscape architects, real estate developers, and non-profit organizations, and were influenced by similar regulations adopted by neighboring localities.

If the Planning Commission is comfortable with the regulations drafted, it may initiate a Zoning Text Amendment. Per the recommendation of the County Attorney, all of the changes to the zoning ordinance may be initiated with one motion, while the changes to the subdivision ordinance may be initiated with a separate motion.

The agenda packet for the Planning Commission meeting on April 25, 2012 includes the following documents related to the proposed amendments to the **zoning ordinance**:

- Motion to Initiate Amendments to the Zoning Ordinance regarding Tree Protection, Landscaping, and Off-Street Parking (Attachment A)
- Resolution Initiating Amendments to the Zoning Ordinance regarding Tree Protection, Landscaping, and Off-Street Parking (includes draft regulations) (Attachment B).

If you have any concerns, please contact the Planning Department at (434) 591-1910 or via email.

MOTION: I move that the Fluvanna County Planning Commission direct staff to initiate a Zoning Text Amendment to amend portions of Chapter 22 of the Fluvanna County Code to update regulations regarding tree protection, landscaping, and off-street parking, and to schedule a public hearing for May 23, 2012 for formal Planning Commission consideration and recommendation to the Board of Supervisors.

AGENDA**PLANNING COMMISSION****April 25, 2012**

SUBJECT: Amendment of the Fluvanna County Zoning Ordinance to update and strengthen regulations regarding tree protection, landscaping, and off-street parking (Chapter 22, Article 22: *Definitions*; Chapter 22, Article 24: *Tree Protection*; Chapter 22, Article 26: *Off-Street Parking & Loading Spaces*).

TIMING: Needs action to amend the cited provisions of the Fluvanna County Zoning Ordinance, as outlined above.

POLICY IMPLICATIONS: This action will initiate the process for amending portions of the Fluvanna County Zoning Ordinance that address tree protection, landscaping, and off-street parking. The proposed amendment is intended to:

- Ensure that new development is compatible with existing development and the rural character of Fluvanna County;
- Provide greater design flexibility for developers and business owners;
- Minimize the impacts of new development on local air and water quality;
- Provide shade to those living, working, and visiting Fluvanna County;
- Provide habitat for native wildlife; and
- Help protect the safety of pedestrians, bicyclists, and motorists.

The proposed amendment addresses the size of plant materials at installation; tree canopy requirements; street tree plantings; parking lot landscaping; screening; landscape maintenance; bonding requirements; on-street parking; parking dimensional standards; compact car parking; parking access and interconnectivity; pedestrian facilities; maximum parking requirements; and minimum parking requirements.

HISTORY: Over the past year, the Planning Commission and Department of Planning & Community Development have worked together to amend the subdivision and zoning ordinances, so that these policies are consistent with the intent of the current Comprehensive Plan. Since late 2011, the Planning Commission has considered changes to the *Tree Protection* and *Off-Street Parking and Loading* sections of the zoning ordinance. Possible amendments were discussed at the Planning Commission work sessions in January, February, and March. The proposed amendment is based on input from the Planning Commission, local landscape architects, real estate developers, and non-profit organizations, and was influenced by similar regulations adopted by neighboring localities.

DISCUSSION: The proposed amendment to the Fluvanna County Zoning Ordinance (Chapter 22) will help ensure that adequate landscaping is installed within new developments, protecting Fluvanna County's economic and environmental health, as well as the quality-of-life of its citizens. The amendment will also ensure that safe, functional parking facilities are provided within new developments, while limiting the impact of impervious cover on water quality and the area's rural

character. This proposal is intended to balance the economic, environmental, aesthetic, and transportation needs of the community with those of local businesses.

Staff: Andrew J. Pompei (Planner)

Attachment:

- A) Resolution Initiating Changes to the Zoning Ordinance



PLANNING COMMISSION
County of Fluvanna
Palmyra, Virginia

RESOLUTION
Zoning Text Amendment: Tree Protection and Off-Street Parking and Loading
Requirements

Be it resolved by the Fluvanna County Planning Commission, pursuant to Fluvanna County Code Sec. 22-20-1(c), that the Commission intends to propose the following amendment to the Fluvanna County Code:

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.

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.

AGRICULTURAL ENTERPRISE: Agricultural related use that provides an agricultural service or produces goods from agricultural resources. These include processes that are a direct outgrowth, yet more intensive, of the products derived through agriculture, as defined. Related uses include sawmill, winery and other similar facilities.

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.

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

ALLEY: A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

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

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

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

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 and upon which more than five (5) motor vehicles of any kind that are incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found. See *Salvage and scrap yard* 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.

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.

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).

BASEMENT: Any area of the building having its floor sub-grade (below ground level) on all sides.

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

***BERM:** A mound of earth, usually linear in form, used to shield, screen, or buffer views; separate land uses; provide visual interest; or block noise, lights, or glare.*

***BICYCLE PARKING:** Bicycle racks and similar structures, permanently affixed to the ground, designed and used for storing bicycles in a secure, upright position.*

***BIOTENTION AREA:** A vegetated depression engineered to collect, store, and infiltrate runoff generated on-site.*

BOARD OF ZONING APPEALS: The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

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 shop in which meat, poultry, and fish are processed and sold.

CABARET, ADULT: A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibition of specified sexual activities or specified anatomical areas for observation by patrons therein. See *Entertainment establishment, adult use*.

CALIPER: A measure of tree size, determined by measuring the diameter of a tree at a point six inches (6") above the root ball, at the time of planting, or twelve inches (12") above the ground, for established vegetation.

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: Facilities for the washing and cleaning of vehicles, including 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* uses.

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

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.

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

COMMUNICATIONS SERVICE: Establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded from this use type are facilities classified as major utilities or

telecommunication facilities. Typical uses include, but are not limited to, television studios, telecommunication service centers, radio stations, or film and sound recording facilities.

COMPREHENSIVE PLAN: The Fluvanna County Comprehensive Plan.

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.

CORRECTIONAL FACILITY: A public or privately operated use providing housing and care for individuals legally confined, designed to isolate those individuals from a surrounding community.

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

CULTURAL SERVICES: A library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

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

DANCE HALL: Establishments in which more than ten (10) percent of the total floor area is designed or used as a dance floor, or where an admission fee is directly collected, or some other form of compensation is obtained for dancing, except when sponsored by civic, charitable, or nonprofit groups.

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

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

DIAMETER AT BREAST HEIGHT: A measure of tree size, determined by measuring the diameter of a tree at a point four and one-half feet (4.5') above the ground.

DORMITORY: A residence hall providing rooms for individuals or for groups usually without private baths. Also, a large room containing numerous beds.

DRIPLINE: A vertical projection to the ground surface from the furthest lateral extent of a tree's leaf canopy.

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

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

DWELLING, ACCESSORY: A separate, independent dwelling unit located on the same property as the primary dwelling unit subject to the following: (1) A dwelling unit contained within a single-family dwelling that may equal the existing finished square footage of the primary dwelling, such as a basement, attic, or additional level; or (2) A dwelling unit attached to the primary single-family dwelling, or as a dwelling unit contained within a detached accessory unit; that shall be no more than one-half the size of the finished square footage of the primary dwelling unit located on the subject property. One accessory dwelling shall be permitted per property plus one additional accessory dwelling for each 50 acres of contiguous property. Accessory dwelling units shall be subject to the setback requirements for primary structures.

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, and similar facilities.

EGRESS: An exit.

ELEVATED BUILDING: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

ENTERTAINMENT ESTABLISHMENT, ADULT: Any adult cabaret, adult motion picture theater, or adult video-viewing or arcade booth.

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.

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

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

FARM TENANT HOUSING: A dwelling located on a farm for the purpose of housing an employee of that farm operation and his/her family. Also included in this use type would be multi-family dwelling(s) for seasonal employees in connection with an orchard or other agricultural use which relies on seasonal employees who must be housed.

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.

FLEA MARKET: A market held in an open area or building where goods are offered for sale to the public by individual sellers, generally on an occasional or periodic basis.

FLOOD: A general or temporary condition of partial or complete inundation of normally dry land areas.

FLOOD, BASE: The flood having a one percent chance of being equaled or exceeded in any given year.

FLOOD ELEVATION, BASE: The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation.

FLOOD HAZARD AREA, SPECIAL: The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 3.2 of this ordinance.

FLOODPLAIN: Any land area susceptible to being inundated by water from any source.

FLOODPLAIN ENCROACHMENT: The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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.

GAS STATION: Any place of business used primarily for the storage, dispersal, sale, or offering of fuels and oils for motor vehicles. Such uses may also include the retail sale of convenience items as a secondary activity. Any use associated with automobile fuel sales shall be considered a gas station.

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.

GROCERY STORE: A retail business primarily engaged in the sale of unprepared food for personal or household preparation and consumption. Such a facility may also engage in incidental sales of prepared foods for personal consumption on- or off-site.

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.

GUIDANCE SERVICES: A use providing counseling, guidance, recuperative, or similar services for person requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar conditions for only part of a twenty-four hour day.

HALFWAY HOUSE: An establishment providing accommodations, supervision, rehabilitation, counseling, and other guidance services to persons suffering from alcohol or drug addiction, to person re-entering society after being released from a correctional facility or other institution, or to persons suffering from similar disorders.

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.

HISTORIC STRUCTURE: Any structure that is (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (a) by an approved state program as determined by the Secretary of the Interior; or (b) directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, no one is employed other than members of the family residing on the premises, there is no substantial increase in traffic, and 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.

INDOOR ENTERTAINMENT: Predominantly spectator uses conducted within an enclosed building, but not including public facilities. Typical uses include, but are not limited to, motion picture theaters, and concert or music halls.

INDOOR RECREATION FACILITY: Predominantly participant uses conducted within an enclosed building, but not including public facilities. Typical uses include bowling alleys, ice and roller skating rinks, indoor racquetball, swimming, and/or tennis facilities.

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

JUNK: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

JUNKYARD: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills. See *Salvage and scrap yard* use.

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

KENNEL, PRIVATE: The keeping, breeding, raising, showing, or training of four (4) or more dogs, cats, or other household pets over six months of age for personal enjoyment of the owner or occupants of the property, 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: Establishments primarily engaged in the provision of laundering, cleaning, or dyeing services other than those classified as Personal Service Establishments. Typical uses

include, but are not limited to, bulk laundry and cleaning plants, diaper services, or linen supply 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, including a residue, described by metes and bounds or otherwise or shown on a plat, and intended as a unit of real estate for the purpose of ownership, conveyance or development.

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.

LOW-IMPACT DEVELOPMENT: A design strategy with the goal of maintaining or replicating the pre-development hydrologic regime through the use of design techniques to create a functionally-equivalent site design. Hydrologic functions of storage, infiltration and groundwater recharge, as well as the volume and frequency of discharges, are maintained through the use of integrated and distributed micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of runoff flow paths and flow time. Examples of low-impact development techniques include, but are not limited to, the use of permeable paving materials, rain gardens, bioswales, infiltration trenches, and tree box filters.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

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, single-family structure that is manufactured under the authority of the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. Also referred to as mobile homes.

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: 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.

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

MEDICAL CLINIC: A facility providing medical, psychiatric, or surgical service for persons exclusively on an out-patient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors. The term, “medical clinic” includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

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). See *Resource extraction use*.

MOBILE HOME: See *Manufactured home*.

MANUFACTURED 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.

MODULAR HOME: A dwelling unit primarily manufactured off-site in accordance with the Virginia Uniform Statewide Building Code standards and transported to the building site for final assembly on a permanent foundation.

MOTION PICTURE THEATER, ADULT: An establishment that shows sexually oriented movies, distinguished or characterized by an emphasis on the exhibition of specified sexual

activities or specified anatomical areas as a significant part of its business. See *Entertainment establishment, adult use*.

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.

NATURAL MEADOW: *A continuous area designated on a landscape plan that is planted with grasses and wildflowers native to Virginia that are allowed to grow in their natural habit. Such areas are actively managed to prevent the growth of woody vegetation and invasive species.*

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. See *Farm sales* use.

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

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 Article 26 (Sec. 22-26-1 through 22-26-8) of this chapter.

OUTDOOR ENTERTAINMENT: Predominantly spectator uses conducted in open or partially enclosed or screened facilities, but not including public facilities. Typical uses include, but are not limited to, sports arenas, motor vehicle or animal racing facilities, and outdoor amusement parks.

