

**FLUVANNA COUNTY BOARD OF SUPERVISORS  
AGENDA ITEM STAFF REPORT**

|                                       |  |               |                                    |                |       |
|---------------------------------------|--|---------------|------------------------------------|----------------|-------|
| <b>Meeting Date:</b>                  | June 21, 2017  |               |                                    |                |       |
| <b>AGENDA TITLE:</b>                  | Zoning Text Amendment ZTA 17:01  |               |                                    |                |       |
| <b>MOTION(s):</b>                     | I move that the Board of Supervisors [approve/deny/defer] ZTA 17:01, an amendment and accompanying resolution to the Fluvanna County Zoning Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 22, ARTICLE 15 OF THE FLUVANNA COUNTY CODE BY ADDITION OF SECTION 22-15-2(2)(H) CONCERNING A CATEGORY OF EXEMPT SIGN DESIGNATED AS “TEMPORARY SALE, ANNOUNCEMENT, OR MERCHANDISING”, BY CERTAIN AMENDMENTS TO SECTIONS AND SUBSECTIONS 22-15-3(1), (2), (3) AND THE ADDITION OF SUBSECTION 22-15-3(4) CONCERNING THE SIZE AND TYPES OF SIGNS PERMITTED BY ZONING DISTRICT, AND TO AMEND CHAPTER 22, ARTICLE 22, FLUVANNA COUNTY CODE BY THE ADDITION OF A DEFINITION TO SUBSECTION 22-22-1, TO CONFORM THE COUNTY ZONING ORDINANCE TO THE 2015 COMPREHENSIVE PLAN” |               |                                    |                |       |
| <b>TIED TO STRATEGIC INITIATIVES?</b> | Yes<br>X   | No            | <b>If yes, list initiative(s):</b> | A2             |       |
| <b>AGENDA CATEGORY:</b>               | Public Hearing<br>X  | Action Matter | Presentation                       | Consent Agenda | Other |
| <b>STAFF CONTACT(S):</b>              | James Newman, Planner  |               |                                    |                |       |
| <b>PRESENTER(S):</b>                  | James Newman, Planner  |               |                                    |                |       |
| <b>RECOMMENDATION:</b>                | At its meeting on June 13, 2017, the Planning Commission <b>recommended approval</b> of ZTA 17:01 (3-0); Mr. Zimmer moved to approve and Mr. Johnson seconded. AYES: Bibb, , Zimmer, Johnson. ABSENT: Gaines, Lagomarsino.   |               |                                    |                |       |
| <b>TIMING:</b>                        | Immediate decision requested   |               |                                    |                |       |
| <b>DISCUSSION:</b>                    | Amend the Fluvanna County Zoning Ordinance to modify existing dimensions for signs, as well as addition of a new sign type, and a sign overlay district.   |               |                                    |                |       |
| <b>FISCAL IMPACT:</b>                 | -  |               |                                    |                |       |
| <b>POLICY IMPACT:</b>                 | -  |               |                                    |                |       |
| <b>LEGISLATIVE HISTORY:</b>           | Planning Commission initiated the proposed amendment on March 7, 2017<br>Planning Commission formally reviewed the request on June 13, 2017 and recommended <b>approval</b> .  |               |                                    |                |       |

|                           |              |         |            |    |          |
|---------------------------|--------------|---------|------------|----|----------|
| <b>ENCLOSURES:</b>        | Staff Report |         |            |    |          |
| <b>REVIEWS COMPLETED:</b> | Legal        | Finance | Purchasing | HR | Other    |
|                           |              |         |            |    | <b>X</b> |



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# COUNTY OF FLUVANNA

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## STAFF REPORT

**To:** Fluvanna County Board of Supervisors  
**Case Number:** ZTA 17:01

**From:** James Newman  
**Date:** June 21, 2017

*General Information:* This request is to be heard by the Fluvanna County Board of Supervisors on Wednesday June 21, 2017 at 7:00 pm in the Circuit Courtroom in the Fluvanna County Courts Building.

