

AGENDA
FLUVANNA COUNTY PLANNING COMMISSION
Regular Meeting
Circuit Court Room
Fluvanna Courts Building
May 23, 2012 at 7:00pm

1-CALL TO ORDER, PLEDGE OF ALLEGIANCE

2-DIRECTOR'S REPORT

Mr. Steven Tugwell, Senior Planner

C

3-PUBLIC COMMENTS #1 (3 minutes each)

4-APPROVAL OF MINUTES:

April 25, 2012

D

5- PUBLIC HEARINGS:

ZTA 12:01, Fluvanna County – Zoning Text Amendment

E

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).

ZTA 12:02, Fluvanna County – Subdivision Ordinance Amendment

F

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

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

7-SITE DEVELOPMENT PLANS:

SDP 12:07, Tapscott Brothers Logging

G

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.

8-SUBDIVISIONS:

9-UNFINISHED BUSINESS:

10-NEW BUSINESS:

Discussion of Landscaping-Related Businesses and the Zoning Ordinance

H

11-PUBLIC COMMENT #2 (3 minutes each)

12-ADJOURN

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.

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.

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.



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
Date: May 23, 2012
Re: Planning Director's Report

1. Board of Supervisors Actions:

May 2, 2012:

Union Mills Agricultural Forestal District Renewal

The Union Mills Agricultural Forestal District was renewed for a ten year period to expire on May 15, 2022.

May 16, 2012:

CPA 12:01 - Fluvanna County (Comprehensive Plan Text Amendment)

Deferred until June 20, 2012 meeting to 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)

Approved (4-0-1) 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.

2. Board of Zoning Appeals Actions:

May 1, 2012:

None.

3. Technical Review Committee:

May 10, 2012:

SDP 12:09 - Triangle Realtors

A site development plan request for a 11,200 square foot retail building with respect to 1.59 acres of Tax Map 17, Section 21, Parcel D. The property is zoned B-1, Business, General and is located on the eastern side of Heritage Drive approximately 400 feet east of Turkeysag Trail (Route 1015). The property is located in the Cunningham Election District and is within the Rivanna Community Planning Area.

SUP 12:01 - Clear Signal Towers, LLC (Kidds Store)

A request for a Special Use Permit (SUP) to allow for a 195-foot wireless communications tower with respect to 331.29 acres of Tax Map 39, Section A, Parcel 34. The property is zoned A-1 (Agricultural, General) and is located on the south side of West River Road (State Route 6) near its intersection with Rolling Road South (Route 620). The property is located in the Fork Union Election District and is within the Rural Preservation Planning Area. The property is part of the Kidds Store Agricultural and Forestal District (AFD).

SUP 12:02 - Clear Signal Towers, LLC (Hardware River)

A request for a Special Use Permit (SUP) to allow for a 195-foot wireless communications tower with respect to 71.46 acres of Tax Map 48, Section A, Parcel 94. The property is zoned A-1 (Agricultural, General) and is located on the north side of West River Road (State Route 6) 1.3 miles west of its intersection with Hardware Road (Route 646). The property is located in the Cunningham Election District and is within the Rural Residential Planning Area.

SUP 12:03 – Clear Signal Towers, LLC (Weber City)

A request for a Special Use Permit (SUP) to allow for a 195-foot wireless communications tower with respect to 46.6 acres of Tax Map 59, Section A, Parcel 13B. The property is zoned A-1 (Agricultural, General) and is located on the east side of James Madison Highway (Route 15) 1.2 miles south of its intersection with Winnsville Drive (Route 612). The property is located in the Fork Union Election District and is within the Rural Residential Planning Area.

SUP 12:04 – Clear Signal Towers, LLC (Cohasset)

A request for a Special Use Permit (SUP) to allow for a 195-foot wireless communications tower with respect to 97.7 acres of Tax Map 50, Section A, Parcel 3. The property is zoned A-1 (Agricultural, General) and is located on the west side of Mountain Hill Road (Route 650) approximately 500 feet south of its intersection with West River Road (State Route 6). The property is located in the Fork Union Election District and is within the Rural Preservation Planning Area.

ZTA 12:01 – Fluvanna County

(Tree Protection, Landscaping, & Off-Street Parking: Zoning Ordinance)

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).

ZTA 12:02 – Fluvanna County

(Landscaping & Similar Improvements: Subdivision Ordinance)

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



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

MONTHLY BUILDING INSPECTION REPORT

April 2012

| | <u>NUMBER</u> | <u>VALUE</u> |
|-------------------------|---------------|---------------------|
| New Homes | 7 | 1,027,000 |
| Additions & Alterations | 20 | 366,562 |
| Other Building | 1 | 75,000 |
| Swimming Pool | 3 | 100,000 |
| Land Disturbing Permits | 8 | |
| TOTAL: | 39 | \$ 1,568,562 |

Number of Inspections made: 138

Fees Collected:

| | |
|-------------------------|-----------------|
| Building Permits | \$8,264.47 |
| Land Disturbing Permits | 3,175.00 |
| Proffer | 3,000.00 |
| E 911 Surcharge | 720.00 |
| Zoning Permits | <u>1,650.00</u> |
| | \$16,809.47 |


Darius S. Lester
Building Official

BUILDING INSPECTION REPORT

Difference Current Year Over
Past Year

| USE | Apr-11 | VALUE | # YTD | YTD | | Apr-12 | VALUE | # YTD | VALUE | Apr/Diff | Difference Current Year Over Past Year | | VALUE |
|-----------------------|------------------|-------------------|------------------|-------------------|------------------|------------------|------------------|------------------|--------------------|---------------------|---|---------------------|-------|
| | | | | VALUE | # YTD | | | | | | VALUE | PERMITS | |
| New Homes | 2 | 395,331 | 26 | 4,972,331 | 7 | 1,027,000 | 20 | 3,287,000 | 5 | 631,669 | -6 | (1,685,331) | |
| Duplex | 0 | 0 | 0 | 0 | 0 | - | 0 | - | 0 | - | 0 | - | |
| Single Family Attache | 0 | 0 | 0 | 0 | 0 | - | 4 | 360,000 | 0 | - | 4 | 360,000 | |
| Adds&Alterations | 17 | 234,150 | 83 | 1,443,576 | 20 | 366,562 | 86 | 1,263,716 | 3 | 132,412 | 3 | (179,860) | |
| Garages & Carports | 0 | 0 | 3 | 64,000 | 0 | - | 5 | 55,000 | 0 | - | 2 | (9,000) | |
| Accessory Buildings | 2 | 5,725 | 5 | 43,725 | 0 | - | 3 | 8,500 | -2 | (5,725) | -2 | (35,225) | |
| Single Wide MH | 0 | 0 | 0 | - | 0 | - | 0 | - | 0 | - | 0 | - | |
| Swimming Pools | 0 | 0 | 0 | - | 3 | 100,000 | 4 | 126,000 | 3 | 100,000 | 4 | 126,000 | |
| Recreational Bldgs | 0 | 0 | 0 | - | 0 | - | 0 | - | 0 | - | 0 | - | |
| Business Bldgs | 1 | 5,000 | 2 | 80,000 | 0 | - | 1 | 744,000 | -1 | (5,000) | -1 | 664,000 | |
| Industrial Bldgs | 0 | 0 | 0 | - | 0 | - | 0 | - | 0 | - | 0 | - | |
| Other Buildings | 1 | 14,500,000 | 2 | 14,510,000 | 1 | 75,000 | 3 | 80,100 | 0 | (14,425,000) | 1 | (14,429,900) | |
| TOTALS | 23 | 15,140,206 | 121 | 21,113,632 | 31 | 1,568,562 | 126 | 5,924,316 | 8 | (13,571,644) | 5 | (15,189,316) | |
| FEES | Apr-11 | PREV TOT | YTD 11 | | Apr-12 | PREV TOT | YTD 12 | | DIFFERENCE | | DIFFERENCE YTD | | |
| Building Permits | 43,031.57 | 30,462.55 | 73,494.12 | | 8,984.47 | 24,535.56 | 33,520.03 | | (34,047.10) | | (39,974.09) | | |
| Land Disturb Permits | 2140.00 | 10,400.00 | 12,540.00 | | 3,175.00 | 8,575.00 | 11,750.00 | | 1,035.00 | | (790.00) | | |
| TOTALS | 45,171.57 | 40,862.55 | 86,034.12 | | 12,159.47 | 33,110.56 | 45,270.03 | | (33,012.10) | | (40,764.09) | | |
| INSPECTIONS | Apr-11 | PREVIOUS | YTD 11 | | Apr-12 | PREVIOUS | YTD 12 | | | | | | |
| | 160 | 448 | 608 | | 138 | 411 | 549 | | -22 | | -59 | | |