OUTDOOR GATHERING: Any temporary organized gathering expected to attract 200 or more people at one time in open spaces outside an enclosed structure. Included in this use type would be entertainment and music festivals, church revivals, carnivals and fairs, and similar transient amusement and recreational activities not otherwise listed in this section. Such activities held in public parks or on public school property shall not be included within this use type.

OUTDOOR RECREATION FACILITY: Predominantly participant uses conducted in open or partially enclosed or screened facilities, but not including public facilities. Typical uses include, but are not limited to, golf courses, driving ranges, tennis courts, motorized cart and motorcycle tracks, paintball facilities, swimming pools, athletic ball fields.

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

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

PARKING FACILITY: A site for surface parking or a parking structure use which provides one or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this ordinance. This use type shall not include parking facilities accessory to a permitted principal use. This use type excludes temporary parking facilities permitted by county code.

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

PERSONAL IMPROVEMENT SERVICES: Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services. Typical uses include, but are not limited to, driving schools, health or physical fitness studios, dance studios, handicraft and hobby instruction.

PERSONAL SERVICE ESTABLISHMENT: An establishment or place of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops; dry cleaners; and seamstresses, tailors, and shoe repair.

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.

PLAT: A schematic representation of a parcel or subdivision.

PLAT, PRELIMINARY: A plat showing the existing boundaries and certain existing features of a parcel to be subdivided, together with the property lines or proposed lots and certain proposed features and improvements.

PLAT, FINAL: A plat showing the new property lines and certain features and improvements installed pursuant to the preliminary plat, showing their location as built, and prepared for recordation. Final plat approval gives the subdivider the right to record such plat with the Clerk of the Circuit Court and to convey the individual lots shown thereon.

PROFESSIONAL SCHOOL: A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills, or other similar activity or occupational pursuit, but not including educational facilities.

PROPERTY OWNERS' ASSOCIATION: An entity established, pursuant to Section 55-508 et set. of the Code of Virginia, or otherwise, for the purpose of maintaining land or property owned in common by the owners of property in a subdivision.

PUBLIC ASSEMBLY: Facilities that accommodate public assembly for purposes such as sports, amusements, or entertainment. Typical uses include, but are not limited to, auditoriums, sports stadiums, convention facilities, and incidental sales and exhibition facilities.

PUBLIC PARK AND RECREATIONAL AREA: Publicly owned and operated parks, picnic areas, playgrounds, indoor/outdoor athletic or recreation facilities, indoor/outdoor shelters, amphitheaters, game preserves, open spaces, and other similar uses but not including public recreation assembly.

PUBLIC RECREATION ASSEMBLY: Publicly owned and operated community, civic, or recreation centers, year-round swimming facilities, or indoor performing arts/auditoriums.

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

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

RAILROAD FACILITY: Railroad yards, equipment servicing facilities, and terminal facilities.

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 VEHICLE: A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projects; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, traveling, or seasonal use.

RECREATIONAL VEHICLE SALES: Retail sales of recreational vehicles and boats, including service and storage of vehicles and parts and related accessories.

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

RELIGIOUS ASSEMBLY: A use providing regular organized religious worship or related incidental activities, except primary or secondary schools and day care facilities.

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.

RESIDUE: The remainder of a lot after a subdivision has detached one or more lots, which residue shall be deemed, for purposes of this chapter, to be a new lot.

RESOURCE EXTRACTION: A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining, and soil mining. Specifically excluded from this use type shall be grading and removal of dirt associated with an approved site plan or subdivision, or excavations associated with, and for the improvement of, a bona fide agricultural use.

RESTAURANT, FAST FOOD: An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery, or consumption on the premises, served in disposable containers at a counter or to drive-up or drive-thru customers in motor vehicles.

RESTAURANT, GENERAL: An establishment engaged in the preparation of food and beverages containing more than 2,000 gross square feet and characterized primarily by table service to customers in non-disposable containers.

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

RETAIL STORE, ADULT: An establishment that: offers for sale or rent items from any of the following categories: (a) adult media, (b) sexually oriented goods, or (c) goods marketed or presented in a context to suggest their use for specified sexual activities; and the combination of such items constitutes more than 15 percent of its stock in trade or occupies more than 15 percent of its gross public floor area; and where there is no on-site consumption of the goods, media, or performances for sale or rent.

RETAIL STORE, GENERAL: A retail sales establishment offering the sale or rental of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by definition.

RETAIL STORE, LARGE-SCALE: A retail sales establishment of more than 30,000 square feet of gross floor area engaged in the sale or rental of goods for consumer or household use.

RETAIL STORE, NEIGHBORHOOD CONVENIENCE: A retail sales establishment primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as, but not limited to, prepackaged food and beverages, limited household supplies and hardware, and limited food preparation and service. Such uses that include fuel pumps or the selling of fuel for motor vehicles shall be considered gas stations.

RETAIL STORE, SPECIALTY: A retail sales establishment of not more than 4,000 square feet that specializes in one type or line of merchandise or service including, but not limited to, antique stores, bookstores, shoe stores, stationary stores, jewelry stores, auto parts stores, and hardware stores.

RIGHT-OF-WAY: A strip or other portion of a parcel of land conveyed to a person, a partnership, a property owners' association, a corporation, or a government agency for the purpose of constructing and maintaining a road or utility facility, or similar use.

RIPARIAN PROTECTION AREA: A vegetated zone adjacent to an intermittent or perennial stream where development is restricted or controlled to minimize the effects of development on local water quality. Indigenous vegetation, including existing ground cover, is preserved to the maximum extent possible.

SALVAGE AND SCRAP YARD: Facilities engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not intended for reuse in the original forms. Typical uses include, but are not limited to, paper and metal salvage yards, automotive wrecking yards, junk yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies.

SANITARY LANDFILL: A place for the disposal of solid wastes approved in accordance with the regulations of the Department of Environmental Quality (DEQ).

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.~~

SHELTERED CARE FACILITY: A facility providing temporary sheltering for the homeless or for victims of crime or abuse including emergency housing during crisis intervention for individuals, such as victims of rape, child abuse, or physical beatings.

SHOOTING, PRIVATE RECREATIONAL: The use of land for target shooting and other recreational activities, other than hunting, involving the use of firearms or other projectiles by the owner or occupant of a parcel and their guests, not in return for compensation. Associated facilities shall be subject to approval by the zoning administrator in accordance with safety guidelines issued by the National Rifle Association (NRA) or other recognized authority.

SHOOTING RANGE, INDOOR: The use of a structure for firearms or other projectiles for the purpose of target practice or competitions, and in return for compensation.

SHOOTING RANGE, OUTDOOR: The use of land for shooting clubs and other facilities for the discharge of firearms or other projectiles for the purposes of target practice, skeet and trap shooting, mock war games, or formal competitions, or in return for compensation.

SHRUB: *A low woody plant, with multiple shoots or stems from the base, which attains a mature height of less than fifteen (15) feet.*

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, 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, 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, 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 or display surface used for the message.

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

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, 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. (Ord. 10-18-00)

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 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 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: 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 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 erected at the entrance of a residential, commercial, or industrial development that identifies the development.

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 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 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 and shipment out of the county for further processing or disposal.

SOLID WASTE COLLECTION FACILITY: Any storage or collection facility which is operated as a relay point for recyclables or municipal solid waste which ultimately is to be shipped for further processing or disposal. No processing of such items occurs at such facility.

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.

SPECIFIED ANATOMICAL AREAS:

- (1) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

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 is 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.

STREAM, INTERMITTENT: A natural stream or portion of a natural stream containing flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow. Such streams are defined as a dotted blue line on the 1:24,000 USGS topographic maps.

STREAM, NATURAL: A non-tidal waterway that is part of the natural topography, which typically maintains a continuous, seasonal, or intermittent flow during the year, and which is characterized as being irregular in cross-section with a meandering course. A constructed channel such as a drainage ditch or swale is not a natural stream.

STREAM, PERENNIAL: A natural stream or portion of a natural stream containing flowing water year-round during a year of normal precipitation. The water table is located above the stream bed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow. Such streams are defined as a solid blue line on the 1:24,000 USGS topographic maps.

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.

STUDIO, FINE ARTS: A building, or portion thereof, used as a place of work by a sculptor, artist, or photographer; or used as a place to exhibit and offer for sale works of the visual arts (other than film).

SUBDIVIDER: Any individual, partnership, corporation or other entity or association thereof owning or having an interest in land, or representing the owners of any land and proposing to subdivide such land.

SUBDIVISION: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer, or ownership, or building or lot development. The term shall include the resubdivision of land.

SUBDIVISION AGENT: The individual appointed and authorized by the Fluvanna County Board of Supervisors to administer and enforce this chapter.

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.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

TAXIDERMIST: Establishments for conducting the business of preparing, stuffing, and mounting the skins of animals to make them appear life-like.

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.

TRAFFIC IMPACT STUDY: A report analyzing anticipated roadway conditions.

TRAILER: See *Manufactured home*.

TRANSPORTATION TERMINAL: A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of ground transportation, including bus terminals, railroad stations, and public transit facilities.

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. See *Recreational vehicle*.

TREE CANOPY: All areas of coverage by plant material exceeding ten (10) feet in height at a maturity of ten (10) years after planting, in accordance with Article 22 of this chapter.

TREE, EVERGREEN: A tree with foliage year-round, planted primarily for screening or ornamental purposes, which attains a mature height of at least fifteen (15) feet.

TREE, LARGE SHADE: A tree, usually deciduous, planted primarily for overhead canopy, which attains a mature height of at least forty (40) feet.

TREE, MATURE: An existing tree with a diameter at breast height (DBH) of twelve inches (12") or greater, which is in healthy condition as determined by a certified landscape architect or arborist.

TREE, MEDIUM SHADE: A tree, usually deciduous, planted primarily for overhead canopy, which attains a mature height of twenty-five (25) to forty (40) feet.

TREE, ORNAMENTAL: A tree, either single-stemmed or multi-stemmed, noted for its flowers, leaves, bark, form, shape, and/or other aesthetic characteristics, which attains a mature height of ten (10) to thirty (30) feet.

TREE, STREET: A shade tree planted along an existing or proposed public street, either within the right-of-way itself or within a landscape strip continuous to such right of way.

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, but not limited to, transmission lines, production plants, electrical substations, 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.

VENDING CART: The vending of food, beverages, or merchandise from a movable stand or trailer that is located as an accessory use on the same lot as a permitted use.

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.

VIDEO-VIEWING BOOTH OR ARCADE BOOTH, ADULT: An enclosure designed for occupancy by no more than five persons, used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media, or live performances or lingerie modeling, for observation by patrons therein. See *Entertainment establishment, adult use*.

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.

WAREHOUSE, WHOLESALE: 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.

WATERCOURSE: A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

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 ADMINISTRATOR: 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.

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

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; Ord. 6-16-10; Ord. 11-3-10)

Article 24. Tree Protection

Sec. 22-24-1. Landscape plan -- General provisions for landscaping.

The purpose of this section is to provide guidelines for the landscaping and screening of development sites subject to site plan approval. These requirements are intended to ensure that site development is harmonious with the surrounding properties, to promote the public health, safety and welfare, in accordance with the guidelines in the Comprehensive Plan; to help to conserve energy by providing shade and wind breaks; to encourage recharge of ground water by providing pervious area; to improve and preserve the air quality and minimize noise, dust and glare; and to preserve the rural character of the County.

Sec. 22-24-2. Landscape Plan Specifications.

- I. A certified Landscape Architect, arborist, horticulturist, land surveyor, or other person deemed qualified by the ~~Director of Planning~~ *Zoning Administrator* shall prepare the plan.
- II. The plan shall be prepared at a scale of not less than 1"=40' for areas along streets and roads, and not less than 1"=20' for areas around buildings, parking lots, and landscape areas.
- III. All landscape plans shall be on sheets not exceeding twenty-four inches (24") by thirty-six inches (36").
- IV. If the plan is prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.

Sec. 22-24-3. Landscape Plan Contents.

- A. The Landscape Plan shall include the following elements
 1. Existing and proposed contours at intervals of five (5) feet or less.
 2. Property boundary lines.
 3. Limits of grading and clearing.
 4. Tree protection zone(s) as applicable.
 5. All proposed improvements.
 6. Existing and proposed underground and overhead utilities, including heights and/or depths.
 7. Rights-of-way and easements.
 8. Botanical and common name, size, spacing, and location of all trees, shrubs, and ground cover, and the location and extent of planting beds in which they are to be planted, if any.
 9. Plants shall be labeled on the plan by direct call-out method ~~and not~~ *or* by symbols keyed to a plant list.
 10. A planting symbol to illustrate the natural canopy/cover of trees and the extent of growth of shrubs at maturity.
 11. A plant list or matrix showing the botanical name, common name, quantity, size, spacing, handling method, and general instruction, if any, specific to each plant.
 12. General details illustrating the method of installation of plants, seeding, and sodding, including but not necessarily limited to size of plant pit, method of placement, backfill material, method of support, preparation of beds, mulch, etc.