*Applicant/Representative:* Fluvanna County

*Requested Action:* Amend the Fluvanna County Zoning Ordinance

- Amends the Fluvanna County Zoning Ordinance Chapter 22, Article 15, *Sign Regulations* with the addition of a new exempt temporary sign type, "temporary sale, advertising or merchandising" in Section 22-15-2(2)(j); the addition of the sign category of "entrance signs" in each zoning district, the amendment of the maximum size of business signs, and clarification of location of temporary subdivision advertising signs and wall signs in Section 22-15-3; and, the addition of a new sign overlay zone for Zion Crossroads Urban Development Area in Section 22-15-3(4)..
- Amend "*Section 22-22-1 Rules of construction; definition, of Article 22. Definitions*" to include a new exempt sign type of temporary special advertising signs, and to define it.

The amendment will affect zoning ordinance subsections 22-15-2, 22-15-3, and 22-22-1. The amendments are in keeping with the 2015 Comprehensive Plan, enhance the economy of the county, are in response to citizen concerns, and direct and provide necessary information efficiently to motorists and pedestrians, etc. consistent with Sec. 22-15-1.

### **Background**

#### Project Timeline:

Item discussed by the Planning Commission at work sessions on March 7, 2017 and April 11, 2017. Based on feedback from a business leaders and county government symposium held in May 2016.

### **Planning Commission**

The Planning Commission heard this item at their June 13, 2017 meeting. There were no public comments on this item. Mr. O'Brien, the Board Representative, wanted to know if roof signs or inflatable signs were allowed in other surrounding counties; Staff replied that they would include information on that during the Board Presentation.

The Planning Commission recommended Approval by a vote of 3-0 (Mr. Lagomarsino and Mr. Gaines were absent)

## **Analysis**

The proposed amendments amend the Fluvanna County Zoning Ordinance. The amendments are made to add certain signs to our sign regulation categories, add definitions for those signs to our ordinance, and to increase sign sizes.

### **Clarified Entrance Signs**

*Entrance Signs:* This sign category has been added to all zoning areas. The proposed sign changes for adding *entrance signs* as a category enhance the economy, promote safety of public travel, and to direct and provide necessary information efficiently.

### **Added a new sign type**

*Sign, temporary sale, announcement or merchandising:* Any sign denoting a sale or special product, promotion, or announcing a grand opening, new management, or similar event or activity occurring on the premises. Only one such sign shall be permitted at a time per business. Such signs shall be treated as temporary signs, as defined herein and shall be of reasonable size and no larger than the largest permitted signs in the zoning district, unless otherwise specified in this Code. A permanently installed changeable letter panel shall not be considered a temporary sign.

### **Increasing Maximum Sign Size, Height, and Number**

All changes to sign area, height, and number allowed have been to increase the permitted amounts. Larger business signs are necessary to support the economy, and provide information efficiently to motorists. Increased numbers of businesses and requests from the business community have led to a need for additional signage area so that businesses can advertise their location in a way that motorists can read safely while driving.

### **Sign Overlay Zone for Zion Crossroads Urban Development Area**

This is a designated urban development area and the amendments facilitate economic development, and the size and number of signs permitted is balanced against the concern of having too many signs or distracting signs. The Zion Crossroads Urban Development Area is a compact area located within the Zion Crossroads Community Planning Area, and home to concentrated development, including industrial and commercial zoning, major highways, and a future water and sewer pipeline. An increase of business in this area necessitates enhanced signage options for this particular area.

## **Comprehensive Plan**

Fluvanna County's *Vision Statement* includes the following principles:

- That future development be fiscally prudent while respecting individual property rights

Amending our sign ordinance (and attendant definitions) will help the County further reach its goals as set forth in the 2015 Comprehensive Plan:

## **Chapter 2 Goals:**

A.1.E: “Adopt zoning and subdivision regulations that allow for higher density, compact development in the Zion Crossroads CPA”

D.2: “Encourage the establishment of new local business and support existing local business in village cores”

## **Chapter 5 Goals:**

A.1: “Establish incentives, such as streamlined permitting, flexible zoning (CI zones), and preapproved floating zones, to attract diverse businesses and employers to Zion Crossroads.”

C.3: “Retain existing business by working with organizations such as the EDA, and Chamber of Commerce and identify sources of help for local businesses, supporting the expansion of local businesses, and assisting with any other needs that arise.”

## **Conclusion**

The proposed amendment to the Fluvanna County Zoning Ordinance will enhance the economy and allow for more efficient distribution of information.