() represents a negative

Monthly Approval Report for April 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>Adjudicated/Closed</i> | | | | | |
| | | CCE 11-018 | | 10 A-42 | 3.55 | |
| Fork Union | | | | | | |
| | <i>Adjudicated/Closed</i> | | | | | |
| | | CCE 11-019 | | 40 A-14 | 2.024 | |
| | <i>Approved</i> | | | | | |
| | | SDP 12-006 | 199' Communication Facility | 52 (1)7 | 29.389 | |
| | | SUB 12-009 | Lot Consolidation | 60 (7)3, 4 | 6.5 | 2 |
| Palmyra | | | | | | |
| | <i>Adjudicated/Closed</i> | | | | | |
| | | CCE 12-006 | | 3 (18)-10 | 2 | |
| | <i>Approved</i> | | | | | |
| | | SDP 12-005 | Major Site Development Plan | 4 (A)25, 26 | 6.691 | |

| | |
|---|--|
| <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 |
|-------------------|-----------------|---|-------------------|-----------------|-------------|
| Cunningham | | | | | |
| CCE 12-007 | 26 (8)-5B | Jeffrey A. Bibb | Trash | 1st Letter Sent | 5/7/2012 |
| Fork Union | | | | | |
| CCE 12-001 | 51A (A)22 | JWS Enterprises, LLC (James W. Sherrill | Misc. | 1st Letter Sent | 1/12/2012 |
| 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 | Awaiting Action | 5/8/2012 |
| Rivanna | | | | | |
| CCE 11-015 | 18B (5)-1 | Southern Land Holdings LLC | SUPs | BOS | 5/9/2012 |

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

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

ALSO PRESENT: Frederick Payne, Fluvanna County Attorney
Steven Nichols, County Administrator
Steven Tugwell, Senior Planner
Andrew Pompei, Planner
Lauren Ryalls, Senior Program Support Assistant

CALL TO ORDER

Chairman Halstead called the Planning Commission meeting of April 25, 2012 to order at 7:00 p.m. in the Circuit Court room of the Fluvanna County Courts Building in Palmyra, Virginia. After the meeting was called to order, the Pledge of Allegiance was recited.

PLANNING DIRECTOR'S REPORT

Mr. Steven Tugwell, Senior Planner, gave the monthly report to the Planning Commission.

- **Board of Supervisors – April 4, 2012**
 - *None*
- **Board of Supervisors – April 18, 2012**
 - *None*
- **Board of Zoning Appeals Actions – No April Meeting.**
- **Technical Review Committee – April 12, 2012**
 - **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.
 - **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.

PUBLIC COMMENTS #1

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

With no one wishing to speak, Chairman Halstead closed the first section of public comments.

APPROVAL OF MINUTES

A motion by Mr. Bibb and seconded by Mr. Gaines to **approve** the January 25, 2012 minutes by a vote of 5-0. AYES: Babbitt, Bibb, Gaines, Halstead, and Tinsley. NAYS: None.

PUBLIC HEARINGS:

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

Mr. Andrew Pompei, Planner, presented the Comprehensive Plan Text Amendment to the Planning Commission.

Dr. Babbitt questioned who drafted the Vision chapter. Mr. Chesser clarified that it was written by the Board of Supervisors.

Mr. Pompei stated that none of the staff recommendations were incorporated into the draft, the Board of Supervisors requested to stick to the original draft.

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

The Planning Commission discussed the wording associated with the *Vision* Chapter of the Comprehensive Plan. Dr. Babbitt stated that it should be clear, concise, and easy to understand, the current draft is unclear.

MOTION:

Dr. Babbitt moved to **recommend** that the Comprehensive Plan be amended to replace the existing Vision Statement with the proposed Vision Statement, but does not recommend any further amendments to the *Vision* chapter of the Comprehensive Plan.

Mr. Gaines seconded. The motion carried with a vote of 5-0. AYES: Babbitt, Bibb, Gaines, Halstead, and Tinsley. NAYS: None.

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). The property is located in the Palmyra (formerly Rivanna) Election District and is within the Rivanna Community Planning Area.

Mr. Steve Tugwell, Senior Planner, presented this 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. Mr. Tugwell stated that this item had been applied for before, but was withdrawn on November 16, 2011 at the Board of Supervisors meeting and was not acted upon by the Board of Supervisors.

Chairman Halstead opened the public hearing.

- Alex Prats, neighbor to Southern Land Holdings, LLC, spoke in opposition emphasizing the high noise levels and high traffic volume.
- John Danna, neighbor to Southern Land Holdings, LLC, spoke in opposition and reiterated the high noise levels.
- Pete Patterson spoke in support.
- Eddie Patterson, owner of Monticello Mulch, spoke in support and addressed concerns about the noise stating that they are taking steps to help decrease the noise levels.
- Joe Lodato, applicant for Southern Land Holdings, LLC, spoke in support and addressed noise issue and that complaints should be presented to the owner.

Chairman Halstead closed the public hearing.

The Planning Commission discussed the issues surrounding these proffer amendments and came to the conclusion that this site is not intended for this use.

MOTION:

Mr. Gaines moved to **recommend 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.

Dr. Babbitt seconded. The motion carried with a vote of 5-0. AYES: Babbitt, Bibb, Gaines, Halstead, and Tinsley. NAYS: None.

PRESENTATIONS:

None

SITE DEVELOPMENT PLANS:

SDP 12:05, Virginia Electric Power – 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.

Mr. Steve Tugwell, Senior Planner, presented the site development plan request for a temporary laydown yard with respect to 6.691 acres of Tax Map 4, Section A, Parcels 25 and 26 to the Planning Commission.