13. Special details illustrating special conditions such as supplemental plant pit drainage, pruning for special effects, or other conditions requiring illustrated instructions.
14. General notes specifying the care and maintenance of plants for a period of three years following planting and the replacement of any dead, dying, or diseased vegetation required to be installed by this chapter for the life of the project.
15. Any and all information required for tree protection as indicated in Section B of this article.
16. Provide and identify adequate exterior water source.

Sec. 22-24-4. Minimum Standards.

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

1. Large shade trees ————— 2” caliper
2. Medium shade trees ————— 1.5” caliper
3. Ornamental trees ————— 1.5” caliper
4. Large evergreen trees ————— 8’ in height
5. Medium evergreen trees ————— 6’ in height
6. Small evergreen trees ————— 4’ in height
7. Large shrubs ————— 2’ in height
8. Medium shrubs ————— 2’ in height
9. Small shrubs ————— 1’ in height
10. Ground cover ————— 1 year plants

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

~~B. All trees to be planted shall meet the specifications of the American Landscape Association. The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen’s Association, the Virginia Chapter of Landscape Designers, and the Virginia Chapter of the American Society of Landscape Architects, or the Road and Bridge Specifications of the Virginia Department of Transportation. Wheel stops, curbing, or other barriers shall be provided to prevent damage to landscaping by vehicles. Where necessary, trees shall be welled or otherwise protected against change in grade. All pervious areas of the site shall be permanently protected from soil erosion with grass, ground cover, or mulch material.~~

B. *All required landscaping shall be planted according to the following standards:*

1. *All trees to be planted shall meet the specifications of the American Landscape Association.*
2. *The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nurserymen’s Association, the Virginia*

Chapter of Landscape Designers, and the Virginia Chapter of the American Society of Landscape Architects, or the Road and Bridge Specifications of the Virginia Department of Transportation.

3. *All required landscaping shall be planted between September 15 and June 30, provided that the ground is not frozen.*
- C. *Wheel stops, curbing, or other barriers shall be provided to prevent damage to landscaping by vehicles.*
- D. *Where necessary, trees shall be welled or otherwise protected against change in grade. Such protection measures shall be sited to minimize disturbance within the drip line of trees designated for protection on the landscape plan.*
- E. *All pervious areas of the site shall be permanently protected from soil erosion with grass, ground cover, or mulch material.*

Sec. 22-24-5. Requirements.

- ~~A. It is the specific intent of these requirements to promote landscape design and installation to mitigate the effects of new development on surrounding areas and specifically not to use plantings as a means of drawing attention to new development. To promote the protection and preservation of rural character, a palette of plant materials appropriate to the various zoning districts has been prepared and shall be followed as a general guideline in preparing plant plans for the various zones. The Landscape Plan should utilize those plant species that are best suited for the site. To facilitate this, a list of recommended and prohibited plants are broken down into native, assimilated non-native, exotic, and invasive species is available from the Director of Planning. Applicants may add plants to this list with the prior approval of the Director of Planning.~~
- ~~1. Residential zoning districts: Plantings shall be native and assimilated non-native, except in village or commercial settings. In these settings, where plantings are internal and generally not in view of the public road, street, or adjacent property, exotic species may be used.~~
 - ~~2. Business and Industrial zoning districts: Plantings shall be native and assimilated non-native, except in areas generally not in view of the public road or adjacent properties. In these areas exotic species may be used.~~
 - ~~3. Agricultural and all other districts: Plantings shall be native and assimilated non-native.~~
- A. *It is the specific intent of these requirements to promote landscape design and installation to mitigate the effects of new development on surrounding areas and specifically not to use plantings as a means of drawing attention to new development. The landscape plan should help protect and preserve Fluvanna County's rural character.*
- B. *The Landscape Plan shall utilize native and assimilated non-native species listed within the Fluvanna County Plant List. Applicants may add plants to this list with the prior approval of the Zoning Administrator, provided that the proposed species have a rated hardiness and growth habit appropriate for the intended location. A mixture of plant species should be used on each site.*

C. ~~Trees~~ *Street trees shall be required along existing or proposed public streets ~~in~~ within or adjacent to any non-residential development, or non-residential part of a mixed-use or multi-family development site that is subject to site plan approval, as follows: and all major subdivisions with an average lot size of one (1) acre or less. The placement of street trees shall be in accordance with Virginia Department of Transportation (VDOT) standards and shall not be located within any sight triangle. The required plantings shall be located either within the right-of-way itself or within a ten-foot (10') strip continuous to such right-of-way. Existing, healthy trees with a caliper of eight inches (8") or greater located within ten feet (10') of the right-of-way may be used to satisfy the planting requirement, provided the trees are protected in accordance with the standards contained in this Chapter. Appropriate provisions shall be made for the permanent maintenance and preservation of the required street trees, to the reasonable satisfaction of the county attorney. Such provisions may include a landscape preservation easement dedicated to the property owners' association or other entity approved by the county attorney. The street trees shall be planted at the following rate:*

- ~~1. Two (2) large shade trees per 100 feet, on both sides of the street.~~
 - ~~2. An average of one (1) ornamental tree per one hundred (100) feet, on both sides of the street.~~
 - ~~3. An average of two (2) medium or small evergreen trees per one hundred (100) feet, on both sides of the street. Medium shade trees may be substituted for large shade trees at a ratio of 2 to 1, but may not constitute more than 40% of the total shade trees provided.~~
1. *One (1) large shade tree shall be required for every fifty (50) feet of road frontage; or*
 2. *One (1) medium shade tree shall be required for every forty (40) feet of road frontage.*

D. *Minimum tree canopy coverage shall be provided for all new commercial, industrial, and multi-family residential development in accordance with the following requirements:*

1. *Tree canopy coverage shall include all areas of coverage by plant material exceeding ten feet (10') in height, and shall be measured ten (10) years maturity after planting.*
2. *Tree canopy coverage shall be calculated for new plantings using ten-year tree canopy coverage standards published by the Virginia Nursery and Landscape Association or other set of standards approved by the Zoning Administrator. When a coverage interval is cited in such standards, the smallest coverage figure for each interval shall be used.*
3. *All landscape plans shall include the preservation of existing trees, the planting and replacement of trees, or any combination thereof, to the extent that, at maturity of ten (10) years, a minimum tree canopy shall be provided as follows:*
 - a. *Ten percent (10%) tree canopy for a site developed with commercial, office, institutional, or industrial uses;*
 - b. *Fifteen percent (15%) tree canopy for a multi-family residential site developed at a gross density of more than ten but less than twenty dwelling units per acre; and*
 - c. *Twenty percent (20%) tree canopy for a multi-family residential development developed at a gross density of ten or fewer dwelling units per acre.*

4. *A bonus credit toward tree canopy requirements may be given for the preservation of existing wooded areas, clusters of trees, or mature trees (healthy trees with 12 inches or greater diameter at breast height) as follows:*
 - a. *The credit provided for the preservation of existing trees, wooded areas, or clusters of trees shall be 1.50 multiplied by the area defined by the existing drip line of the tree, wooded area, or cluster of trees.*
 - b. *The credit provided per mature tree shall be 2.0 multiplied by the area defined by the boundaries of the existing drip line of the tree.*
 - c. *A certified landscape architect or arborist shall provide written verification that the trees for which credit will be awarded are in healthy condition; will likely survive for at least twenty (20) years following landscape plan approval; will not be severely impacted by construction activities on site; will not interfere with the growth of other viable landscaping; and will not compromise safety. Credit towards tree canopy requirements shall not be given for any tree deemed to be in poor to fair condition by the Zoning Administrator, nor for any plant designated as invasive on the list maintained by the Zoning Administrator.*
 - d. *In the event that one or more trees to be awarded bonus credit under this section is destroyed, significantly damaged during clearing or construction activities, or is willfully destroyed or removed, the person responsible for such destruction, injury, or removal shall replace each tree destroyed with two (2) large shade trees planted on-site.*
5. *For the purpose of calculating the total area of a site to determine tree canopy coverage requirements, the following areas shall be excluded:*
 - a. *Properties reserved or dedicated for future street construction or other public improvements.*
 - b. *Ponds and un-wooded wetlands.*
 - c. *Properties reserved or dedicated for school sites, playing fields and non-wooded recreation areas, and other facilities and areas of a similar nature.*
 - d. *Portions of a site containing existing structures that are not the subject of a pending application.*

E. All sites subject to site plan approval and all major subdivisions shall reserve a riparian protection area in accordance with the following requirements:

1. *The riparian protection area shall be at least 50 feet wide along both sides of all intermittent streams, at least 75 feet wide along both sides of all perennial streams, and at least 100 feet wide along both sides of the Hardware River, Rivanna River, and James River.*
2. *Indigenous vegetation, including existing ground cover, shall be preserved to the maximum extent practicable, consistent with the use or development proposed. Dead, diseased, or dying vegetation may be pruned or removed as necessary, pursuant to sound horticultural practices. No logging or silvicultural activities may take place within the riparian protection area.*
3. *No portion of any on-site sewerage system, drain field, reserve drain field, or building shall be placed within the riparian protection area. This statement shall be on all plats and site plans of affected lots.*

4. *If otherwise authorized by the applicable regulations of this chapter, the following types of development shall be permitted within the riparian protection area, provided that the requirements of this section are met:*
 - a. *A building or structure which existed on the date of adoption of this article may continue at such location. However, nothing in this section authorizes the replacement, expansion, or enlargement of such building or structure.*
 - b. *On-site or regional stormwater management facilities and temporary erosion and sediment control measures, provided that:*
 1. *To the extent practical, as determined by the Zoning Administrator, the location of such facilities shall be outside of the riparian protection area.*
 2. *No more land shall be disturbed as necessary to provide for the construction and maintenance of the facility, as determined by the Zoning Administrator.*
 3. *The facilities are designed to minimize impacts to the functional value of the riparian protection area and to protect water quality; and*
 4. *Facilities located within a floodplain adhere to the floodplain regulations of the County Code.*
 - c. *Water-dependent facilities; water wells; passive recreation areas, such as pedestrian trails and bicycle paths; historic preservation; archaeological activities, provided that all applicable federal, state and local permits are obtained. All pedestrian trails and bicycle paths shall be constructed using permeable paving materials.*
 - d. *Stream crossings of perennial and intermittent streams for roads, streets, or driveways, provided that the stream buffer disturbance shall be the minimum necessary for the lot(s) to be used and developed as permitted within the underlying zoning district. Stream crossings shall not disturb more than thirty (30) linear feet of stream for driveways and sixty (60) linear feet for roads or streets, provided that the Zoning Administrator may allow additional length of stream disturbance where fill slopes or special conditions necessitate additional length.*

~~F. No invasive species shall be planted, except in containers or completely enclosed planting areas that will prevent their spreading beyond the planting area. Certain invasive species indicated on the list maintained by the Director of Planning Zoning Administrator may not be used in any circumstance. Species identified on the Invasive Alien Plant Species of Virginia list published by the Virginia Department of Conservation and Recreation may not be used in any circumstance.~~

G. In areas in view of public roads and rights-of-way, landscape plans should specify plants and their spacing so they may grow in their natural habitat, achieving mature size with minor pruning and shaping.

H. *Where landscaping is required, the property owner or developer shall provide performance guarantees as follows:*

1. *No certificate of occupancy shall be issued until the landscaping is completed in accordance with the approved landscape plan. When the occupancy of a structure is*

desired prior to the completion of the required landscaping, a certificate of occupancy may be issued only if the owner or developer provides a performance bond or other form of security satisfactory to the Zoning Administrator in an amount equal to the costs of completing the required landscaping. All required landscaping shall be installed and approved by the end of the first planting season following issuance of a certificate of occupancy, or the security described above may be forfeited to Fluvanna County.