The proposed amendment is intended to:

- Increase sign height, area, and number allowed;
- Add a new sign type to allow for more options for businesses; and
- Allow for more sign options within the Zion Crossroads Urban Development Area

This proposal is consistent with the 2015 Comprehensive Plan.

## **Suggested Motion**

I move that the Board of Supervisors [approve/deny/defer] ZTA 17:01, an amendment and accompanying resolution to the Fluvanna County Zoning Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 22, ARTICLE 15 OF THE FLUVANNA COUNTY CODE BY ADDITION OF SECTION 22-15-2(2)(H) CONCERNING A CATEGORY OF EXEMPT SIGN DESIGNATED AS “TEMPORARY SALE, ANNOUNCEMENT, OR MERCHANDISING”, BY CERTAIN AMENDMENTS TO SECTIONS AND SUBSECTIONS 22-15-3(1), (2), (3) AND THE ADDITION OF SUBSECTION 22-15-3(4) CONCERNING THE SIZE AND TYPES OF SIGNS PERMITTED BY ZONING DISTRICT, AND TO AMEND CHAPTER 22, ARTICLE 22, FLUVANNA COUNTY CODE BY THE ADDITION OF A DEFINITION TO SUBSECTION 22-22-1, TO CONFORM THE COUNTY ZONING ORDINANCE TO THE 2015 COMPREHENSIVE PLAN”

## **Attachments:**

- A: Sign Chapter: Zoning Code Section 22-15, proposed changes  
B: Zoning Definitions Zoning Code Section 22-22, proposed changes

**Article 15. Sign Regulations.**

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

The following sign regulations are established to assure compatibility of signs with surrounding land usage, to enhance the economy of the county, to protect public investment in streets and highways, to promote the safety and recreational value of public travel, to minimize possible adverse effects of signs on nearby public and private property, to preserve natural beauty, to protect the environment from litter and refuse, including abandoned signs, to identify, direct and provide necessary information efficiently to motorists and pedestrians, to decrease distraction of motorists and pedestrians by limiting confusing, distracting and obsolete signs, and to reduce obstruction of the roadway. No sign shall be permitted erected or used in the county, except as permitted in this article. (Ord. 6-16-10; Ord. 12-16-15)

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

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

- (a) Flashing signs;
- (b) Inflatable signs;
- (c) Moving signs;
- (d) (Intentionally omitted);
- (e) Pennant signs;
- (f) Portable signs;
- (g) Roof signs;

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<sup>12</sup> Note: The term “shall generally”, as used in the context of this section of the ordinance, indicates that the stated requirement is expected unless there are compelling, specific, and extenuating circumstances for why it cannot be met. (Editor’s note – “this section of the ordinance” refers to Article 14 as a whole.)

(h) Any sign that obstructs any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building, as required by law;

(i) Any sign which imitates or resembles any official traffic sign, signal or device, or uses the words “Stop” or “Danger” in close proximity to any public right-of-way, or interferes with any other public traffic sign;

(j) Signs which produce noise or any visible smoke, vapor, particles, or odor;

(k) Signs which advertise any activities which are illegal under state or federal law or regulations in effect at the location of such sign or at the location of such activities; and

(l) Signs that violate state or federal laws, whether or not identified in this ordinance as being permitted.

(2) Exempt Signs – Exempt signs shall be of reasonable size and no larger than the largest permitted signs in the zoning district, unless otherwise specified in this Code. Exempt signs shall be legible, and shall be reasonably maintained in good repair, and in safe, neat, and clean condition. Any temporary exempt sign, defined in Section 22-22-1 of this Code, shall be posted a reasonable time before, but in no event greater than sixty (60) days prior to and shall be removed a reasonable time after, but in no event greater than ten (10) days after the event, election, production, group, occurrence, speaker, program or seasonal activity to which the temporary sign refers. The following types of signs, as defined in and subject to the regulations in Sec. 22-22-1, are exempt from the sign permit requirements in all zoning districts:

(a) Auction signs;

(b) Banner signs;

(c) Construction signs;

(d) Directional signs;

- (e) Estate signs;
- (f) Public signs;
- (g) Real estate signs;
- (h) *Temporary sale, announcement, or merchandising signs;*

~~(h)~~ (i) Temporary signs;

~~(i)~~ (j) Temporary directional signs;

~~(j)~~ (k) Warning signs;

~~(k)~~ (l) Window signs

(3) Illuminated Signs

(a) Signs may be illuminated, either internally or externally, as permitted by this ordinance, provided that the illumination is fully shielded and directed at the sign and not in a manner as to cause a traffic hazard.