Ms. Courtney Fisher, Virginia Electric Power Company, addressed the Planning Commission.

The Planning Commission discussed the location for the temporary equipment laydown yard.

MOTION:

Mr. Bibb moved 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.

Mrs. Tinsley seconded. The motion carried with a vote of 5-0. AYES: Babbitt, Bibb, Gaines, Halstead, and Tinsley. NAYS: None.

SUBDIVISIONS:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

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

Mr. Andrew Pompei, Planner, presented the initiation to amend a portion of the Fluvanna County Zoning Ordinance, related to Tree Protection and Off-Street Parking, to the Planning Commission.

MOTION:

Mrs. Tinsley moved 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.

Dr. Babbitt seconded. The motion carried with a vote of 5-0. AYES: Babbitt, Bibb, Gaines, Halstead, and Tinsley.

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

Mr. Andrew Pompei, Planner, presented the initiation to amend the Fluvanna County Subdivision Ordinance, related to Tree Protection and Off-Street Parking, to the Planning Commission.

MOTION:

Mr. Bibb moved 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.

Dr. Babbitt seconded. The motion carried with a vote of 5-0. AYES: Babbitt, Bibb, Gaines, Halstead, and Tinsley.

PUBLIC COMMENTS #2

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

With no one wishing to speak, Chairman Halstead closed the second section of public comments.

ADJOURN

There being no further business, Chairman Halstead adjourned the Planning Commission meeting of April 25, 2012 at 8:26 p.m.

Minutes recorded by Lauren Ryalls.

James Halstead, Jr., Chairman
Fluvanna County Planning Commission



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: ZTA 12:01

From: Andrew Pompei
Date: May 23, 2012

General Information: This request is to be heard by the Planning Commission on Wednesday, May 23, 2012 at 7:00 pm in the Circuit Courtroom in the Courts Building.

Applicant/Representative: Fluvanna County

Requested Action: Amend 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 and Loading Spaces*).

Analysis

The applicant is proposing to amend several portions of the Fluvanna County Zoning Ordinance to update and strengthen regulations regarding 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 amendment would affect Chapter 22, Article 22: *Definitions*; Chapter 22, Article 24: *Tree Protection*; and Chapter 22, Article 26: *Off-Street Parking and Loading Spaces*.

Project History

Over the past year, the Planning Commission and Department of Planning and Community Development have worked together to amend the zoning and subdivision 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.

Text Amendments

The revised regulations address several different aspects of Fluvanna County's landscaping and tree protection regulations, including:

- **Minimum Size of Plant Materials at Installation**

The minimum size requirements for new plantings have been reduced. Smaller plants are typically priced lower than larger specimens, and they are better able to acclimate to new growing conditions; this leads to a higher survival rate.

- **Riparian Protection Areas**

All site plans and major subdivisions must reserve a riparian protection area along both sides of intermittent and perennial streams (50' along intermittent streams; 75' along perennial streams; and 100' along the Hardware, Rivanna, and James rivers). Existing vegetation within the riparian protection area must be retained to the greatest extent possible; certain exceptions are clearly specified.

- **Tree Canopy Requirements**

All new commercial, industrial, and multi-family residential projects must have a certain portion of their area under tree canopy. Ten years after planting, the tree canopy must cover at least ten percent (10%) of commercial and industrial sites and at least fifteen to twenty percent (15 – 20%) of multi-family residential sites, depending on the density. Developers may receive bonus credit towards the tree canopy requirements for preserving existing trees.

- **Street Trees**

Street trees are required along existing or proposed streets within or adjacent to any site that is subject to site plan approval, and all major subdivisions with an average lot size of one acre or less. One shade tree is required for every fifty feet (50') of road frontage, or one medium shade tree is required for every forty feet (40') of road frontage. The existing ordinance does not require street trees to be planted within single-family residential subdivisions, but does require street trees to be planted adjacent to non-residential developments subject to site plan approval.

- Parking Lot Landscaping

More landscaping is required within, and adjacent to, parking areas. The size of parking islands has increased, and the amount of landscaping required within each island has increased. Developers may choose from one of four screening options, each of which consists of a different palette of plantings.

- Screening

Developers may choose from one of five screening options, each of which consists of a different palette of plantings. Dumpsters and other refuse areas within commercial, industrial, and multi-family residential developments must be screened from view by a masonry wall.

- Maintenance

Proposed maintenance provisions require the landowner to properly maintain all required landscaping. Landscaped beds must be kept mulched and free from trash, plant material must be pruned, and turf areas must be mowed.

- Bonding

Per the proposed amendments, developers must submit a landscaping maintenance bond that will be retained for three years following the initial planting. The maintenance bond must be equal to one-third (1/3) of the value of the required landscaping. This provision would enable the County to better enforce the current requirement that landscaping be maintained in healthy condition for at least three years after installation; the County would be able to use the bond to replace dead vegetation required by the ordinance.

The revised regulations also address several different aspects of Fluvanna County's off-street parking regulations, including:

- On-Street Parking

On-street parking may be used to satisfy the minimum parking requirements, provided that it is located within 150 feet of the designated use and, if located on a public roadway, is approved by the Virginia Department of Transportation (VDOT).

- Dimensional Standards

While the previous regulations only specified stall sizes for perpendicular (90°) parking spaces, the proposed revisions specify the stall sizes for angled parking and compact car spaces. The minimum stall depth requirements for perpendicular parking spaces may be reduced by up to two feet, if the parking spaces are adjacent to planting strips that can accommodate vehicle overhang.

- Compact Cars

Parking areas containing thirty (30) or more spaces may reserve up to twenty percent (20%) of the minimum required parking spaces for compact cars.

- Access & Interconnectivity

Minimum spacing requirements for access points are established, ensuring there is adequate spacing between driveways. Where possible, parking lots must be designed to connect with parking facilities on adjacent parcels.

- Pedestrian Facilities

Within parking lots, sidewalks built to VDOT standards must be provided to accommodate safe pedestrian movement.

- Maximum Parking Requirements

Developers may only exceed the minimum parking requirements if they utilize porous paving materials or install additional landscaping. These measures are intended to offset the higher runoff rates generated by increased impervious surfaces.

- Reduction in Minimum Parking Requirements

The minimum parking requirements are intended to ensure the construction of adequate parking facilities that can safely accommodate patrons. Some of the minimum parking requirements were reduced, based on the requirements of neighboring localities and recommendations from non-profit organizations. Additional uses are specified within the off-street parking schedule.

To better clarify the provisions set forth in the proposed regulations, the following definitions have been added to Article 22 (Definitions) of the zoning ordinance:

- | | | |
|-----------------------------|----------------------------|----------------------|
| • Berm | • Natural Meadow | • Tree Canopy |
| • Bicycle Parking | • Parking Bay | • Tree, Evergreen |
| • Bioretention Area | • Riparian Protection Area | • Tree, Large Shade |
| • Caliper | • Shrub | • Tree, Mature |
| • Diameter at Breast Height | • Stream, Intermittent | • Tree, Medium Shade |
| • Dripline | • Stream, Natural | • Tree, Ornamental |
| • Low-Impact Development | • Stream, Perennial | • Tree, Street |

These definitions will help developers understand the County's existing and proposed regulations, and will help the Zoning Administrator enforce the provisions of the zoning ordinance.