2. *A maintenance bond for the landscaping required by this Chapter shall be posted by the developer in favor of Fluvanna County. If the landscaping is installed prior to the issuance of a certificate of occupancy, then the maintenance bond shall be posted prior to the issuance of the certificate of occupancy. If the landscaping is bonded for installation, rather than installed prior to the issuance of a certificate of occupancy, then the maintenance bond shall be posted when the materials are planted and before the performance bond is released. The maintenance bond shall be in the amount of one-third (1/3) the value of the landscaping and shall be held for a period of three (3) years following the planting date. At the end of the three (3) year time period, the bond shall be released if all plantings are in healthy condition as determined by the Zoning Administrator. If the plantings installed in accordance with an approved landscape plan are not properly maintained by the owner, the security described above may be forfeited to Fluvanna County.*

I. *The landowner shall be responsible for the general maintenance and the timely repair and replacement of all landscaping required by this Chapter. All landscaping shall be maintained as follows:*

1. *Plantings shall be kept mulched to prevent weed growth and to retain soil moisture;*
2. *Plant material shall be pruned to maintain healthy and vigorous growth with all pruning performed in accordance with generally accepted maintenance standard practices;*
3. *All turf areas shall be kept mown, except for areas designated as a natural meadow on the landscape plan;*
4. *All plant and landscape material and landscaped areas shall be kept free of refuse and debris; and*
5. *The landowner shall maintain any plant material required by this Chapter and any plant material that dies shall be replaced in kind, or with a suitable substitute as approved by the Zoning Administrator. Preserved existing trees, that subsequently die, shall be replaced by new trees of a caliper and/or height as would be required by this Chapter.*

J. *Any minor requirements above may be ~~waived or~~ modified by the ~~Director of Planning~~ Zoning Administrator on a site-specific basis, by means of substitution of materials, design, or technique, where the Zoning Administrator finds that, as a result of conditions peculiar to the site, ~~may warrant or~~ the objectives of the ordinance can be better achieved by other means. The ~~Director of Planning~~ Zoning Administrator may also approve minor spacing variations. The decision of the ~~Director of Planning~~ Zoning Administrator in this regard is appealable to the ~~Planning Commission~~ Board of Zoning Appeals.*

Sec. 22-24-6. Parking lot landscaping.

~~A. The intent, in addition to those stated for landscaping in general, is to achieve a minimum of 50% screening of parking areas from public streets and adjacent properties.~~

A. All development subject to site plan approval shall include the following required landscaping for parking lots consisting of five (5) spaces or more.

B. Minimum planting areas are to be provided as follows:

1. One ~~9' x 18'~~ planting island *containing not less than 200 square feet of planting area* for every ~~twenty five (25)~~ *twenty (20)* parking spaces in a row and at both ends of a parking bay, *with a minimum width of ten feet (10') in order to protect the landscaping and allow for proper growth.*
2. A ~~nine (9) foot~~ planting strip *at least nine feet (9') in width* between each adjacent area of parking of four (4) bays. ~~Where parking bays are adjacent to the nine (9) foot planting strip, no planting islands are required.~~
3. A ~~nine (9) foot~~ planting strip *at least nine feet (9') in width* shall be provided between access roadways and adjacent properties' parking areas and adjacent property of the same use.
4. A ~~twenty five (25) foot~~ planting area *at least twenty-five feet (25') in width* shall be provided between parking and adjacent properties of a different use and public streets and rights-of-way. The area shall be measured from the closest parking space to the adjacent property or right-of-way line.

C. ~~Large shade trees~~ *Planting islands* shall be planted as follows:

1. One (1) large shade tree *and four (4) shrubs* ~~in each 9' 12' x 18' planting island~~ *for every 200 square feet.*
2. Large shade trees shall be arranged so that the canopy at maturity will cover thirty-five (35) percent of the parking area placed mainly around the perimeter of the parking area and at the end of parking bays.
3. Medium shade trees may be substituted for large shade trees at a ratio of two (2) to one (1), if appropriately spaced and meeting all other canopy criteria. Medium shade trees shall not exceed forty (40) percent of the total number of shade trees.

~~D. Internal planting strips shall be planted with large shade trees every thirty five (35) feet, or medium shade trees as specified in the forgoing section. In addition, ornamental trees, small evergreen trees, evergreen shrubs, deciduous shrubs, and ground covers shall be planted to soften the visual impact of parked cars, create visual relief from expanses of pavement, help direct traffic, and create an aesthetically pleasing environment. The selection and arrangement of plant materials in these strips shall be to achieve these goals while avoiding conflict with sight distance, traffic safety standards, and handicapped accessibility. As a guideline, projecting plants sizes to maturity, thirty (30) percent of the strip should be covered by the canopy of ornamental trees, forty (40) percent by small, evergreen trees and~~

~~shrubs, ten percent (10) covered by deciduous shrubs, and the remainder in ground cover, grass, or mulch.~~

D. Internal planting strips shall be planted as follows:

- 1. One (1) large shade tree and six (6) shrubs every forty (40) linear feet.*
- 2. Large shade trees shall be arranged so that the canopy at maturity will cover thirty-five (35) percent of the parking area placed mainly around the perimeter of the parking area and at the end of parking bays.*
- 3. Medium shade trees may be substituted for large shade trees at a ratio of two (2) to one (1), if appropriately spaced and meeting all other canopy criteria. Medium shade trees shall not exceed forty (40) percent of the total number of shade trees.*

E. Parking lots consisting of five (5) spaces or more shall be screened from view of public roads, rights-of-way, and adjacent properties. One of the following landscaping treatment options shall be utilized to meet the minimum screening requirements for parking lots:

- 1. Landscape Strip Option: One (1) tree and ten (10) shrubs shall be planted for each forty (40) linear feet, excluding driveway openings, within a planting strip that is ten feet (10') in width; or*
- 2. Berm Option: One (1) tree and five (5) shrubs shall be planted for each forty (40) linear feet, excluding driveway openings. The berm shall be at least thirty (30) inches higher than the finished grade of the parking lot and shall not have a slope steeper than 2:1. The berm shall be stabilized with groundcover or other vegetation; or*
- 3. Woodlands Preservation Option: Existing woody vegetation shall be preserved as a buffer strip with a minimum width of thirty-five (35) feet. Additional tree or shrub plantings may be required by the Zoning Administrator. The woodlands preservation area shall be placed in a landscape easement, and the landscape plan shall demonstrate techniques to be used for removing underbrush, pruning, and protecting existing trees from any damage during site development; or*
- 4. Structural Option: A wall constructed of brick, stone, or architectural block, no shorter than three (3) feet and no taller than four (4) feet, shall be constructed along the entire width of the parking lot. One (1) tree and three (3) shrubs shall be planted for each forty (40) linear feet, excluding driveway openings.*

F. The placement of bioretention areas within required planting areas is encouraged, provided that the bioretention techniques utilized are approved as part of an erosion and sediment control plan, stormwater management plan, or similar document. Examples of bioretention techniques include, but are not limited to, rain gardens, swales, infiltration trenches, and tree box filters.

G. When retaining existing trees in parking areas, enough ground around the tree should be left to allow for its survival or grass pavers should be used to allow air and moisture to reach the tree roots.

Sec. 22-24-7. Screening.

A. Screening shall be required in the following instances:

1. Commercial and industrial uses shall be screened from view adjacent properties in residential and agricultural zoning districts, except for commercial and industrial uses allowed by right in said districts.
2. Parking lots consisting of five (5) spaces or more shall be screened from view of public roads, rights-of-way, and adjacent properties.
3. Objectionable features, including but not limited to the following, shall be screened from the view of public roads, rights-of-way, and adjacent properties:
 - i. Loading areas
 - ii. Refuse areas
 - iii. Storage yards
 - iv. Dry Detention ponds
 - v. Maintenance areas
4. If the required screening is consistent with an approved Master Plan subject to the requirements of the R-3 Residential zoning district.
5. *The Zoning Administrator may require the screening of any use, or portion thereof, upon determination that the use would otherwise have a direct negative visual impact on a property designated as historic by its inclusion within the Historic Preservation chapter of the Comprehensive Plan.*

~~B. When required, screening shall consist of a planting strip, existing vegetation, berms, a wall or fence (fifty (50) percent solid), or a combination thereof to the reasonable satisfaction of the Director of Planning. When only vegetative screening is provided, such screening shall be provided to the reasonable satisfaction of the Director of Planning, but shall in no event be less than twenty-five (25) feet in depth. Vegetative screening shall consist at a minimum of a double staggered row of large or medium evergreen trees planted at appropriate spacing for the species to achieve no less than thirty (30) percent screening at the time of planting. Areas indicated as tree protection zones may satisfy this requirement for screening.~~

B. *When required, screening shall consist of new plantings, existing vegetation, an opaque masonry wall or wooden fence, or combination thereof, to the reasonable satisfaction of the Zoning Administrator. Unless otherwise specified within this Chapter, one of the following landscaping treatment options shall be utilized to meet the minimum screening requirements:*

1. *Evergreen Option: Two (2) rows of evergreen trees shall be planted ten (10) feet on center and staggered within a planting strip that is twenty-five feet (25') wide; or*
2. *Berm Option: Two (2) rows of evergreen shrubs shall be planted ten (10) feet on center and staggered. The berm shall be at least thirty (30) inches higher than the finished grade of the surrounding area and shall not have a slope steeper than 2:1. The berm shall*
3. *be stabilized with groundcover or other vegetation; or*
4. *Mixed Vegetation Option: One (1) large shade tree, one (1) medium shade tree, one (1) evergreen tree, and three (3) evergreen shrubs for each twenty (20) linear feet, within a planting strip that is twenty-five feet (25') wide; or*
5. *Woodlands Preservation Option: Existing woody vegetation shall be preserved as a buffer strip with a minimum width of seventy-five (75) feet. Additional tree or shrub*

plantings may be required by the Zoning Administrator. The woodlands preservation area shall be placed in a landscape easement, and the landscape plan shall demonstrate techniques to be used for removing underbrush, pruning, and protecting existing trees from any damage during site development; or

6. *Structural Option: A wall or fence, no shorter than six feet (6') in height, shall be provided and one (1) evergreen tree or shrub shall be planted every ten (10') feet along the side of any such wall or fence facing a public street or use for which the screening shall benefit.*

C. *Within commercial, industrial, and multi-family residential developments, dumpsters and other refuse areas visible from public roads, rights-of-way, and parking areas shall be completely screened from view by a masonry wall constructed using architectural block, brick, stone, or a similar material that is compatible with the architecture of the principal structure. Alternative materials that adequately screen the refuse areas and prevent debris from leaving the refuse area may be used with the prior approval of the Zoning Administrator*

D. *Parking lots of five (5) spaces or more shall be screened in accordance with Sec. 22-24-6. .*

Sec. 22-24-8.1: ~~Statement of Intent~~ Purpose of Tree Protection Plans.

The purpose of this section is to promote the general health, safety and welfare through the protection and preservation of existing tree stands, individual specimen trees, and understory plants during the land disturbance/site development process. Preservation of existing tree stands, individual specimen trees, and understory plants shall be a primary consideration in the planning for, and implementation of, land development activities. For tree protection, barriers are required to prevent physical damage to trees or understory plants, and to prevent soil disturbance and compaction within tree protection areas. The more intense the development of the site, the greater the need for the protection and preservation of existing trees and understory.

Sec. 22-24-8.2. ~~When Required~~ Activities Requiring Tree Protection Plans.

Compliance with the tree protection program of this section is required on all site development plans involving land clearance of more than one-half of one acre (21,780 square feet of cleared land) in size, and all activities requiring a land disturbing permit except for the construction of a single or two family dwelling on an individual lot.

All plans prepared for compliance with this chapter shall clearly delineate areas of tree protection and provide construction details of tree protection barriers. Measures for tree protection shall be outlined in the general notes of the plan, including construction, inspection, and maintenance of barriers. The general notes shall also outline prohibited activities within the tree protection zones. The tree protection zone shall, to the extent possible, conform to the drip line of the trees being protected.

Sec. 22-24-8.3. Tree Protection Plan Contents.