(b) Where a permit is required, the permit shall not be issued until the location and illumination of the sign has been approved by the zoning administrator, or designee.

(c) No light from any illuminated sign shall cause direct glare onto any adjoining piece of property, right-of-way, or building other than the building to which the sign applies to.

(d) The copy of electronic message signs may not flash, scroll, move, or change at timed intervals of less than twenty (20) seconds.

(e) All electronic message signs must be equipped with an automatic dimmer that controls the intensity of the light source. The intensity of light allowed for all illuminated signs shall be eight-five percent (85%) by day and fifty percent (50%) at night.

(f) All electronic message signs must be turned off at the close of business, unless displaying time or temperature.

(4) Setbacks

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

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

(5) Sign Area

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

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

(6) Sign Height

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

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

| (Ord. 6-16-10; Ord. 12-16-15)

**Sec. 22-15-2.1. Repealed.**

(Ord. 6-16-10; Ord. 12-16-15)

**Sec. 22-15-3. Signs permitted.**

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

| <b>Type of Sign</b>                    | <b>Number Allowed</b>   | <b>Max. Sign Area</b>                                    | <b>Max. Sign Height</b>   |
|--|---|--|---------------------------|
| Awning Sign                            | 1 per establishment   | 6 sq. ft.  | N/A                       |
| Business Sign                          | 1 per parcel  | <del>24</del> 32 sq. ft.<br>(freestanding or monument)   | <del>6</del> 10 feet      |
| <i>Entrance Sign</i>                   | <i>1 per entrance</i>   | <i>12 sq. ft.</i>  | <i>4 feet</i>             |
| Home Occupation Sign                   | 1 per parcel  | 12 sq. ft.   | 4 feet                    |
| Projecting Sign                        | 1 per establishment   | 9 sq. ft.  | Roof line of the building |
| Subdivision Sign                       | 1 per entrance  | 40 sq. ft.   | 6 feet                    |
| Temporary Subdivision Advertising Sign | 1 per public road <del>that property has</del> frontage <del>on</del> | 32 sq. ft.   | 8 feet                    |
| Wall Sign                              | 1 per <i>public</i> road frontage                                     | 3 sq. ft. per 1 lineal foot of building/tenant frontage* | Roof line of the building |

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

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

| <b>Type of Sign</b> | <b>Number Allowed</b> | <b>Max. Sign Area</b>                                  | <b>Max. Sign Height</b> |
|---------------------|-----------------------|--|-------------------------|
| Business Sign       | 1 per parcel          | <del>20</del> 32 sq. ft.<br>(freestanding or monument) | <del>6</del> 10 feet    |

|  |   |                                   |               |
|--|---|-----------------------------------|---------------|
| <i>Entrance Sign</i>                   | <i>1 per entrance</i>   | <i>12 sq. <del>are</del> feet</i> | <i>4 feet</i> |
| Home Occupation Sign                   | 1 per parcel  | 9 sq. ft.                         | 4 feet        |
| Subdivision Sign                       | 1 per entrance  | 40 sq. ft.                        | 6 feet        |
| Temporary Subdivision Advertising Sign | 1 per public road <del>that property has</del> frontage <del>on</del> | 32 sq. ft.                        | 8 feet        |

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

| <b>Type of Sign</b>   | <b>Number Allowed</b>                           | <b>Max. Sign Area</b>  | <b>Max. Sign Height</b>  |
|---|---|--|--|
| Awning Sign   | 1 per establishment                             | 6 sq. ft.  | N/A  |
| Business Sign (standalone businesses or not part of business/industrial park) | 1 per parcel                                    | <del>24</del> <sup>32</sup> sq. ft. (freestanding)<br><del>28</del> <sup>40</sup> sq. ft. (monument)                     | <del>6</del> <sup>10</sup> feet (freestanding)<br><del>8</del> <sup>12</sup> feet (monument) |
| Business Sign (shopping centers or business/industrial parks)                 | 1 per shopping center or business park entrance | 1.5 square feet of sign area for each lineal foot of building/tenant frontage – up to a maximum of 150 sq. ft. aggregate | 10 feet (freestanding)<br>15 feet (monument)   |
| Canopy Sign   | 1 per establishment                             | 12 sq. ft.   | N/A  |
| Directory Sign  | 1 per establishment or development              | 16 sq. ft.   | 6 feet   |
| Electronic Message Sign   | 1 per parcel                                    | 28 sq. ft.   | 8 feet   |
| <i>Entrance Sign</i>  | <i>1 per entrance</i>                           | <i>12 sq. ft</i>   | <i>4 feet</i>  |