These regulations are consistent with a related amendment to the subdivision ordinance (Chapter 19, Article 7: *Subdivision Design Standards*; Chapter 19, Article 8: *Required Improvements*), which is being considered concurrently (ZTA 12:02).

Comprehensive Plan

The Comprehensive Plan encourages “well-planned, compact development, that efficiently utilizes green infrastructure, creating interconnected, walkable, and fiscally-sustainable communities that employ the latest in environmental controls” (page 8). The proposed regulations are intended to promote environmentally-sensitive, aesthetically-pleasing development that safely accommodates pedestrians, bicyclists, and automobiles.

The proposed amendment is consistent with the following goals of the Comprehensive Plan:

- Develop land-use policies and regulations that will preserve and enhance the county’s natural environment (*Natural Environment: Goal 1*).
- Protect environmental resources (*Natural Environment: Goal 2*).
- Manage and protect surface water and groundwater resources (*Natural Environment: Goal 3*).
- Promote energy efficiency throughout the county to improve air quality and reduce the County’s dependence on fossil fuels (*Natural Environment: Goal 4*).
- Enable well-planned, coordinated, and sustainable development to occur throughout the County (*Land Use: Goal 2*).
- Preserve and enhance Fluvanna’s unique identity and rural character (*Community Design: Goal 1*).
- Develop higher-density, walkable, mixed-use communities in the identified growth areas of the County (*Community Design: Goal 2*).
- Improve pedestrian and bicycle access to roads and provide off-road trails and walkways (*Transportation: Goal 3*).

The proposed amendment will help the County implement several of the strategies described within the Comprehensive Plan:

- Review zoning and subdivision regulations to maximize environmental benefits through best management practices such as low-impact development, dark-sky lighting, quality and quantity stormwater controls, adequate buffering/screening, native landscaping, pervious surfaces, and walkability (*Natural Environment: Goal 1, Strategy 6*).
- Require aesthetic landscaping to buffer residential, business, and industrial development from public highways and adjacent rural and residential areas (*Natural Environment: Goal 1, Strategy 10*).

- Promote development projects that minimize environmental impact through the effective utilization of green infrastructure, low-impact development practices, and other innovative sustainable development practices (*Natural Environment: Goal 2, Strategy 1*).
- Require riparian buffers adjacent to waterways to protect local and regional water resources such as perennial streams, floodplains, wetlands, steep slopes, and highly-erodible soils (*Natural Environment: Goal 2, Strategy 8*).
- Promote BMPs, particularly those recommended by the Rivanna River Basin Commission, to reduce non-point source pollution from development, farming, and other sources (*Natural Environment: Goal 3, Strategy 3*).
- Enhance the County's alternative transportation systems through the development process (*Community Design: Goal 1, Strategy 5*).
- Maintain and enhance primary gateways to ensure a positive identity (*Community Design: Goal 1, Strategy 10*).
- Integrate a variety of transportation options, including pedestrian, bicycle, and vehicular (*Community Design: Goal 2, Strategy 4*).
- Development along state Scenic Byways and bicycle routes should be carefully screened to ensure that development is compatible with the scenic character and tourist value of the route (*Transportation: Goal 1, Strategy 5*).
- Provide secure bicycle storage shelters at all public facilities, and require or give parking space credits for commercial development (*Transportation: Goal 4, Strategy 9*).

Technical Review Committee

The Technical Review Committee Meeting was held on May 10, 2012. Several agencies commented on the request:

- The Virginia Department of Forestry (VDOF) commented that the arborists should be certified by the International Society of Arboriculture (ISA), and that plantings should be maintained following ISA standards. Like large shade trees, medium shade and ornamental trees should be at least 1.5" caliper at planting; it results in a minimal cost increase (Note: VDOF was unable to attend the meeting, but commented on May 8, 2012 in person.)
- The Fire Department stated that there have been issues with overgrown plants blocking street signs, which hinders the efforts of emergency personnel responding to calls.
- The Health Department stated that the proposed regulations will have no apparent impact on health regulations (Attachment B).

Conclusion

The proposed amendment to the zoning ordinance 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 environmental, aesthetic, and transportation needs of the community those of local businesses.

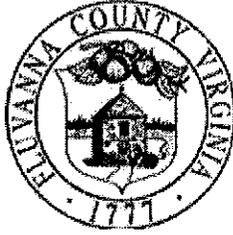
Suggested Motion

I move to recommend [**approval/denial**] of ZTA 12:01, a request to amend the Fluvanna County Zoning Ordinance (Article 22: *Definitions*; Article 24: *Tree Protection*; and Article 26: *Off-Street Parking & Loading Spaces*) to update and strengthen regulations regarding tree protection, landscaping, and off-street parking.

Attachments

- A: Application
- B: TRC Comments (Health Department)
- C: Proposed Text

Copy:
Applicant/Representative: Fluvanna County



COMMONWEALTH OF VIRGINIA COUNTY OF FLUVANNA Application for Zoning Text Amendment

Owner of Record: Fluvanna County

Applicant of Record: Fluvanna County

E911 Address: 132 Main Street, Palmyra, VA 22963

E911 Address: 132 Main Street, Palmyra, VA 22963

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

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

Email: apompei@co.fluvanna.va.us

Email: apompei@co.fluvanna.va.us

Representative: Andrew Pompei (Planner)

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.

E911 Address: 132 Main Street, Palmyra, VA 22963

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

Email: apompei@co.fluvanna.va.us

Proposed amendment to the Zoning Ordinance: (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.

Location of Parcel: N/A Section: _____

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)

Proposed Text:

The proposed amendment was initiated by the Planning Commission on April 25, 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: 4/30/12 Signature of Owner/Applicant: Andrew Pompei

Subscribed and sworn to before me this 30th day of April, 2012 Register # 7509714

My commission expires: 3/31/2015 Notary Public: Laura M. Ruppel

| | | | |
|---|---|---------------------------|----------------------------------|
| Date Received: | Pre-Application Meeting: | PH Sign Deposit Received: | Application #: <u>ZTA 12: 01</u> |
| \$550 fee paid: | | | |
| Advertisement Dates: <u>May 10th + 17th</u> | Advertisement Dates: <u>June 7th + 14th</u> | | |
| APO Notification: <u>May 9, 2012</u> | APO Notification: <u>June 6, 2012</u> | | |
| Date of Hearing: <u>May 23, 2012</u> | Date of Hearing: <u>June 20, 2012</u> | | |
| Decision: | Decision: | | |

MEMORANDUM

To: County of Fluvanna, Office of Planning and Community Development
From: Fluvanna County Health Department, Environmental Health
Date: May 10, 2012

SDP 12:09 – Triangle Realtors – Property located on right side of Turkey Sag off of Rt. 53 in existing shopping center. Probable connection to Lake Monticello water & sewer.

SUP 12:01 – Clear Signal Towers, LLC - Tax Map 39-A-34, property belonging to William Davis. 331.29 acres directly across from Kidd's Store, southside of Rt. 6. Property does not contain any existing buildings, water or sewage systems.