- A. All tree protection plans shall indicate tree protection zone(s), in accordance with the following guideline:
1. Existing stands of trees or individual specimen trees whose removal is not necessary for the development of the site or the construction of any facility.
 2. Preservation of existing trees to comply with the Landscape Plan requirements.
- B. All areas of tree protection shall be bounded by a tree protection barrier at the perimeter of the tree protection zone. Barriers shall completely surround the tree protection area, except where the area extends more than one hundred (100) yards beyond the construction zone or routes of access to the construction zone. The tree protection areas, beyond the one hundred (100) yards, shall be flagged every one hundred (100) feet with continuous ribbon with “Do Not Enter” signs stating prohibited activity. Barriers and flagging shall be installed prior to any land disturbing activity. Barriers shall be a minimum of five (5) feet in height, stationary, and constructed of rigid or semi-rigid materials that must be dismantled to be moved. Barriers shall be of a color or flagged to be clearly visible by all people in the vicinity, particularly equipment and vehicle operators. Barriers shall be inspected and repaired on a routine basis and shall be completely removed prior to occupancy of the development. The purpose of the barrier shall be to prevent damage to trees or under story plants and to prevent soil disturbance and compaction within the zone.
- C. The following activities are prohibited within tree protection zones:
1. Operation of any vehicle or machinery, except as may be necessary for the installation of utility lines.
 2. Parking of vehicles or equipment.
 3. Storage of any materials or equipment.
 4. Discharge of any substance that may be injurious to trees or understory plants.
- D. Wherever feasible, utilities shall be designed and routed to avoid tree protection zones. If it is necessary to route utilities through tree protection zones, the following shall apply:
1. Route utility trenches outside the drip line of trees or as far as possible from tree trunks.
 2. In areas of multiple trees, where trenches must go between trees, preference should be given to stay away from larger specimen trees.
 3. Equipment that is the lightest weight and makes the least possible impact shall be used to dig trenches and install utilities.
 4. Rubber-tired, rather than track equipment, shall be used whenever possible.
 5. Excavation materials are not to be placed against tree trunks and shall be placed as far away from trunks as possible.
 6. Where excavation materials are to be placed, indicator ribbons shall be placed on undisturbed areas prior to excavation, to facilitate restoring the area to the original grade.
 7. Areas where excavated material have been placed shall be restored to the original grade with the least amount of disturbance possible.

- E. Any damage done to trees within tree protection zones shall be immediately repaired.
- F. Any clearing within tree protection zones shall be done by hand.
- G. Where grade differences occur between the tree protection area and the finished grade of the adjacent areas, retaining walls and dry wells shall be used to prevent the need for grading in tree protection zones.

Article 26. Off-Street Parking and Loading Spaces

Sec. 22-26-1. Statement of Intent.

The intent of this article is to provide vehicle parking space for a developed site that is adequate to serve the demand generated by the proposed use, while avoiding excessive impervious area. This article will serve to protect valuable natural, historic, and scenic resources within Fluvanna County; to provide safe and convenient internal and external movement of vehicles, *bicycles*, and pedestrians; to provide adequate fire and police protection and stormwater control; and otherwise to protect the health, safety, and welfare of the citizens of Fluvanna County.

Sec. 22-26-2. Off-Street Parking and Loading Spaces Required.

- A. There shall be provided at the time of erection of any building or at the time any main building is enlarged, or at the time of a change in use of a building or site, off-street parking and loading spaces as set forth in this section. No person, firm, or corporation shall build and occupy any structure or initiate the new use of any land without providing the off-street parking and loading spaces as set forth in this section. Parking requirements shall not automatically be considered sufficient for any other use of the property. When there is a change in use of the property, additional parking spaces may be required if necessary to meet the standards established by this section.
- B. Off-street parking and loading spaces shall be maintained in a clean, litter-free, serviceable, and orderly condition, and shall continue as long as the main use of the site is continued. No owner or operator of any structure affected by this section shall discontinue, change, or dispense with the required parking and loading areas without prior approval by the ~~Director of Planning~~ *Zoning Administrator*.
- C. No non-residential off-street parking space or loading space shall be used for the sale, repair, dismantling or servicing of any vehicle, equipment, materials, or supplies, or obstructed in any fashion.
- D. When a use that is non-conforming as to the required off-street parking and loading space is enlarged, additional off-street parking and loading space shall be required only on the basis of the enlargement.
- E. No Certificate of Occupancy for a new or changed use shall be granted unless the requirements of this section are met.

Sec. 22-26-3. Location of Off-Street Parking.

- A. The off-street parking facilities required by this section shall generally be located on the same lot or parcel of land that they are intended to serve.
- B. When consistent with the intent of this article, the ~~Director of Planning~~ *Zoning Administrator* may approve off-street parking on property that is located within six hundred (600) feet of the development site. Before such approval is granted, a written agreement assuring the retention of property for parking use shall be properly drawn and executed by the parties, approved as to form by the County Attorney, recorded with the County Clerk, and filed with the ~~Director of Planning~~ *Zoning Administrator*.

- C. Nothing in this section shall be construed to prevent the joint use of off-street parking between two (2) or more buildings or developments, or uses by two (2) or more owners or operators. In that case, the total number of parking spaces when combined or used together shall not be less than the sum of the requirements for the several individual uses computed separately, unless it can be demonstrated that by the nature of the several uses, the parking spaces will be in use at substantially different times of day. Before such approval is granted, a written agreement assuring the retention of property for parking use shall be properly drawn and executed by the parties, approved as to form by the County Attorney, recorded with the County Clerk, and filed with the ~~Director of Planning~~ *Zoning Administrator*.
- D. Where a parking lot is owned by Fluvanna County or another public body, and its spaces are open for use by the general public, said spaces may be used to meet the on-site parking requirement, provided that said parking lot is within 600 feet of the development site.
- E. *With the approval of the Zoning Administrator, on-street parking spaces located within one-hundred fifty feet (150') of the designated use may count towards the minimum off-street parking requirements. On-street parking spaces may be located on any private street or, with the approval of the Virginia Department of Transportation (VDOT), any public street. Each off-street parking space shall be on a paved area abutting the travelway.*
- F. To the greatest extent possible, parking areas shall not be located between the adjacent public right-of-way and the principal structure(s) on the site.

Sec. 22-26-4. Parking Space Standards.

A. ~~Parking Space Size Dimensional Standards~~

- ~~1. Option A: Minimum width of 10' per space, with a minimum length of 18' and a minimum aisle width of 20'.~~
- ~~2. Option B: Minimum width of 9' feet per space, with a minimum length of 18' and a minimum aisle width of 24'.~~

- 1. *Parking spaces and adjacent aisles shall conform to the dimensions listed in Table 1:*

Table 1: Minimum Parking Space and Aisle Dimensions

<i>Angle</i>	<i>Type</i>	<i>Width</i>	<i>Stall Depth</i>	<i>One-Way Aisle Width</i>	<i>Two-Way Aisle Width</i>
<i>0° (Parallel)</i>	<i>Standard</i>	<i>9 ft.</i>	<i>20.5 ft.</i>	<i>13 ft.</i>	<i>24 ft.</i>
	<i>Compact</i>	<i>7.5 ft.</i>	<i>18.5 ft.</i>	<i>12 ft.</i>	<i>24 ft.</i>
<i>30°</i>	<i>Standard</i>	<i>9 ft.</i>	<i>17 ft.</i>	<i>13 ft.</i>	<i>N/A</i>
	<i>Compact</i>	<i>8 ft.</i>	<i>14 ft.</i>	<i>12 ft.</i>	<i>N/A</i>
<i>45°</i>	<i>Standard</i>	<i>9 ft.</i>	<i>18 ft.</i>	<i>13 ft.</i>	<i>N/A</i>
	<i>Compact</i>	<i>8 ft.</i>	<i>16 ft.</i>	<i>12 ft.</i>	<i>N/A</i>
<i>60°</i>	<i>Standard</i>	<i>9 ft.</i>	<i>18 ft.</i>	<i>16 ft.</i>	<i>N/A</i>
	<i>Compact</i>	<i>8 ft.</i>	<i>16.5 ft.</i>	<i>15 ft.</i>	<i>N/A</i>
<i>90° (Perpendicular)</i>	<i>Standard</i>	<i>9 ft.</i>	<i>18 ft.</i>	<i>N/A</i>	<i>24 ft.</i>
	<i>Standard</i>	<i>10 ft.</i>	<i>18 ft.</i>	<i>N/A</i>	<i>20 ft.</i>
	<i>Compact</i>	<i>8 ft.</i>	<i>17 ft.</i>	<i>N/A</i>	<i>22 ft.</i>

2. *The minimum stall depth requirements for perpendicular parking spaces may be reduced by up to two feet (2'), if the parking spaces are adjacent to planting strips or other landscaping features that allow for an unobstructed overhang equivalent to the reduction.*
3. *Parking areas containing thirty (30) or more spaces may designate up to twenty percent (20%) of the minimum required parking spaces as compact car spaces. Such spaces shall meet the following requirements:*
 - a. *All compact parking spaces shall conform to the dimensions listed in Table 1.*
 - b. *Compact car parking spaces shall be located in one (1) or more continuous areas and shall not be intermixed with spaces designed for full-size vehicles.*
 - c. *Compact car parking spaces shall be clearly designated by pavement markings and/or appropriate signage.*
4. *Vehicular access roads, when not adjacent to parking spaces, shall meet the following requirements:*
 - a. *The minimum travelway width for two-way access roads shall be twenty-four feet (24').*
 - b. *One-way access roads are permitted, provided that the circulation pattern is contained within the site or sites shown on the site plan and public roadways are not incorporated as part of the circulation pattern. The minimum travelway for one-way access roads shall be twelve feet (12').*

B. Handicapped Parking

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

C. Screening

1. Parking lots consisting of five (5) or more spaces shall be screened from view of public roads, rights-of-way, and adjacent property, as specified in Article 22-24 Landscaping and Tree Protection of this ordinance.

D. Landscaping

1. Parking lots consisting of five (5) or more spaces are required to be landscaped, as specified in Article 22-24 Landscaping and Tree Protection of this ordinance.

E. Lighting

1. Parking lots consisting of five (5) or more spaces are required to have outdoor lighting meeting County requirements, as specified in Article 22-25 Outdoor Lighting Control of this ordinance.

F. Design Objectives

1. Parking areas and vehicular circulation areas shall be designed to achieve the following objectives:
 - i. to minimize on-site and off-site traffic hazards in order to provide safe and convenient access to the traveling public and to pedestrians,
 - ii. to reduce or prevent congestion on public streets,
 - iii. to facilitate unimpeded flow of on-site traffic in circulation patterns readily recognizable and predictable to motorists, *bicyclists*, and pedestrians, ~~and~~
 - iv. to facilitate the provision of emergency services,
 - v. *to minimize the negative impacts of stormwater runoff on local water quality, and*
 - vi. *to minimize the disturbance of existing vegetation.*

G. Signage

1. Parking lots of five (5) or more vehicles are required to have signage, as specified in Article 22-15 Sign Regulations of this ordinance.

H. ~~Interior Circulation Aisles~~ *Interconnectivity*

- ~~1. Interior circulation aisles for two way traffic adjacent to parking spaces shall have a minimum travel width of twenty (20) feet with appropriate turning radii.~~
- ~~2. Interior circulation aisles for one way traffic adjacent to parking spaces shall have a minimum travel width of ten (10) feet with appropriate turning radii.~~
1. *When possible, parking facilities shall be designed to connect with other parking facilities on adjacent parcels, eliminating the need to use abutting streets for cross-movements.*
2. *Pedestrian facilities required by this section shall connect with existing sidewalks within or adjacent to the site, if topography and other environmental conditions allow.*

I. Intersections

1. Intersections of vehicular access aisles and public streets shall have an approach angle not exceeding four (4) percent for a distance of not less than forty (40) feet measured from the edge of the travelway of the public road intersected.
2. *Entrances to parking areas from public or private roadways shall be designed and constructed in accordance with Virginia Department of Transportation (VDOT) standards.*

3. *The centerline of any access point shall be set back from the street line of any intersecting street at least fifty feet (50') or one-half the lot frontage, whichever is greater, except that no required setback shall exceed two-hundred feet (200').*
4. *The centerlines of any separate access points shall be spaced at least seventy-five feet (75') apart.*

J. Grades

1. Grades of access aisles not abutting parking spaces shall not exceed ten (10) percent.
2. Grades of parking spaces, loading spaces, and access aisles abutting parking or loading spaces shall not exceed seven (7) percent and cross slope grades shall not exceed four (4) percent.