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

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

(Ord. 6-16-10)

*4. Zion Crossroads Urban Development Area. The following signs shall be permitted in the Zion Crossroads Urban Development Area, and supersede other sign dimensions listed in this ordinance:*

| <i>Type of Sign</i>   | <i>Number Allowed</i>  | <i>Max. Sign Area</i>   | <i>Max. Sign Height</i>  |
|---|--|---|--|
| <i>Awning Sign</i>  | <i>1 per establishment</i>   | <i>6 sq. ft.</i>  | <i>N/A</i>   |
| <i>Business Sign (standalone businesses or not part of business/ industrial park)</i> | <i>1 per parcel or 1 per public road frontage</i>                                    | <i>24-36 sq. ft. (freestanding)</i><br><i>28-40 sq. ft. (monument)</i>  | <i>6-20 feet (freestanding)</i><br><i>8-25 feet (monument)</i>   |
| <i>Business Sign (shopping centers or business/ industrial parks)</i>                 | <i>1 per shopping center or business park entrance or 1 per public road frontage</i> | <i>1.5-2.5 square feet of sign area for each lineal foot of building/tenant frontage – up to a maximum of 150-200 sq. ft. aggregate</i> | <i>10-25 feet (freestanding)</i><br><i>15-30 feet (monument)</i> |
| <i>Canopy Sign</i>  | <i>1 per establishment</i>   | <i>12 sq. ft.</i>   | <i>N/A</i>   |

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|   |                                    |   |                                  |
|---|------------------------------------|---|----------------------------------|
| Directory Sign                                | 1 per establishment or development | 16 sq. ft.  | 6 feet                           |
| <i>Electronic Message Sign</i>                | <i>1 per parcel</i>                | <i>28 40 sq. ft.</i>  | <i>8 feet</i>                    |
| <i>Entrance Sign</i>                          | <i>1 per entrance</i>              | <i>12 sq. ft</i>  | <i>4 feet</i>                    |
| <i>Projecting Sign</i>                        | <i>1 per establishment</i>         | <i>12 sq. ft.</i>   | <i>Roof line of the building</i> |
| <i>Subdivision Sign</i>                       | <i>1 per entrance</i>              | <i>40 sq. ft.</i>   | <i>8 feet</i>                    |
| <i>Temporary Subdivision Advertising Sign</i> | <i>1 per public road frontage</i>  | <i>32 sq. ft.</i>   | <i>8 feet</i>                    |
| <i>Wall Sign</i>                              | <i>1 per public road frontage</i>  | <i>3 sq. ft. per 1 lineal foot of building/tenant frontage*</i> | <i>Roof line of the building</i> |

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

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

(2) Maintenance and Removal

- (a) All signs shall be constructed in compliance with the Uniform Statewide Building Code, as adopted by the Virginia State Code.
- (b) All signs and components thereof shall be legible and shall be maintained in good repair and in a safe, neat, and clean condition.
- (c) The Zoning Administrator may cause to have removed or repaired immediately any sign which, in the Zoning Administrator’s opinion, has

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become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof.

(d) Any sign that is obsolete, because of discontinuance of the subject activity or any other reason that would cause the sign to be obsolete, shall be removed within ten (10) days.

(e) Any sign located on property, which becomes vacant and is unoccupied for a period of two (2) years or more shall be deemed abandoned. An abandoned sign shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner fifteen (15) days written notice to remove it. Upon failure to comply with this notice, the Zoning Administrator may initiate such action as may be necessary to gain compliance with this provision.

(Ord. 6-16-10; Ord. 12-16-15)

**Sec. 22-15-4.1. “Going out of business” and “Special” sales.<sup>13</sup>**

(A) All persons must obtain a permit from the county in order to advertise or conduct a sale for the purpose of discontinuing a retail business, or to modify the word “sale” in any advertisement with the words “going out of business” or any other words which tend to insinuate that the retail business is going to be discontinued and the merchandise liquidated.