SUP 12:02 – Clear Signal Towers, LLC – Tax Map 48-A-94, property belonging to Michael Gray. 71.46 acres on north side of Rt. 6 past Hardware River. Property does not contain any existing buildings, water or sewage systems.

SUP 12:03 – Clear Signal Towers, LLC – Tax Map 59-A-13B, property belonging to Richard White. 46.6 acres on East side of Rt. 15 before Bremo Bluff. The health department issued a permit for an agricultural well which was installed on June 10, 2009. There is a barn on the property but no septic systems.

SUP 12:04 Clear signal Towers, LLC – Tax Map 50-A-3, property belonging to Margaret Snoddy. 97.7 acres on Rt. 650, south of Rt. 6. Property does not contain any existing buildings, water or sewage systems.

ZTA 12:01 & ZTA 12:02 – Amendments to Zoning and Subdivision Ordinances. No apparent impact on health department regulations.

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.*

BICYLCE 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

recording. 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 seq. 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 it's 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 be stabilized with groundcover or other vegetation; or*
3. *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*
4. *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*
5. *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:*

| <i>Table 1: Minimum Parking Space and Aisle Dimensions</i> | | | | | |
|--|-----------------|----------------|--------------------|----------------------------|----------------------------|
| <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> | <i>3 spaces plus 2 spaces for each service bay</i> |
| <i>Beauty and Barber Shops</i> | <i>2 spaces plus 2 spaces for every barber or beautician chair</i> |
| <i>Financial Institutions</i> | <i>1 per 250 square feet</i> |
| 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> | <i>1 space per 500 square feet of retail sales area</i> |
| <i>Gas Stations</i> | <i>1.5 spaces per pump plus 2 spaces for each service bay</i> |
| 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> | <i>1 per 100 gross square feet, minimum of 10</i> |
| 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 Dwellings, multi-family, efficiency/studio | 2.25 per unit 1 per unit |
| Dwellings, multi-family, one bedroom | 1.25 per unit |
| Dwellings, multi-family, two bedroom | 1.5 per unit |
| Dwellings, multi-family, three or more bedrooms | 2 per unit |
| Dwellings, multi-family, elderly Assisted Living Facility, Nursing Home | 1.25 per unit plus 1 per employee on the major shift 1 space per 3 residents plus 1 space per employee on largest shift |
| Group Home | 0.5 spaces per bed at licensed capacity |
| 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; 1 space per 350 sq. ft. thereafter |
| 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 |
| Manufacturing | 1 per 2 employees on largest shift plus 1 space per company vehicle |
| Unspecified Industrial Uses | 1 per 2 employees on largest shift plus 1 per 250 square feet open to the public |
| 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 |
| Professional School | 1 space per 2 students at maximum capacity plus 1 space per classroom |
| Post Office | 1 per 250 square feet, minimum of 5 |
| UNSPECIFIED | |
| | Sufficient parking for average number of employees and visitors |



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: ZTA 12:02

From: Andrew Pompei
Date: May 23, 2012

General Information: This request is to be heard by the Planning Commission on Wednesday, May 23, 2012 at 7:00 pm in the Circuit Courtroom in the Courts Building.

Applicant/Representative: Fluvanna County

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

Analysis

The applicant is proposing to amend several portions of the Fluvanna County Subdivision Ordinance to update and strengthen regulations regarding 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 amendment would affect Chapter 19, Article 7: *Subdivision Design Standards* and Chapter 19, Article 8: *Required Improvements*.

Project History

Over the past year, the Planning Commission and Department of Planning and Community Development have worked together to amend the zoning and subdivision 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.

Text Amendments

The revised regulations address several different aspects of subdivision design, including:

- Riparian Protection Areas

All major subdivisions with an average lot size of one (1) acre or less must reserve a riparian protection area along both sides of intermittent and perennial streams (50' along intermittent streams; 75' along perennial streams; and 100' along the Hardware, Rivanna, and James rivers). Existing vegetation within the riparian protection area must be retained to the greatest extent possible; certain exceptions are clearly specified.

- Low-Impact Development (LID)

The use of low-impact development (LID) techniques within new subdivisions is specifically permitted and encouraged. Examples of LID techniques include permeable paving materials, rain gardens, bioswales, infiltration trenches, and tree box filters. These features are designed to capture stormwater and facilitate on-site infiltration.

- Street Trees

Street trees are required along existing or proposed streets within or adjacent to all major subdivisions with an average lot size of one (1) acre or less. One shade tree is required for every fifty feet (50') of road frontage, or one medium shade tree is required for every forty feet (40') of road frontage. The existing ordinance does not require street trees to be planted within single-family residential subdivisions.

- Landscape Preservation Buffers

Landscape preservation buffers are required on reverse frontage lots along all interstate, arterial, and collector roads and scenic byways. The buffer must be at least forty feet (40') wide along interstate, arterial, and collector roads and one-hundred feet (100') wide along all designated scenic byways. Existing vegetation within the buffer area must be preserved.

These regulations are consistent with a related amendment to the tree protection, landscaping, and off-street parking provisions of the zoning ordinance (Article 22: *Definitions*; Article 24: *Tree Protection*; and Article 26: *Off-Street Parking and Loading Spaces*), which is being considered concurrently (ZTA 12:01).

Comprehensive Plan

The Comprehensive Plan encourages “well-planned, compact development, that efficiently utilizes green infrastructure, creating interconnected, walkable, and fiscally-sustainable communities that employ the latest in environmental controls” (page 8). The proposed regulations are intended to promote environmentally-sensitive, aesthetically-pleasing development countywide.

The proposed amendment is consistent with the following goals of the Comprehensive Plan:

- Develop land-use policies and regulations that will preserve and enhance the county’s natural environment (*Natural Environment: Goal 1*).
- Protect environmental resources (*Natural Environment: Goal 2*).
- Manage and protect surface water and groundwater resources (*Natural Environment: Goal 3*).
- Enable well-planned, coordinated, and sustainable development to occur throughout the County (*Land Use: Goal 2*).
- Preserve and enhance Fluvanna’s unique identity and rural character (*Community Design: Goal 1*).

The proposed amendment will help Fluvanna County implement several of the strategies described within the Comprehensive Plan:

- Review zoning and subdivision regulations to maximize environmental benefits through best management practices such as low-impact development, dark-sky lighting, quality and quantity stormwater controls, adequate buffering/screening, native landscaping, pervious surfaces, and walkability (*Natural Environment: Goal 1, Strategy 6*).
- Require aesthetic landscaping to buffer residential, business, and industrial development from public highways and adjacent rural and residential areas (*Natural Environment: Goal 1, Strategy 10*).
- Promote development projects that minimize environmental impact through the effective utilization of green infrastructure, low-impact development practices, and other innovative sustainable development practices (*Natural Environment: Goal 2, Strategy 1*).
- Require riparian buffers adjacent to waterways to protect local and regional water resources such as perennial streams, floodplains, wetlands, steep slopes, and highly-erodible soils (*Natural Environment: Goal 2, Strategy 8*).
- Promote BMPs, particularly those recommended by the Rivanna River Basin Commission, to reduce non-point source pollution from development, farming, and other sources (*Natural Environment: Goal 3, Strategy 3*).