K. Drainage

1. All off-street parking and loading facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys.
2. *The use of low-impact development (LID) techniques to control stormwater runoff generated by parking areas is encouraged. Examples of LID techniques include, but are not limited to, the use of permeable paving materials, rain gardens, bioswales, infiltration trenches, and tree box filters designed to capture stormwater and facilitate on-site infiltration.*

L. Pedestrian Facilities

1. *Sidewalks, pedestrian crosswalks, and other pedestrian facilities shall be provided within all parking facilities for five (5) or more vehicles.*
2. *Sidewalks shall be located and aligned to directly and continuously connect points of pedestrian origin and destination, and shall not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access. Connecting walkways shall link building entrances with existing sidewalks along adjacent streets and with existing or proposed sidewalks on adjacent parcels.*
3. *Sidewalks shall comply with the most recent Virginia Department of Transportation (VDOT) specifications.*
4. *Sidewalks and other pedestrian facilities shall be separated from off-street parking, on-street parking, and loading and service areas by curbing or other protective devices.*
5. *Where sidewalks associated with a parking area cross a public or private roadway, a crosswalk shall be clearly marked in accordance with Virginia Department of Transportation (VDOT) standards. The use of remedial treatments, such as raised pedestrian crossings, forecourts and landings, special paving, signs, lights, and bollards, at pedestrian crossings is encouraged.*
6. *Sidewalks may be paved using hard-surfaced pervious paving materials, such as porous asphalt, porous concrete, or block pavers, as a method of stormwater management, provided that the use of such materials does not compromise the safety of pedestrians.*

M. Stacking Lanes

1. Spaces for stacking of vehicles waiting for access to drive-through windows, automatic teller machines (ATMs), fuel pumps, car washes, and similar uses shall be required.
2. Stacking lanes shall be designed so as not to impede on-site or off-site traffic movements, or movements into and out of parking spaces.
3. Stacking lanes shall be separated from other interior drives or aisles by a raised or painted median, and shall be marked so as to be easily identified from a vehicle.
4. No stacking lane shall be placed between any point of access and parking spaces.
5. All stacking spaces shall be at least ten (10) feet wide and eighteen (18) feet long.
6. Spaces in stacking lanes are required as follows:
 - i. convenience store, filling stations: three (3) spaces per drive-in window and one (1) space per fuel pump.
 - ii. financial institutions with drive-in windows, including ATMs accessible from a vehicle: four (4) spaces per first window or ATM and two (2) spaces per each additional window or ATM
 - iii. drive-in restaurants: eight (8) spaces for the first window and two (2) spaces for each additional window.
 - iv. Carwashes, automatic or drive-through: three (3) spaces per bay
 - v. All other uses with drive-through windows: three (3) spaces per window.

Sec. 22-26-5. Construction Standards.

- A. All access aisles, parking, and loading facilities for five (5) or more vehicles shall be surfaced in accordance with intensity of usage and such improvement shall not be less than six (6) inches of Virginia Department of Transportation #21 or #21A aggregate base together with prime and double seal or equivalent. *The use of hard-surfaced pervious paving materials, such as porous asphalt, porous concrete, or block pavers, is permitted as a method of stormwater management.*
 1. The foregoing notwithstanding, the required improvement may be reduced to three (3) inches of gravel in the following cases: (1) for parking for places of worship and other assembly uses where ~~usage of such parking area is anticipated to be so infrequent as to not require greater improvement~~ *evidence is presented to the Zoning Administrator that these spaces will not be used regularly on a daily basis or more than three times a week;* (2) for areas of display or storage of vehicles, mobile homes, machinery or other inventory requiring motor vehicle access for placement; provided, in no case, shall grassed or unimproved areas be devoted to inventory storage; or (3) single or two family dwelling units and uses adjacent or within that unit such as a small home industry, bed and breakfast, home occupation, etc.
 2. *Grass pavers may be used, with the approval of the zoning administrator, where it is demonstrated that the vegetation will survive the amount of expected vehicular traffic.*
 3. All guardrails in parking and loading facilities shall meet VDOT specifications.

4. All parking and loading facilities shall be marked by painted lines, curbs, wheelstops, bumper blocks, or similar means to indicate individual spaces.

Sec. 22-26-6. Off-street Loading Spaces.

- A. All off-street loading spaces shall be provided on the same lot with the use to which they are appurtenant.
- B. All off-street loading spaces shall have a minimum width of twelve (12) feet, a minimum clearance height of 14 ½ feet, and a depth sufficient to accommodate the largest delivery truck serving the establishment, but in no case less than twenty-five (25) feet.
- C. Off-street loading spaces shall be provided in addition to and exclusive of parking spaces on the basis of:
 1. One (1) space for each eight thousand (8,000) square feet of retail space gross feasible area
 2. One (1) space for each eight thousand (8,000) square feet of office space.
 3. One (1) space for each ten thousand (10,000) square feet of industrial area.

Sec. 22-26-7. Interpretations of Off-street Parking and Loading Requirements.

- A. The off-street parking and loading requirements are in addition to space for the storage of trucks or other vehicles used in connection with any use.
- B. The off-street parking and loading requirements do not limit special requirements that may be imposed in the case of planned unit developments, conditional uses, or special exceptions.
- C. Where fractional spaces result, the parking spaces and loading spaces required shall be construed to be the next highest whole number.
- D. No inoperable vehicle shall be parked or stored on a lot in any zoning district unless the vehicle is within a fully enclosed building or structure, or are otherwise shielded or screened from view from all public roads and adjoining properties.

Sec. 22-26-8. Off-street Parking Requirements.

- A. The off-street parking requirements for various uses are stated on Table 4 2.
- B. *The off-street parking requirements for a use not specifically listed in Table 1 shall be determined by the Zoning Administrator based on the characteristics of the proposed uses, the number of residents or visitors, the minimum requirements for similar uses, and any other relevant characteristics. In making the determination, the Zoning Administrator may consider the recommendations of relevant parking studies as well as traffic generation figures, including information provided by the Institute of Traffic Engineers, peak parking demands, and other information.*
- C. The number of parking spaces in a parking area may not exceed the number of spaces required by this section by more than forty (40%) percent unless approved by the Planning Commission. *To mitigate the environmental and visual impacts of additional impervious cover on the surrounding community, at least one (1) of the following features shall be incorporated into the design upon approval of the excess parking:*

1. *Additional spaces approved by the Planning Commission will be surfaced using pervious paving material, including, but not limited to, porous asphalt, porous concrete, or block pavers; or*
 2. *For every two (2) additional spaces approved by the Planning Commission, one (1) tree and three (3) shrubs will be planted on-site, in addition to the requirements specified in Article 22-24: Tree Protection of this ordinance.*
- D. *A reduction in the number of required parking spaces may, at the written request of the applicant, be granted with the approval of the Zoning Administrator as follows:*
1. *A reduction in the number of required parking spaces may be granted in any one (1) of the following instances:*
 - a. *For projects that include fifty (50) or more parking spaces on-site and are located within a designated growth area, the minimum number of parking spaces may be reduced by up to five percent (5%) if the project is located within three-hundred feet (300') of a transit stop and is connected to the transit stop by a sidewalk.*
 - b. *For projects that include fifty (50) or more parking spaces on-site and are located within a designated growth area, the minimum number of required parking spaces may be reduced by one parking space for every one (1) bicycle space provided on a permanently-constructed bicycle rack, provided that the minimum parking required is not reduced by more than five percent (5%).*
 - c. *The minimum number of required parking spaces may be reduced by up to ten percent (10%), provided that one (1) tree and three (3) shrubs are planted for every two (2) spaces reduced, in addition to the requirements set forth in Article 22-24: Tree Protection of this ordinance.*
 - d. *The Zoning Administrator may allow the number of required spaces to be reduced up to ten percent (10%) for projects within a designated growth area that meet new urban/neo-traditional planning principles and further the goals set forth in the Comprehensive Plan. Factors that may be considered when allowing a reduction include the density of the surrounding community; the range of land uses located within convenient walking distance; accessibility to mass transit; and the provision of facilities for bicyclists.*
 - e. *The Zoning Administrator may allow the number of required spaces to be reduced up to twenty-five percent (25%), provided that a professionally-prepared parking study or similar documentation indicates that a reduction in the minimum parking requirements for a specific building or use would provide adequate parking facilities on-site.*
 2. *A site may not receive credit for more than one (1) strategy listed above. The possible reductions in the number of required parking spaces are not cumulative.*
 3. *When a reduction in the number of required parking spaces is permitted, the Zoning Administrator may, at his discretion, require the applicant to reserve space on-site that would accommodate the construction of additional parking in the future. The parking reserve area shall be designated on the site plan, and may not be converted to any other use without amendment of the site plan and the approval of the Zoning Administrator. The parking reserve area shall be sited to allow adequate pedestrian, bicycle, and automobile access, and shall be sized to accommodate a number of parking spaces equal to the amount of the parking reduction awarded. The intent of the parking reserve is to allow expansion of the parking area should the use or parking needs change.*

E. The provisions of this article for the application of individual parking standards for Planned Unit Developments located within the Zion Crossroads Urban Development Area may be modified at the discretion of the Planning Commission, provided that the Applicant submits a parking impact study that fully justifies the modification of the standards based on the mix of uses, the phasing of development, and other factors, including relationship of parking location to individual land uses within the project.

TABLE 1 2. OFF STREET PARKING REQUIREMENTS

USE	PARKING REQUIREMENTS
COMMERCIAL	
Animal Hospital, Veterinary Clinic, Animal Shelter	1 per 300 square feet
<i>Automobile Repair Service Establishments</i>	3 spaces plus 2 spaces for each service bay
<i>Beauty and Barber Shops</i>	2 spaces plus 2 spaces for every barber or beautician chair
<i>Financial Institutions</i>	1 per 250 square feet
Funeral Homes, Churches, other public assembly areas	1 per 4 fixed seats or 75 square feet of assembly area, whichever is greater
<i>Furniture, Carpet, or Appliance Store</i>	1 space per 500 square feet of retail sales area
<i>Gas Stations</i>	1.5 spaces per pump plus 2 spaces for each service bay
Greenhouse; nursery	1 per 200 250 square feet within retail sales area up to 15,000 gross square feet; 1 per 400 square feet thereafter Plus one per 700 1,000 gross square feet located in open storage/growing areas
Laundry	1 per 50 square feet open to the public 2 washing machines
<i>Restaurant</i>	1 per 100 gross square feet, minimum of 10
Retail Stores, Convenience Stores, Gas Stations	1 per 200 250 square feet of up to 15,000 gross square feet; 1 per 400 square feet thereafter plus any required stacking lanes
Sale of Motor Vehicles, Mobile Homes, Travel Trailers	1 per 2000 square feet of display area
Shopping Center	
Gross Leasable Square Feet	
1 to 15,000	5 4 spaces per 1000 feet
15,000 to 50,000	4.5 3.5 spaces per 1000 feet
Greater than 50,000	4 3 spaces per 1000 feet
EATING ESTABLISHMENT	
	2 per 100 gross square feet, minimum of 15
LODGING	
Country Inns, Boarding & Touring House, Bed & Breakfast	1 per unit
Hotels, Motels	1 per unit plus 150 square feet for restaurant and/or meeting area compliance with the requirements for each particular additional use located on premise.

RECREATION	
Assembly Hall, Dance Hall, Skating Rink	1 per 100 square feet
Indoor Recreation Facilities, Arcades	1 per 200 square feet
Campground	1 per campsite
Golf Course, Driving Range, Miniature Golf	2 per hole
Unspecified Recreational Use	1 per 125 square feet of usable recreation area
Stadiums, Arenas, Theaters	1 per 4 seats
RESIDENTIAL	
Dwellings, single family, two family, mobile homes	2 per unit
Dwellings, multi-family <i>Dwellings, multi-family, efficiency/studio</i>	2.25 per unit <i>1 per unit</i>
<i>Dwellings, multi-family, one bedroom</i>	<i>1.25 per unit</i>
<i>Dwellings, multi-family, two bedroom</i>	<i>1.5 per unit</i>
<i>Dwellings, multi-family, three or more bedrooms</i>	<i>2 per unit</i>
Dwellings, multi-family, elderly <i>Assisted Living Facility, Nursing Home</i>	1.25 per unit plus 1 per employee on the major shift <i>1 space per 3 residents plus 1 space per employee on largest shift</i>
<i>Group Home</i>	<i>0.5 spaces per bed at licensed capacity</i>
OFFICE	
Office (Gross floor area 10,000 square feet or less)	1 space per 200 300 square feet of up to 15,000 square feet, 5 minimum; <i>1 space per 350 sq. ft. thereafter</i>
Office (Gross floor area 10,001 to 50,000 square feet)	1 space per 200 for first 10,000 sq. ft., 1 space per 250 sq. ft. thereafter
Office (Gross floor area 50,000 or greater)	1 space per 200 for first 10,000 sq. ft., 1 space per 300 sq. ft. thereafter
INDUSTRIAL AND COMMERCIAL	
	1 per two employees plus 1 per 200 square feet open to the public
<i>Manufacturing</i>	<i>1 per 2 employees on largest shift plus 1 space per company vehicle</i>
<i>Unspecified Industrial Uses</i>	<i>1 per 2 employees on largest shift plus 1 per 250 square feet open to the public</i>
INSTITUTIONAL	
Day Care, Nursery School, Elementary School	1 per 9 pupils
Middle School	1 per 8 pupils
High School	1 per 3 pupils
Library, Museum, Art Gallery, Community Center	1 per 300 square feet
<i>Professional School</i>	<i>1 space per 2 students at maximum capacity plus 1 space per classroom</i>
Post Office	1 per 250 square feet, minimum of 5
UNSPECIFIED	
	Sufficient parking for average number of employees and visitors

And be it further resolved that the public purpose for the amendment is to ensure that new development is compatible with existing development and the rural character of Fluvanna County; to provide greater design flexibility for developers and business owners; to minimize the impacts of new development on local air and water quality; to provide shade to those living, working, and visiting Fluvanna County; to provide habitat for native wildlife; and to help protect the safety of pedestrians, bicyclists, and motorists.