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

- (1) A statement of the purpose of the sale (i.e. liquidation of assets, terminating retail business);
- (2) An inventory including the kind and quantity of all goods to be offered for sale during the sale;
- (3) A copy of any proposed advertisements which may be posted or published in connection with the special sale; and
- (4) A fee of \$50<sup>14</sup> for the processing of the permit, which shall not be refunded.

(C) Upon receipt of the complete application and fee, the county administrator or his designee, shall issue a special sale permit which shall be valid for a maximum of sixty (60) days. An extension of the sale or additional sale shall require an additional permit application and fee as described above. A maximum of one (1) permit beyond the initial sixty (60) day permit may be granted solely for the purpose of liquidating only those goods contained in the initial inventory list which remain unsold.

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

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

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

(G) Advertising or conducting a special sale without a permit, as required by this Section, shall be punishable as a Class 1 misdemeanor.  
(Ord. 12-16-15)

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<sup>13</sup> For state law requiring the county to oversee and permit such sales, see Code of Va., §§ 18.2-223 and 18.2-224.

<sup>14</sup> *Editor's Note* – The Board of Supervisors resolution of 12-16-15 approved a fee of \$50, previously Sect. 22-15-4.1(B)(4) had required a fee of \$65.

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

(1) No nonconforming sign shall be enlarged nor be worded so as to advertise or identify any use other than that in effect at the time it became a nonconforming sign.

(2) Signs lawfully existing on the effective date of this ordinance or prior ordinances, which do not conform to the provisions of this ordinance, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. Such signs shall not be enlarged, extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area. The burden of establishing the nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the Zoning Administrator, a property owner shall submit verification that sign(s) lawfully existed at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into conformance with the current ordinance.

(3) Nothing in this Section shall be deemed to prevent keeping in good repair a nonconforming sign; provided, however, that no nonconforming sign which has been declared by the Zoning Administrator to be unsafe because of its physical condition, as provided for in this ordinance, shall be repaired, rebuilt or restored unless such repair or restoration will result in a sign which conforms to all applicable regulations.

(4) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform to the provisions of this Article.

(5) If a nonconforming sign is removed, the subsequent erection of a sign shall be in accordance with the provisions of this Article.

(6) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding fifty percent (50%) of its replacement value may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner. If such

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sign is so destroyed or damaged to an extent exceeding fifty percent (50%), it shall not be reconstructed except for a sign, which would be in accordance with the provisions of this Article.

(7) A nonconforming sign that is changed to, or replaced by, a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this Article.

(8) A nonconforming sign shall be removed if the structure to which it is accessory is demolished or destroyed to an extent exceeding fifty percent (50%) of its appraised value.

(9) The ownership of the sign or the property on which the sign is located shall not, in and of itself, affect the status of a non-conforming sign.

(10) A nonconforming sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of at least two (2) years. After the two (2) year period, the Zoning Administrator shall make a reasonable attempt to contact the property owner. If the property owner refuses to remove the abandoned sign, the county's agents or employees may enter the property upon which the sign is located and remove such sign and charge the cost of removal to the owner of the property. Nothing herein shall prevent the county from applying to the appropriate courts for an order requiring removal of the abandoned nonconforming sign by injunction or other appropriate remedy.<sup>15</sup>

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<sup>15</sup> For state authority as to the removal of abandoned nonconforming signs, see Code of Va., § 15.2-2307.

**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

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<sup>28</sup> As to state law provisions regarding district boundary lines, see Code of Va., § 15.2-2309(4).

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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 when and as required by section 15.2-2291 of the Code of Virginia. (Ord. 12-16-15)

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*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 percent (1%) 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.

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

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

*Board of zoning appeals:* The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this ordinance.

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

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

*Building mass:* The height, width, and depth of a structure

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

*Building, main:* The principal building or one of the principal buildings on a lot, or the building or one of the principal buildings 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.