- Maintain and enhance primary gateways to ensure a positive identity (*Community Design: Goal 1, Strategy 10*).
- Development along state Scenic Byways and bicycle routes should be carefully screened to ensure that development is compatible with the scenic character and tourist value of the route (*Transportation: Goal 1, Strategy 5*).

Technical Review Committee

The Technical Review Committee Meeting was held on May 10, 2012. Several agencies commented on the request:

- The Virginia Department of Forestry (VDOF) commented that the arborists should be certified by the International Society of Arboriculture (ISA), and that plantings should be maintained following ISA standards. Like large shade trees, medium shade and ornamental trees should be at least 1.5” caliper at planting; it results in a minimal cost increase (Note: VDOF was unable to attend the meeting, but commented on May 8, 2012 in person.)
- The Fire Department stated that there have been issues with overgrown plants blocking street signs, which hinders the efforts of emergency personnel responding to calls.
- The Health Department stated that the proposed regulations will have no apparent impact on health regulations (Attachment B).

Conclusion

The proposed amendment to the subdivision ordinance (Chapter 19) will help ensure that adequate landscaping is installed and retained 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 environmental, aesthetic, and transportation needs of the community with those of local businesses and landowners.

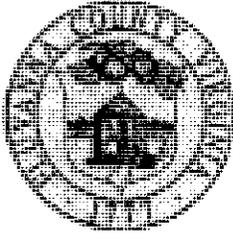
Suggested Motion

I move to recommend [approval/denial] of ZTA 12:02, a request to amend the Fluvanna County Subdivision Ordinance (Article 7: *Subdivision Design Standards* and Article 8: *Required Improvements*) to update and strengthen regulations regarding landscaping and similar improvements.

Attachments

- A: Application
- B: TRC Comments (Health Department)
- C: Proposed Text

Copy: Applicant/Representative: Fluvanna County



COMMONWEALTH OF VIRGINIA
COUNTY OF FLUVANNA
Application for
Zoning Text Amendment

Owner of Record: Fluvanna County

Applicant of Record: Fluvanna County

E911 Address: 132 Main Street, Palmyra, VA 22963

E911 Address: 132 Main Street, Palmyra, VA 22963

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

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

Email: apompei@co.fluvanna.va.us

Email: apompei@co.fluvanna.va.us

Representative: Andrew Pompei (Planner)

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.

E911 Address: 132 Main Street, Palmyra, VA 22963

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

Email: apompei@co.fluvanna.va.us

Proposed amendment to the Zoning Ordinance: (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.

Location of Parcel: N/A

Section:

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

The proposed amendment was initiated by the Planning Commission on April 25, 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: 4/30/12

Signature of Owner/Applicant: Andrew Pompei

Subscribed and sworn to before me this 30th day of April, 2012 Register # 7509714

My commission expires: 3/31/2015

Notary Public: Lauren M. Ryalls

Table with 4 columns: Date Received, Pre-Application Meeting, PH Sign Deposit Received, Application #. Includes rows for \$550 fee paid, Advertisement Dates, APO Notification, Date of Hearing, and Decision.

MEMORANDUM

To: County of Fluvanna, Office of Planning and Community Development
From: Fluvanna County Health Department, Environmental Health
Date: May 10, 2012

SDP 12:09 – Triangle Realtors – Property located on right side of Turkey Sag off of Rt. 53 in existing shopping center. Probable connection to Lake Monticello water & sewer.

SUP 12:01 – Clear Signal Towers, LLC - Tax Map 39-A-34, property belonging to William Davis. 331.29 acres directly across from Kidd's Store, southside of Rt. 6. Property does not contain any existing buildings, water or sewage systems.

SUP 12:02 – Clear Signal Towers, LLC – Tax Map 48-A-94, property belonging to Michael Gray. 71.46 acres on north side of Rt. 6 past Hardware River. Property does not contain any existing buildings, water or sewage systems.

SUP 12:03 – Clear Signal Towers, LLC – Tax Map 59-A-13B, property belonging to Richard White. 46.6 acres on East side of Rt. 15 before Bremo Bluff. The health department issued a permit for an agricultural well which was installed on June 10, 2009. There is a barn on the property but no septic systems.

SUP 12:04 Clear signal Towers, LLC – Tax Map 50-A-3, property belonging to Margaret Snoddy. 97.7 acres on Rt. 650, south of Rt. 6. Property does not contain any existing buildings, water or sewage systems.

ZTA 12:01 & ZTA 12:02 – Amendments to Zoning and Subdivision Ordinances. No apparent impact on health department regulations.

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

Proposed Amendment: ZTA 12:02

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.

Proposed Amendment: ZTA 12:02

- (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

Proposed Amendment: ZTA 12:02

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 ½ acre or more shall be located within ½ 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.*



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 12:07
Tax Map: Tax Map 39, Section A, Parcel 104

From: Steve Tugwell
District: Fork Union
Date: May 23, 2012

General Information: This item is scheduled to be heard by the Planning Commission on Wednesday, May 23, 2012 at 7:00 p.m. in the Circuit Courtroom in the Courts Building.

Owner: Tapscott Brothers Logging

Applicant/Representative: Hurt and Proffitt, Inc.

Requested Action: Approval of a sketch plan to construct a 7,200 square foot addition to the existing building with respect to 16.065 acres of Tax Map 39, Section A, Parcel 104. (Attachment A)

Location: The subject property is located on the north side of Route 620 (Rolling Road) at its intersection with Route 6 (West River Road). (Attachment B)

Existing Zoning: B-1, Business, General

Existing Land Use: Existing maintenance and warehouse, gravel parking area

Adjacent Land Uses: Adjacent properties are zoned A-1 and B-1

Comprehensive Plan: Rural Preservation

Zoning History: A rezoning (ZMP 76:09), from A-1 to B-1 was approved for this property on September 7, 1976; a Site Development Plan (SDP 95-04), for a public garage was approved for this property on November 27, 1995.

Analysis:

The applicant is requesting sketch plan approval to build a 7,200 square foot building addition onto an existing building of B-1 property, approximately 16.065 acres in size. Pursuant to Sec. 22-23-8 C. 1. of the zoning ordinance, a major site plan is required for a building expansion of 2,500 square feet or greater. According to the submitted plan, the applicant is proposing to construct a 60 x 120 addition onto the existing maintenance/warehouse building. An existing gravel entrance off of Rolling Road (Route 620) shall serve as the construction entrance for the project. The proposed addition is to be used for storage and truck repair in support of the existing business, which are by-right uses in the B-1 zoning district.

Parking/Roads

The site is currently accessed from Route 620 (Rolling Road). There is an existing driveway off of Route 620 into Tax Map parcel 39-A-105 that serves this site. No entrance upgrades or permits are necessary or required

Landscaping/Screening

All landscaping should be in compliance with the Fluvanna County Zoning Ordinance.

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

According to the applicant's sketch plan, this *"site is compacted gravel and considered impervious"*. The applicant further states that, *"No additional water quantity or quality measures are being proposed for the site as the impervious area for the site will slightly decrease reducing the overall runoff volume"*.

Septic and Water Usage

The applicant has stated that *"there are no additional utility connections or water/septic needs for the proposed building expansion"*.