COUNTY OF FLUVANNA

"Responsive & Responsible Government"

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

Memo

To: Fluvanna County Planning Commission

From: Andrew J. Pompei, Planner

Date: April 13, 2012

Re: **Review of the Landscaping and Tree Protection Regulations (Subdivision Ordinance)**

Over the past year, the Planning Commission and Department of Planning & Community Development have worked together to amend the subdivision and zoning ordinances, so that these policies are consistent with the intent of the current Comprehensive Plan. Since late 2011, the Planning Commission has considered changes to the *Tree Protection* and *Off-Street Parking and Loading* sections of the zoning ordinance, and related changes to the subdivision ordinance. Possible amendments were discussed at the Planning Commission work sessions in January, February, and March. The proposed amendments are based on input from the Planning Commission, local landscape architects, real estate developers, and non-profit organizations, and were influenced by similar regulations adopted by neighboring localities.

If the Planning Commission is comfortable with the regulations drafted, it may initiate a Zoning Text Amendment. Per the recommendation of the County Attorney, all of the changes to the zoning ordinance may be initiated with one motion, while the changes to the subdivision ordinance may be initiated with a separate motion.

The agenda packet for the Planning Commission meeting on April 25, 2012 includes the following documents related to the proposed amendments to the **subdivision ordinance**:

- Motion to Initiate Amendments to the Subdivision Ordinance regarding Tree Protection and Landscaping (Attachment A)
- Resolution Initiating Amendments to the Subdivision Ordinance regarding Tree Protection and Landscaping (includes draft regulations) (Attachment B)

If you have any concerns, please contact the Planning Department at (434) 591-1910 or via email.

MOTION: I move that the Fluvanna County Planning Commission direct staff to initiate a Zoning Text Amendment to amend portions of Chapter 19 of the Fluvanna County Code to update regulations regarding landscaping and similar improvements, and to schedule a public hearing for May 23, 2012 for formal Planning Commission consideration and recommendation to the Board of Supervisors.

AGENDA**PLANNING COMMISSION****April 25, 2012**

SUBJECT: Amendment of the Fluvanna County Zoning Ordinance to update and strengthen regulations regarding landscaping and similar improvements (Chapter 19, Article 7: *Subdivision Design Standards*; Chapter 19, Article 8: *Required Improvements*).

TIMING: Needs action to amend the cited provisions of the Fluvanna County Subdivision Ordinance, as outlined above.

POLICY IMPLICATIONS: This action will initiate the process for amending portions of the Fluvanna County Subdivision Ordinance that address landscaping and similar improvements. The proposed amendment is intended to:

- Ensure that new development is compatible with existing development and the rural character of Fluvanna County;
- Provide greater design flexibility for developers;
- Minimize the impacts of new development on local air and water quality;
- Provide shade to those living, working, and visiting Fluvanna County; and
- Provide habitat for native wildlife.

The proposed amendment addresses the provision of riparian protection areas; street tree plantings; the use of low-impact development (LID) techniques; and the provision of landscape preservation buffers.

HISTORY: Over the past year, the Planning Commission and Department of Planning & Community Development have worked together to amend the subdivision and zoning ordinances, so that these policies are consistent with the intent of the current Comprehensive Plan. Since late 2011, the Planning Commission has considered changes to the *Tree Protection* and *Off-Street Parking and Loading* sections of the zoning ordinance, and related changes to the subdivision ordinance. Possible amendments were discussed at the Planning Commission work sessions in January, February, and March. The proposed amendment is based on input from the Planning Commission, local landscape architects, real estate developers, and non-profit organizations, and was influenced by similar regulations adopted by neighboring localities.

DISCUSSION: The proposed amendment to the Fluvanna County Subdivision Ordinance (Chapter 19) will help ensure that adequate landscaping is installed within new subdivisions, protecting Fluvanna County's economic and environmental health, as well as the quality-of-life of its citizens. This proposal is intended to balance the economic, environmental, aesthetic, and transportation needs of the community with those of local businesses and landowners.

Staff: Andrew J. Pompei (Planner)

Attachment:

- A) Resolution Initiating Changes to the Subdivision Ordinance



PLANNING COMMISSION
County of Fluvanna
Palmyra, Virginia

RESOLUTION

Subdivision Text Amendment: Tree Protection and Off-Street Parking and Loading Requirements

Be it resolved by the Fluvanna County Planning Commission, pursuant to Fluvanna County Code Sec. 22-20-1(c), that the Commission intends to propose the following amendment to the Fluvanna County Code:

Article 7. Subdivision Design Standards

Sec. 19-7-1. Generally.

The subdivider and the county shall be mutually responsible for the orderly development of the land. Nothing herein shall be deemed to require the approval of any plat which the Subdivision Agent shall determine to be contrary to sound engineering or surveying practice or which shall constitute a danger to the public health, safety or general welfare. The Subdivision Agent shall review all subdivisions, and may require reasonable changes to the design of such plats to ensure that the development is in conformity with the Comprehensive Plan, rationally designed, suitably adapted to the topography, efficient for the provision of utilities and services, coordinated with the future provision of capital improvements in the surrounding area, and has minimal negative impact on adjoining property. Their discretion shall be guided by the standards set forth in this article.

Sec. 19-7-2. Rural Cluster subdivisions.

All subdividers shall strive to conserve the noteworthy features of the parcel to be subdivided and the rural landscape, in accordance with the Comprehensive Plan and the purpose of this chapter. To achieve these objectives, the subdivider shall follow the process set forth below in developing rural cluster subdivisions for the subdivision of a tract. All major subdivisions in the A-1 Agricultural General Zoning District Classification shall be Rural Cluster subdivisions and subject to this section.

- (a) Determine the number of lots desired, not exceeding the number allowed to be subdivided from the tract under the density provisions of Chapter 22;
- (b) Delineate areas of the tract to be conserved due to their noteworthy features and value to the continued rural character of the county, including, but not limited to, lands with high value for continued agricultural or forestry production, high scenic value including riparian corridors and wildlife habitat; high environmental sensitivity such as steep slopes, wetlands, floodplains; high recreational value and/or having noteworthy historical, natural, or cultural features;
- (c) Locate potential house sites on the area of the tract not delineated as conservation areas, with due consideration for topography, soil suitability for construction and

septic system use, and efficient service by public or central water and/or sewerage systems, as applicable;

- (d) Align streets to serve house sites, with due consideration for topography and connections to existing, planned or potential streets in adjacent areas, and align pedestrian trails if planned; and
- (e) Delineate boundaries of individual residential lots and any residue, in accordance with the lot size, dimension, setback, and yard requirements of Chapter 22.

Sec. 19-7-3. Rational design.

Lot sizes and shapes, block sizes and shapes, and street networks and alignments shall be designed in accordance with accepted planning practices to produce a rational and economical system without undue clearing or grading.

Sec. 19-7-4. Suitability to topography.

If the site contains floodplains, wetlands or slopes steeper than 20%, the proposed development shall be designed to protect against such dangers as erosion, sedimentation, flooding, landslide or subsidence.

Sec. 19-7-5. Infrastructure.

All streets, water systems, sewer systems, storm drainage systems, solid waste collection systems, and other utilities and services shall be coordinated with the existing and planned systems in the surrounding area, and shall be designed and constructed so as to minimize the cost of operation and maintenance and so as to maximize the safety, convenience and efficiency thereof. All lots shall be designed to provide for safe and convenient vehicular access to public streets. Driveway locations, which shall conform to good engineering practice and, in particular, to the regulations of the Virginia Department of Transportation, shall be specified on the plat.

Sec. 19-7-5.1. Street layout.

The following requirements and standards of street layout shall apply:

- (a) The subdivision street layout shall conform in all essential respects with any adopted small area plan and the transportation element and other aspects of the Comprehensive Plan. Proposed streets shall provide for the continuation of existing, planned or platted streets on adjacent tracts, unless such continuation shall be prevented by topography or other physical condition, or unless such extension is found by the Subdivision Agent to be unnecessary for the coordination of development between the subdivision and such adjacent tract.
- (b) Where the subdivision abuts or contains an existing public road, the Subdivision Agent may require that measures be taken to reduce the impact of heavy traffic on the lots abutting or fronting upon such road, and to conserve the capacity of such road to serve through traffic, by one of the following means:

1. By providing vehicular access to such lots by means of a service drive separated from the existing public road by a planting strip and connecting therewith at infrequent intervals.
2. By designing reverse frontage lots having access only from a parallel minor street or from cul-de-sac or loop streets, and with vehicular access to such lots from the existing public road prohibited by deed restrictions or other means.
3. By increasing setbacks by not less than 25% for all structures and requiring the joint use of driveways.

The choice of the most appropriate method of accomplishing the desired purpose in a specific instance shall be made by the Subdivision Agent giving consideration to topography and other physical conditions, the character of existing and contemplated development in the subdivision and its surroundings, and other pertinent factors.

- (c) Cul-de-sacs shall serve five or fewer lots, and shall be connected to other streets by pedestrian paths.
- (d) Intersections of streets shall be at an angle as nearly 90 degrees as topography and good design will permit.
- (e) Alleys may be provided in the rear of lots.
- (f) Cross access easements may be provided for any commercial, multi-family, and industrial subdivision and shall meet the surfacing requirements of the proposed off-street parking as required by the type of use and development contemplated, in compliance with Chapter 22 of this code. Any such easement is subject to the approval of the County Attorney.

Sec. 19-7-5.2. Lot layout.

The lot arrangement, design and orientation shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development. All lots shall be designed to provide for safe and convenient vehicular access to public streets.

- (a) Where lots must have direct access to an existing thoroughfare rather than an internal street, driveway locations shall conform to good engineering practice and, in particular, the regulations of the Virginia Department of Transportation. Joint access driveways shall be provided where practical. All restrictions regarding lot access and driveway location shall be specified on the plat.

If a tract is subdivided into fewer lots than the maximum allowed by its zoning classification, or the Comprehensive Plan designates the tract for a higher density of development than its present zoning classification allows, the Subdivision Agent may require the subdivider to arrange the lots so as to allow the opening of future streets and logical further subdivision.

- (b) The dimensions and layout of lots reserved or planned for commercial, multi-family, and industrial purposes shall be adequate to provide for any off-street parking and service facilities required by the type of use and development contemplated, in compliance with Chapter 22 of this code. The Subdivision Agent may require the subdivider to demonstrate compliance by providing a schematic layout of the anticipated development of such lots.

Sec. 19-7-5.3. Easements.

Where a proposed subdivision is traversed by any stream, water course or drainageway, or a drainageway is proposed, the subdivider shall make adequate provision for the proper drainage of surface water, including the provision of easements along such streams, water courses, and drainageways. The Subdivision Agent may require permanent easements of appropriate width for poles, wires, conduits, storm and sanitary sewers, gas, water mains, and other public utilities, and temporary easements for the future construction thereof, along all lot lines and in other locations deemed necessary to adequately and efficiently serve all subdivision lots and the surrounding area. Such easements may be required for both existing and planned utilities.

Sec. 19-7-5.4. Lands designated for public or common ownership.

When the subdivider proposes to designate lands for public or common ownership, the following standards shall apply:

Where the proposed subdivision includes lands proposed for use as public parks, school sites, or public water or sewer provision under the Comprehensive Plan, the Subdivision Agent shall request the subdivider to indicate the location of such lands on the subdivision plat. The Subdivider shall also provide the written agreement for the acquisition of the lands or facilities between the subdivider and the receiving agency. No public agency is compelled by this chapter to accept any proposed land or facilities.

Sec. 19-7-6. Phasing.

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

approved preliminary plat, the developer shall have the right to record the remaining sections shown on the preliminary plat for a period of five years from the recordation date of the first section.

Sec. 19-7-7. Noise, glare and pollution.