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*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 (3) or more connections, used for conducting or treating sewage which is required to be approved by the board of supervisors in accordance with the Virginia Waste Management Act. See *Utilities, major* and *minor* uses. (Ord. 12-16-15)

*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 (3) or more connections, which is required to be approved by the board of supervisors in accordance with the Virginia State Water Control Board Regulations. See *Utilities, major* and *minor* uses. (Ord. 12-16-15)

*Child day center:* A child day program offered (i) to two (2) or more children under the age of thirteen in a facility that is not the residence of the provider or of any of the children in care or (ii) thirteen (13) or more children at any location. See also *Child day program, Family day home*. (Ord. 12-16-15)

*Child day program:* A regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of

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thirteen for less than a twenty-four (24) hour period. See also *Child day center, Family day home*. (Ord. 12-16-15)

*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.

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*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 percent (10%) 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:* See *Child day center*, *Child day program*, and *Family day home*. (Ord. 12-16-15)

*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.

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*Dwelling:* Any structure which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, tourist cabins, manufactured or 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 fifty (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 (3) 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

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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 solid foundation perimeter walls, pilings, or columns (posts and piers). (Ord. 6-17-15)

*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
  - 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
  - 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.
  - 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 day home:* A child day program offered in the residence of the provider or the home of any of the children in care for one (1) through twelve (12) children under the age of thirteen, exclusive of the provider's own children and any children who reside in the home,

when at least one (1) child receives care for compensation. Family day homes service six (6) through twelve (12) children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four (4) children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed. See also *Child day center, Child day program*. (Ord. 12-16-15)

*Family daycare home*: See *Child day center, Child day program, and Family day home*. (Ord. 12-16-15)

*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 (1%) chance of being equaled or exceeded in any given year. Also referred to as the 100-year flood. (Ord. 6-17-15)

*Flood Elevation, Base*: The Federal Emergency Management Agency designated one hundred (100) year water surface elevation. The water surface elevation of the base flood in relation to the datum specified on the Fluvanna County FIRM. (Ord. 6-17-15)

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*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 17, Section 22-17-8A. of this ordinance. (Ord. 6-17-15)

*Floodplain or Flood-Prone Area:* Any land area susceptible to being inundated by water from any source. (Ord. 6-17-15)

*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 one foot (1'), at any point. (Ord. 6-17-15)

*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.

*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.

*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

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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 facility employing a glass, plastic, or similar enclosure for the cultivation of plants, in which plants 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.

*Greenhouse, non-commercial:* A facility employing a glass, plastic, or similar enclosure for the cultivation of plants, 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 (8) 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 (24) hour day.

*Halfway house:* An establishment providing accommodations, supervision, rehabilitation, counseling, and other guidance services to persons suffering from alcohol or

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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 twenty-five (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

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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 sixty (60) days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle; or (iii) any motor vehicle on which there are displayed neither valid license plates nor a valid inspection decal, as provided in section 15.2-904 of the Code of Virginia. (Ord. 12-16-15)

*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.

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*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.

*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.

*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

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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 (2) parallel streets or that fronts upon two (2) 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.

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*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.

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*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, DVDs or blu-ray or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. See *Retail store, adult* use. (Ord. 12-16-15)

*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 (section 45.1-180 of the Virginia Code). 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.

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*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. Plants cultivated on-site may be offered for sale to the general public. See *Farm sales* use.

*Nursing home:* Any place, institution, facility or any identifiable component of any facility, other than a hospital, licensed pursuant to section 32.1-123 of the Code of Virginia, in which the primary function is the provision, on a continuing basis, of nursing and health-related services for the treatment and inpatient care of two (2) or more nonrelated individuals, including, but not limited to, facilities known as convalescent homes, skilled nursing facilities, skilled care facilities, intermediate care facilities, extended care facilities, and nursing, or nursing care facilities. (Ord. 12-16-15)

*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 26: Off-Street Parking and Loading Spaces of this Chapter. (Ord. 12-16-15)

*Parking facility:* A site for surface parking or a parking structure use which provides one (1) 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

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include, but are not limited to, driving schools, health or physical fitness studios, dance studios, handicraft and hobby instruction.

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

*Pervious surface:* Any material that permits full or partial absorption of stormwater into previously unimproved land.

*Petroleum Distribution Facility:* A facility for the storage and distribution of fuels or other volatile products.

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

*Plat:* A schematic representation of a parcel or subdivision.

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

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

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

*Property Owners' Association:* An entity established, pursuant to section 55-508 et 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.

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*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.

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*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 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.

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*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 fifteen percent (15%) of its stock in trade or occupies more than fifteen percent (15%) 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

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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 sixty (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.

*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 feet (15').