Technical Review Committee:

At the April 12, 2012 Technical Review Committee meeting, there were no agency comments provided for this project.

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.

Suggested Motion:

I move to approve SDP 12:07, a sketch site plan to build a 7,200 warehouse addition onto the existing building with respect to 16.065 acres of Tax Map 39, Section A, Parcel 104, subject to the conditions listed in the staff report.

Attachments:

A – Application, site sketch plan

B – Aerial Vicinity Map

Copy:

Owner: Tapscott Brothers Logging, 52 Rolling Road, Scottsville, VA 24590

Applicant/Representative: Hurt & Proffitt, 2524 Langhorne Road, Lynchburg, VA 24501

File



COMMONWEALTH OF VIRGINIA
 COUNTY OF FLUVANNA
 Site Development Application

Received
 APR 02 2012
 Fluvanna County

Hurt + Proffitt / Scot Shippee

Owner of Record: Tapscott Brothers Logging
 E911 Address: 52 Rolling Road, Scottsville, VA 24590
 Phone: _____ Fax: _____
 Email: _____

Applicant of Record: Tapscott Brothers Logging
 E911 Address: 54 Rolling Road, Scottsville, VA-24590
 Phone: (434) 847-7796 Fax: (434) 847-0047
 Email: ses@handp.com

Representative: Scot Shippee (Hurt and Proffitt, Inc)
 E911 Address: 2524 Langhorne Road, Lynchburg, VA 24501
 Phone: 434-847-7796 Fax: 434-847-0047
 Email: ses@handp.com

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): 39-A-104
 Acreage: 16.065 Zoning: B-1

Deed Book Reference: D.B. 289, PG. 536
 Deed Restrictions? No Yes (Attach copy)

Location: Intersection of Rolling Road and West River Road (Rt 620 and Rt 6)

Description of Property: Existing Maintenance/Warehouse and gravel lot

Proposed Structure: 7,200 SF addition to existing building

Dimensions of Building: 60'x120 Lighting Standards on Site: No Yes

of Employees: _____ # of Parking Spaces: n/a

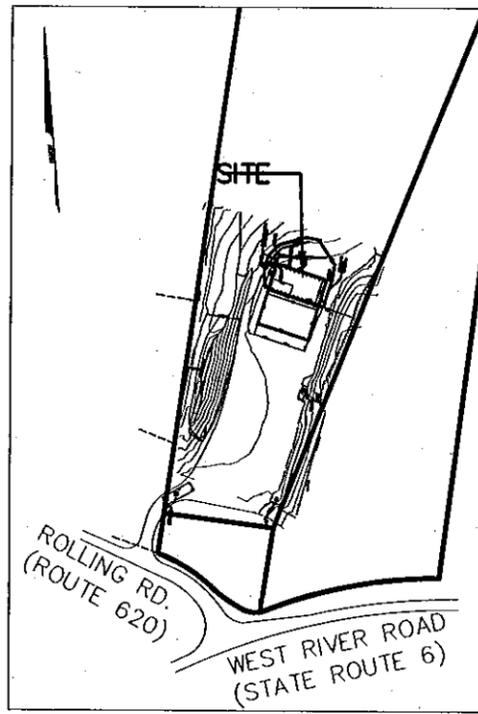
Noise Limitations: _____

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.
SCOT E. SHIPPEE SES 4/2/12

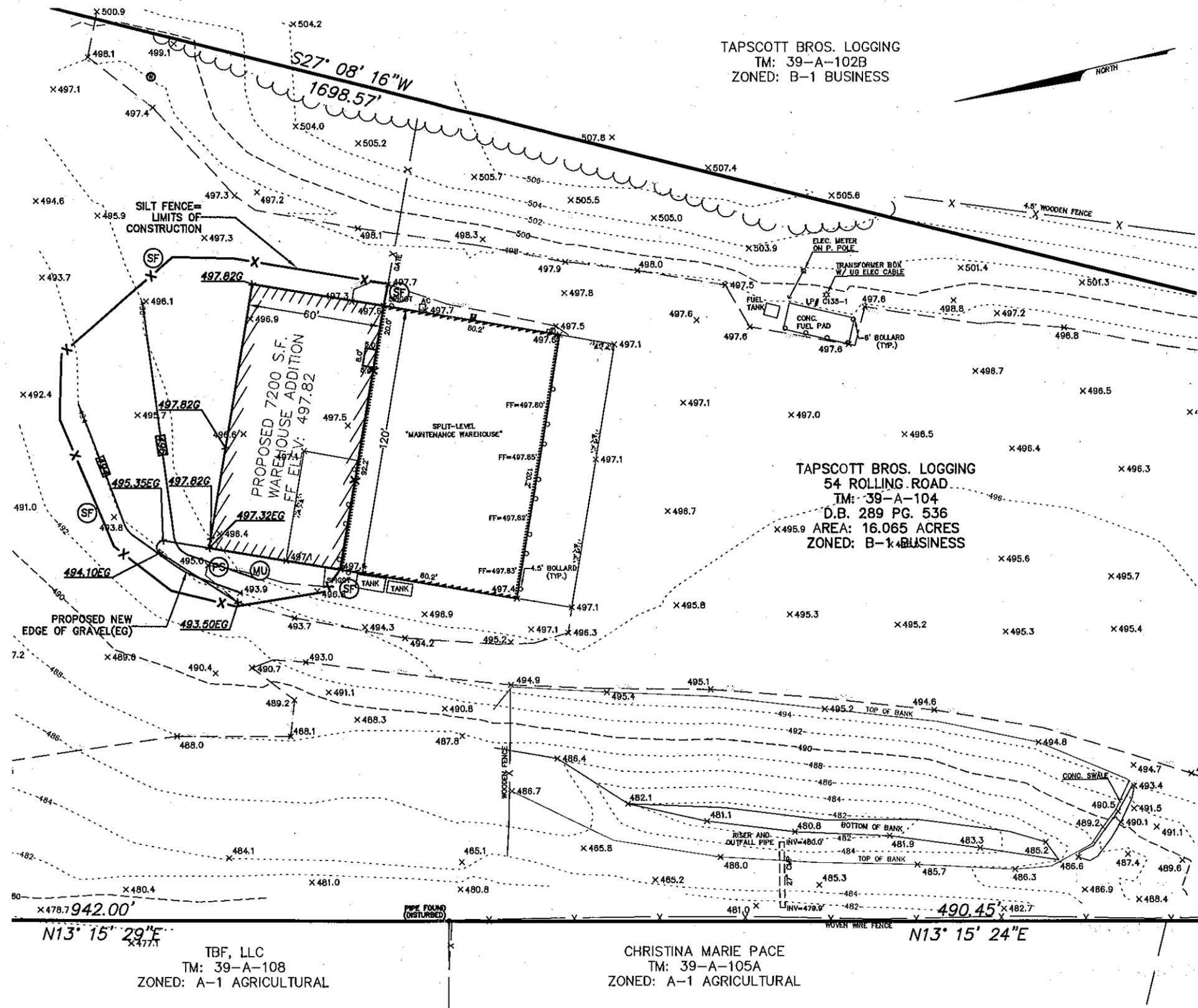
Applicant Name (Please Print) _____ Applicant Signature and Date _____