The proposed development shall be designed to minimize the impact of noise, glare and pollution on adjoining property, and to protect the surrounding lands from the same.

Sec. 19-7-7.1. Riparian protection areas.

To protect local water quality, all major subdivisions shall reserve a riparian protection area in accordance with the following requirements:

- (a) *The riparian protection area shall be at least 50 feet wide along both sides of all intermittent streams, at least 75 feet wide along both sides of all perennial streams, and at least 100 feet wide along both sides of the Hardware River, Rivanna River, and James River.*
- (b) *Indigenous vegetation, including existing ground cover, shall be preserved to the maximum extent practicable, consistent with the use or development proposed. Dead, diseased, or dying vegetation may be pruned or removed as necessary, pursuant to sound horticultural practices. No logging or silvicultural activities may take place within the riparian protection area.*
- (c) *No portion of any on-site sewerage system, drain field, reserve drain field, or building shall be placed within the riparian protection area. This statement shall be on all plats and site plans of affected lots.*
- (d) *If otherwise authorized by the applicable regulations of this chapter, the following types of development shall be permitted within the riparian protection area, provided that the requirements of this section are met:*
 - 1. *A building or structure which existed on the date of adoption of this article may continue at such location. However, nothing in this section authorizes the replacement, expansion, or enlargement of such building or structure.*
 - 2. *On-site or regional stormwater management facilities and temporary erosion and sediment control measures, provided that:*
 - a. *To the extent practical, as determined by the agent, the location of such facilities shall be outside of the riparian protection area.*
 - b. *No more land shall be disturbed as necessary to provide for the construction and maintenance of the facility, as determined by the agent.*
 - c. *The facilities are designed to minimize impacts to the functional value of the riparian protection area and to protect water quality; and*
 - d. *Facilities located within a floodplain adhere to the floodplain regulations of the County Code.*
 - 3. *Water-dependent facilities; water wells; passive recreation areas, such as pedestrian trails and bicycle paths; historic preservation; archaeological*

activities, provided that all applicable federal, state and local permits are obtained. All pedestrian trails and bicycle paths shall be constructed using permeable paving materials.

4. *Stream crossings of perennial and intermittent streams for roads, streets, or driveways, provided that the stream buffer disturbance shall be the minimum necessary for the lot(s) to be used and developed as permitted within the underlying zoning district. Stream crossings shall not disturb more than thirty (30) linear feet of stream for driveways and sixty (60) linear feet for roads or streets, provided that the agent may allow additional length of stream disturbance where fill slopes or special conditions necessitate additional length.*

Sec. 19-7-8. Compliance with Chapter 22 of this code.

No subdivision plat shall be approved unless and until it shall be determined that the same complies with Chapter 22 of this code. Subdivisions that are prepared consistent with approved Master Plans as provided in Chapter 22 of this code, shall be subject to the street and lot layout design and improvement standards provided for in that Master Plan.

Article 8. Required Improvements

Sec. 19-8-1. Streets.

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

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

access to all lots served by such road by emergency vehicles and ordinary passenger vehicles as required by Section 19-8-1 of the Fluvanna County Code.” Private roads shall conform to the following minimum specific construction standards:

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

(Ord. 11-17-04)

Sec. 19-8-2. Water supply.

The subdivider shall provide evidence satisfactory to the Subdivision Agent that each lot which is proposed to be created shall have available to it potable water sufficient in quantity and quality to provide for the uses to which such lot may lawfully be put. For any major subdivision, all phases included, one or more sources of water of acceptable quality and quantity shall be approved by the county prior to submittal of the preliminary plat. The water supply shall meet all applicable federal, state and local regulations and the Hydrogeologic Test Requirements.

Sec. 19-8-2.1. Hydrogeologic test requirements.

Prior to the approval of the preliminary plat, the subdivider shall provide evidence that the parcel proposed to be subdivided has sufficient supply of potable water to serve each of the proposed lots. In the case of a subdivision which is proposed to be served by either a public water system, a public service company or a central water supply, the subdivider shall demonstrate that the subdivision has a capacity equal to 1 gallon per minute for each proposed lot after a 48 hour continuous constant rate test. (Ord. 03-15-06)

Sec. 19-8-2.2. Quality.

Water quality shall comply with the requirements defined in the Virginia Department of Health Waterworks Regulations.

Sec. 19-8-2.3. Quantity.

If the proposed subdivision is to be served by individual groundwater wells, the sufficiency of the quantity of water shall comply with the requirements of the Virginia Department of Health Private Well Regulations at the time that a certificate of occupancy is sought as to any occupied building on each lot. If any subdivision is to be served by an existing public or central water system, the subdivider shall obtain a certificate of availability from the operator of the water system. If it is to be served by a new public or central water system, the subdivider shall obtain the necessary permits from all applicable reviewing bodies, including, without limitation, the governing body, the State Corporation Commission, the Virginia Department of Health and the Virginia Water Control Board, and approval of the design and written commitment to operate and maintain the system from an agency approved by the county. (Ord. 06-21-06)

Sec. 19-8-2.4. Fire protection.

The subdivider shall make reasonable provision for fire protection. For any subdivision with a public or central water system, the subdivider shall provide a fire protection system consisting of fire hydrants at intervals of no more than 1,000 feet served by water lines six inches or larger in diameter, or a system of comparable effectiveness. Such plans shall be reviewed and approved by the Fluvanna County Fire Department Chief prior to preliminary plat approval.

Sec. 19-8-2.5. Maintenance.

Upon their completion and final approval, all water systems, other than those connected to a public system, shall be dedicated to an agency approved by the county for ownership, operation and maintenance.

Sec. 19-8-3. Wastewater treatment.

A wastewater collection, treatment and disposal system shall be provided to remove wastewater from the proposed development without undue threat of contamination of surface water or groundwater. Such preliminary plans shall have been approved by the Virginia Department of Environmental Quality or appropriate state agency prior to approval of the preliminary plat.

- (a) If individual sewerage systems are proposed, the subdivider shall demonstrate that each lot which is proposed to be created complies with Section 22-17-10 of this code. (Ord. 9-17-08)

- (b) If a central sewerage system is proposed, the subdivider shall secure approval of the design, and written commitment to operate and maintain the system, from an agency approved by the county, including any special use permit which is required pursuant to Chapter 22 of this code¹, prior to approval of the preliminary plat. (Ord. 9-17-08)
- (c) If a proposed system is subject to regulation by the any state agency, the subdivider shall secure the necessary permits prior to plat approval.

Sec. 19-8-3.1. Maintenance.

Upon their completion, all central sewerage systems, other than those connected to a public system, shall be dedicated to an agency approved by the county for ownership.

Sec. 19-8-4. Storm drainage.

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

- (a) Wherever required by the Virginia Department of Transportation, or under an approved Master Plan or Conditional Zoning provisions of Chapter 22, concrete curb and gutter shall be installed along both sides of street serving 200 or more lots, and on at least one side of every street serving 50 or more lots, and an ~~enclosed~~ *engineered* storm drainage system shall be installed. *The use of perforated curbs and cul-de-sacs with landscaped islands is permitted.* All such improvements shall comply with Virginia Department of Transportation standards.
- (b) Drainage easements of an appropriate width, not less than six feet, shall be reserved where necessary, and shall be shown on the plat.
- (c) All streets and building sites shall be at least one foot above the floodplain elevation.
- (d) *The use of low-impact development (LID) techniques to control stormwater runoff is encouraged. Examples of LID techniques include, but are not limited to, the use of permeable paving materials, rain gardens, bioswales, infiltration trenches, and tree box filters designed to capture stormwater and facilitate on-site infiltration.*

¹ *Editor's Note:* Capitalization corrected by editor.

Sec. 19-8-5. Monuments.

Iron rods or pipes shall be set at all lot corners and at all points of curvature or tangent on streets. Rods or pipes shall be at least one-half inch in diameter and 24 inches long, and shall be set flush with the finished grade.

Sec. 19-8-6. Recreation.

For any major subdivision, as defined in this chapter, if the average lot size for that subdivision is five acres or less, except for Rural Cluster Subdivisions, the subdivider shall provide space and facilities for recreation. Such space shall be clearly labeled on the plat, and shall be dedicated to an entity approved by the county for ownership and maintenance.

- (a) Space for recreation shall be provided at the rate of 5,000 square feet per lot in the subdivision or 15% of the total acreage of the subdivision, whichever is more. This area shall not be developed for parking, roadways, refuse collection, or similar use. An area of $\frac{1}{2}$ acre or more shall be located within $\frac{1}{2}$ mile of each proposed dwelling unit as part of the recreation area, and shall be improved with facilities for sports, picnicking, tot lot equipment, active playground with equipment, or similar uses.
- (b) Each area reserved for recreation shall be of a size and shape conducive to the proposed recreational use.

Section 19-8-7. Utilities.

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

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

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

Sec. 19-8-8. Sidewalks

For all major subdivisions within all zoning districts, sidewalks shall be provided along both sides of all proposed public roads and private roads with a sidewalk compliant with current VDOT standards.

Sidewalks shall also provide connections to active or passive open space, schools, or to adjacent commercial and residential developments.

Sidewalks may be paved using hard-surfaced pervious paving materials, such as porous asphalt, porous concrete, or block pavers, as a method of stormwater management, provided that the use of such materials does not compromise the safety of pedestrians.

(Ord. 5-4-11)

Sec. 19-8-8.1. Sidewalk variation

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

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

The applicant shall file a written request with the Department of Planning and Community Development stating why application of a sidewalk variation is necessary and how the before mentioned circumstances may apply to the property.

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

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

Section 19-8-9. Street trees.

Street trees shall be required along existing or proposed public streets within or adjacent to any major subdivisions within an average lot site of one (1) acre or less. The placement of street trees shall be in accordance with Virginia Department of Transportation (VDOT) standards and shall not be located within any sight triangle. The required plantings shall be located either within the right-of-way itself or within a ten-foot (10') strip continuous to such right-of-way. Existing trees within a caliper of eight inches (8") or greater located within ten feet (10') of the right-of-way may be used to satisfy the planting requirement, provided the trees are protected in accordance with the standards contained in the Virginia Erosion and Sediment Control Handbook. Appropriate provisions shall be made for the permanent maintenance and preservation of the required street trees, to the reasonable satisfaction of the county attorney. Such provisions may include a landscape easement dedicated to the property owners' association or other entity approved by the county attorney. The street trees shall be planted at the following rate:

- (a) One (1) large shade tree shall be required for every fifty (50) feet of road frontage;*
or
- (b) One (1) medium shade tree shall be required for every forty (40) feet of road frontage.*

Section 19-8-10. Landscape Preservation Buffers.

All reverse frontage lots within all zoning districts shall provide a landscape preservation buffer along all interstate, arterial and collector roads and all scenic byways, as designated by the Virginia Department of Transportation (VDOT).

- (a) The minimum width of landscape preservation buffers shall be forty feet (40') measured from the edge of the existing or reserved right-of-way. Along all scenic byways, the landscaped buffer shall be no less than one-hundred feet (100') in width.*
- (b) Appropriate provisions shall be made for the permanent maintenance and preservation of the required landscape preservation buffers, to the reasonable satisfaction of the county attorney. Such provisions may include a landscape preservation easement dedicated to the property owners' association or other entity approved by the county attorney.*
- (c) The preservation of existing trees and shrubs within the required buffers shall be maximized to provide continuity and improved screening. All trees located within the buffer shall be retained, unless removal is necessary to accommodate utilities that run generally perpendicular to the buffer. Dead, diseased, or dying vegetation may be pruned or removed as necessary, pursuant to sound horticultural practices. No logging or silvicultural activities may take place within the landscape preservation buffer. Pastureland and fields existing at the time of the subdivision may remain as open land, provided no healthy trees or shrubs existing at the time of subdivision are removed. Fences or walls may be constructed within the landscape*

preservation buffer, provided that such features are no taller than five feet (5') in height and are designed to be compatible with the rural nature of the surrounding area. Berms may also be constructed within the landscape preservation buffer, provided that such features are no taller than five feet (5') in height, do not have a slope steeper than 2:1, and disturb as little existing vegetation as possible.

- (d) Additional plantings within the landscape preservation buffer are permitted and encouraged. Any plantings required by County Code may be located within the landscape preservation buffer.*

And be it further resolved that the public purpose for the amendment is to ensure that new development is compatible with existing development and the rural character of Fluvanna County; to provide greater design flexibility for developers; to minimize the impacts of new development on local air and water quality; to provide shade to those living, working, and visiting Fluvanna County; and to provide habitat for native wildlife.