*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 temporary sign, not illuminated, advertising an auction to be conducted on the lot or premises upon which it is situated, such signs shall not exceed twenty (20) square feet in area. (Ord. 12-16-15)

*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 thirty-two (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. (Ord. 12-16-15)

*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 thirty-two (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. (Ord. 12-16-15)

*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 thirty percent (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 Section 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.

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*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 temporary sign expressing or implying the opinion or opinions of an individual or group intended to influence the election or appointment of government officials and/or to influence the actions, policies and /or conduct of government. (Ord. 10-18-00; Ord. 12-16-15)

*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 inches (12") but not more than four feet (4').

*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.

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*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, occurrence, speaker, program or seasonal activity and not intended or designed for permanent display, including by way of example and not limitation, signs advertising an event, election, or campaign of an educational, political, religious, civic, philanthropic or historical organization. Temporary signs shall be posted a reasonable time before, but in no event greater than sixty (60) days prior to such event, as defined herein, and shall be removed a reasonable time after, but in no event greater than ten (10) days after such event, as defined herein. Temporary signs shall be of reasonable size and no larger than the largest permitted signs in the zoning district, unless otherwise specified in this Code. (Ord. 12-16-15)

*Sign, temporary directional:* A temporary sign directing individuals to the location of a special event or gathering. (Ord. 12-16-15)

*Sign, temporary sale, announcement or merchandising:* Any sign denoting a sale or special product, promotion, or announcing a grand opening, new management, or similar event or activity occurring on the premises. Only one such sign shall be permitted at a time per business. Such signs shall be treated as temporary signs, as defined herein and shall be of reasonable size and no larger than the largest permitted signs in the zoning district, unless otherwise specified in this Code. A permanently installed changeable letter panel shall not be considered a temporary sign.

*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 (6) month increments, with a letter requesting renewal from the applicant for additional six (6) 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 inches (12") from the surface of the building,

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unless on the mansard portion of a roof.

*Sign, warning:* A sign located on a property for warning or prohibitions on parking, trespassing, hunting, fishing, swimming, or other activity. (Ord. 12-16-15)

*Sign, window:* A permanent or temporary sign affixed to the interior or exterior of a window or door, or within three feet (3') 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

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shall not exceed twenty-five percent (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 feet (3') 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 (6) 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 (5) 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 (6) lots, and not a family subdivision.

*Substantial damage:* Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. (Ord. 6-17-15)

*Substantial improvement:* Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) 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.

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*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 feet (10') in height at a maturity of ten (10) years after planting, in accordance with Article 24: Landscaping and Tree Protection 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 feet (15').

*Tree, large shade:* A tree, usually deciduous, planted primarily for overhead canopy, which attains a mature height of at least forty feet (40').

*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 feet (25') to forty feet (40').

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*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 feet (10') to thirty feet (30').

*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, information and communication facilities. (Ord. 12-16-15)

*Utility, Minor:* Facilities for the distribution and collection of public, private and central utilities including poles, lines, transformers, pipes, meters, information and communication distribution lines. (Ord. 12-16-15)

*Variance:* A variance is a reasonable deviation from the provisions of the zoning ordinance regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of the ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done. It shall not include a change in use which change shall be accomplished by a rezoning or by a conditional zoning. (Ord. 12-16-15)

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*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 or 90 days) storage/loading of forestry products transported from some other location. (Ord. 12-16-15)

*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.

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*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; Ord. 8-1-12; Ord. 11-20-12; Ord. 12-16-15)

### **Article 23. Site Development Plans.**

#### **Sec. 22-23-1. Statement of intent.**

The intent of this Article is to encourage harmonious development with the surrounding properties in accordance with the guidelines as provided in the comprehensive plan, the requirements of the Zoning Ordinance, and the requirements of other local and state ordinance and policies pertaining to the physical development of a site. This Article will serve to protect valuable resources within Fluvanna County, including unique natural features, historic sites, and significant view; to protect the environment, and to maintain the carrying capacity of the land, including, among other things, the protection of wetland, steep slopes, and other environmentally sensitive areas; to provide safe and convenient vehicular and pedestrian circulation; to provide adequate police and fire protection, water, sewerage, flood protection; and otherwise to protect the health, safety and welfare of the citizens of Fluvanna County.

#### **Sec. 22-23-2. When required.**