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

| OFFICE USE ONLY | | |
|--|--|---|
| Date Received: <u>4-2-12</u> | Pre-Application Meeting: | Fee Paid: <u>CK #19212</u> Application #: <u>SDP 121007</u> |
| Election District: <u>Fork Union</u> | Planning Area: <u>Rural Preservation</u> | Number of Lots: <u>1</u> |
| Total Fee: Due at Time of Submittal: | | |
| Sketch Plan: <u>\$150.00</u> + | Minor Plan: \$550.00 | or Major Plan: <u>\$1,100.00</u> |
| 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 | | |



VICINITY MAP
SCALE: 1"=500'



TAPSCOTT BROS. LOGGING
TM: 39-A-102B
ZONED: B-1 BUSINESS

TAPSCOTT BROS. LOGGING
54 ROLLING ROAD
TM: 39-A-104
D.B. 289 PG. 536
AREA: 16.065 ACRES
ZONED: B-1 BUSINESS

TBF, LLC
TM: 39-A-108
ZONED: A-1 AGRICULTURAL

CHRISTINA MARIE PACE
TM: 39-A-105A
ZONED: A-1 AGRICULTURAL



NOTES:

- 1) THE PURPOSE OF THIS PROJECT IS TO CONSTRUCT A NEW 60'x120' ADDITION TO THE EXISTING MAINTENANCE/WAREHOUSE BUILDING AND ASSOCIATED GRADING. NO ADDITIONAL SITE IMPROVEMENTS ARE BEING PROPOSED AS A PART OF THIS PROJECT.
- 2) NO ADDITIONAL EXTERIOR LIGHTING IS PROPOSED.
- 3) NO ADDITIONAL LANDSCAPING IS PROPOSED.
- 4) THERE ARE NO ADDITIONAL UTILITY CONNECTIONS OR WATER/SEPTIC NEEDS FOR THE PROPOSED BUILDING EXPANSION.
- 5) TOTAL DISTURBED AREA FOR THE PROJECT IS 0.4 ACRES,
- 6) EXISTING SITE IS COMPACTED GRAVEL AND IS CONSIDERED IMPERVIOUS. NO ADDITIONAL WATER QUANTITY OR QUALITY MEASURES ARE BEING PROPOSED FOR THE SITE AS THE IMPERVIOUS AREA FOR THE SITE WILL SLIGHTLY DECREASE REDUCING THE OVERALL RUNOFF VOLUME. OVERALL DRAINAGE PATTERNS ON SITE REMAIN UNCHANGED.
- 7) EXISTING GRAVEL ENTRANCE OFF OF ROLLING ROAD SHALL SERVE AS THE CONSTRUCTION ENTRANCE FOR THE PROJECT. EROSION AND SEDIMENT CONTROL PROVIDED BY SILT FENCE AROUND PERIMETER OF BUILDING AS SHOWN.
- 7) THERE ARE NO PROFFERS ASSOCIATED WITH THIS PROPERTY.
- 8) THERE ARE NO WETLANDS ON OR DIRECTLY ADJACENT TO THE PROJECT AREA.

BUILDING ADDITION SKETCH PLAN
FOR
TAPSCOTT BROS. LOGGING
FLUVANNA COUNTY, VA

PROJECT NO. 20120147
G.L. NO. 203-02-00.0
FILE NO.
DATE: 3/27/2012
DRAWN BY: SES
CHECKED BY: SES

SHEET NO.
1 OF 1

ENGINEERING >> SURVEYING >> PLANNING

HURT & PROFFITT
INCORPORATED

2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.4906 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX



Scale: 1:4513.988705

Date: 05/15/2012

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).



COUNTY OF FLUVANNA

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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: May 15, 2012
Re: **Landscaping-Related Businesses and the Zoning Ordinance**

Background

In recent years, several landscaping-related businesses have moved to Fluvanna County. There is not an existing definition within the zoning ordinance that adequately describes the activities taking place at these operations. These businesses have been categorized as "commercial greenhouses," but they often involve the stockpiling and distribution of bulk landscaping materials, as well as the operation of heavy equipment.

Other Localities

The zoning ordinances of eleven (11) other Virginia localities were researched to determine how each addressed landscaping-related businesses:

- Each locality has different terms and definitions they use to describe landscaping-related businesses. Some specifically define these uses, but others do not.
- Some localities differentiate between nurseries, greenhouses, and commercial landscaping operations.
- While some localities allow commercial landscaping operations to be located in areas of low-density development (agricultural, single-family residential, etc.), many require these businesses to operate within intensive commercial and/or industrial districts.

Considerations

Several issues should be considered when defining and regulating landscaping-related businesses:

- Amount and type of traffic generated;
- Amount of noise generated;
- Type of services and goods offered to the public;
- Type of equipment used in daily operations; and
- Compatibility of landscaping-related businesses with other uses.

Next Steps

The Planning Commission or the Board of Supervisors may choose to initiate a zoning text amendment. Staff will work with the Planning Commission to create draft language.

Attachments

A: Draft of Possible Changes

Landscaping Businesses Possible Definitions

Existing Definitions within Zoning Ordinance

Greenhouse, Commercial: A ~~greenhouse operation~~ facility employing a glass, plastic, or similar enclosure for the cultivation of plants, in which plants ~~and other related products~~ are offered for sale to the public, either at wholesale or at retail. Supplemental items used in planting and landscaping, such as mulch, topsoil, plant containers, yard ornaments, hand tools, and the like, may be sold on-site as secondary or incidental items. Such a use is not characterized by frequent heavy equipment operation, other than the occasional delivery or shipment of product.

(Permitted By-Right in B-1, B-C, PUD; Special Use Permit in A-1).

Greenhouse, Non-Commercial: A ~~greenhouse operation~~ facility employing a glass, plastic, or similar enclosure for the cultivation of plants, in which no product is offered for sale to the public.

(Permitted By-Right in A-1, R-1, R-2, R-3, R-4, PUD)

Nursery: A place where plants are grown commercially, either for retail or wholesale distribution. *Plants cultivated on-site may be offered for sale to the general public.* See *Farm sales* use.

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

(Permitted By-Right in A-1; Special Use Permit in R-1, R-2)

Proposed Definitions

Garden Center: A retail business in which plants, which may or may not be cultivated on-site, are offered for sale to the general public. Supplemental items used in planting and landscaping, such as pre-packaged mulch, pre-packaged topsoil, plant containers, yard ornaments, hand tools, and the like, may be sold on-site as secondary or incidental items. Such a use is not characterized by frequent heavy equipment operation, other than the occasional delivery or shipment of product.

(Permitted By-Right in B-1, B-C, PUD; Special Use Permit in A-1).

Landscaping Materials Supply: A business used primarily for the bulk storage and sale of landscaping supplies, such as soil, gravel, potting mix, mulch, sand, stone, and the like, either wholesale or at retail, necessitating the frequent use of heavy equipment. Plants and supplemental items used in planting and landscaping, such as plant containers, yard ornaments, hand tools, and the like, may be sold on-site as secondary or incidental items.

(Permitted By-Right in I-1; Special Use Permit in A-1, B-1, B-C).