

## ARTICLE 4. - AGRICULTURAL, GENERAL, DISTRICT A-1

## Sec. 22-4-1. - Statement of intent.

This district covers areas of the County consisting of woodland, farmland, open space, mountains and areas of low density residential development. The primary objectives of this district are to conserve water and other natural resources, reduce soil erosion, protect watersheds and reduce hazards from floods; to preserve the rural character of the County; to promote existing and future farming and forestry operations; and to promote the retention of undisturbed open space. Limited residential development, and limited commercial and industrial uses which are supportive of and directly related to agriculture, forestry or other traditionally rural uses, are to be permitted, but only in a manner consistent with the primary objectives of the district. In particular, the provisions of this district are intended to significantly limit conventional and roadside strip development, especially on major arteries and commuter routes.

## Sec. 22-4-2. - Use regulations.

In Agricultural, General District A-1, the following uses, together with ordinary and necessary accessory uses, shall be permitted, and no others.

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

The following uses shall be permitted by right:

*Agricultural Uses*

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

*Civic Uses*

- Public parks and recreational areas
- Public uses

*Commercial Uses*

- Family daycare homes
- Home occupations

Studios, fine arts

*Industrial Uses*

Sawmills, temporary

*Miscellaneous Uses*

Accessory uses

Cemeteries, non-commercial

Greenhouses, non-commercial

Kennels, private

Marinas, private non-commercial

Rural cluster developments

Shooting, private recreational

Utilities, minor

Woodstorage, temporary

*Residential Uses*

Dwellings, accessory

Dwellings, two-family

Farm tenant housing

Group homes

Manufactured homes

Mobile homes, as defined in Section 22-4-2.3

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

(Ord. 9-17-08; Ord. 10-21-09; Ord. 11-3-10; Ord. 11-20-12; Ord. 10-17-18)

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

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

*Agricultural Uses*

Agricultural enterprise

Agricultural sales, wholesale

Livestock feed lots, commercial

Livestock sales yards, commercial

*Civic Uses*

Amusements, public

Correctional facilities

Cultural services

Educational facilities

Public assembly

Public recreation assembly

Religious assembly

Sheltered care facilities

*Commercial Uses*

Adult retirement communities

Amusements, commercial

Assisted living facilities

Automobile repair service establishments

Bed and breakfasts

Boarding houses

Butcher shops

Campgrounds

Camps

Car washes

Cemeteries, commercial

Communications service

Dance halls

Daycare centers

Flea markets

Funeral homes

Garden center

Gas stations

Greenhouses, commercial

Hotels

Kennels, commercial

Landscaping materials supply

Lodges

Medical clinics

Outdoor entertainment

Outdoor recreation facilities

Restaurants, small

Retail stores, neighborhood convenience

Retail stores, specialty

Shooting ranges, indoor

Shooting ranges, outdoor

Small home industries

Studios, fine arts

Taxidermists

Veterinary offices

*Industrial Uses*

Railroad facilities

Resource extraction

Solid waste collection facilities

*Miscellaneous Uses*

Aviation facilities

Outdoor gatherings

Telecommunication facilities

Utilities, major

*Residential Uses*

## Dormitories

(Ord. 9-17-08; Ord. 12-17-08; Ord. 10-21-09; Ord. 7-21-10; Ord. 11-3-10; Ord. 11-20-12)

## Sec. 22-4-2.3. - Mobile homes.

One (1) mobile home per parcel shall be permitted, with issuance, by the Planning Director, of a zoning permit, in the following instances:

- (A) Mobile home to be occupied by a bona fide farm tenant with the permit to be revalidated by the governing body every two (2) years so long as the conditions are met;
- (B) Mobile home to be occupied because of an emergency medical or moral obligation with the permit to be revalidated by the governing body every two (2) years so long as the conditions exist. For purposes of this section, the term "an emergency medical or moral obligation" shall be deemed to mean a set of circumstances in which a landowner must provide shelter and/or care to one or more persons through the occupancy of the mobile home in order to alleviate a clearly demonstrable danger of serious impairment to the health and/or welfare of any person or persons which is occasioned by a medical disorder or condition or other compelling cause beyond the control of such person or persons and which cannot be remedied in any other reasonable manner;
- (C) Mobile home to be occupied by the owner of the property while constructing a permanent single-family dwelling on the same property or reconstructing a single-family dwelling destroyed by natural disaster. This permit shall be for a period of one (1) year only but may be renewed each year by the governing body for a period of not more than five (5) continuous years. In addition, the governing body may grant an additional extension of time for the occupancy of any such mobile home, not to exceed twenty-four (24) months from the expiration of the last renewal period of the original permit, upon a finding that the owner of the property has attempted in good faith to complete such single-family dwelling within the time permitted by law, but has been unable to do so as a result of adverse weather conditions, act of God, bona fide inability to timely obtain satisfactory building materials, or other circumstances or condition beyond the control of such owner.

(Ord. 10-21-09; Ord. 11-3-10)

## Sec. 22-4-3. - Residential density; minimum lot size; dimensional requirements.

Maximum gross residential density and minimum lot size and minimum dimensional requirements for conventional development, but not for Rural Cluster Subdivisions, shall be as follows:

- (A) Gross residential density: one (1) dwelling unit per two (2) acres. In order to construct more than one dwelling on any one parcel, a sketch plan must be submitted that would demonstrate that all dwellings could be lawfully subdivided so as to be on their own lots.
- (B) Minimum lot size: two (2) acres
- (C) Minimum frontage required:

- (1) Existing or proposed public roads, except as otherwise provided:
  - (a) U.S. Route 250, U.S. Route 15, VA. Primary Routes 6, 53, and VA. Secondary Route 616: 500 feet
  - (b) All other public roads: 300 feet
- (2) Private roads: 200 feet
- (D) Minimum lot width at minimum required setback shall be equal to the minimum required frontage.
- (E) Minimum setback required (as measured from edge of right-of-way):
  - (1) U.S. Route 250, U.S. Route 15, VA. Primary Routes 6, 53, and VA. Secondary Route 616: 200 feet
  - (2) All other public roads: 125 feet
  - (3) Private Roads: 100 feet
- (F) Minimum side yard: 50 feet
- (G) Minimum rear yard: 75 feet

Sec. 22-4-4. - Reserved.

Sec. 22-4-5. - Special provisions for corner lots.

Any lot or parcel fronting on two or more roads shall conform to the frontage, minimum lot width and setback requirements for all such roads.

Sec. 22-4-6. - Off-street parking.

Off-street parking shall conform to Article 26: Off-Street Parking and Loading Spaces of this chapter.

(Ord. 12-16-15)

**State Law reference**— For state law granting localities the authority to regulate off-street parking, see Code of Va., § 15.2-2279.

Sec. 22-4-7. - Sign regulations.

Sign regulations shall conform to Article 15 of this chapter.

Sec. 22-4-8. - Height regulations.

Buildings and structures may be erected up to thirty-five (35) feet in height, except that:

- (A) The height limit for dwellings may be increased up to forty-five (45) feet provided one (1) foot or more per side yard is added for each additional foot of building height over thirty-five (35) feet.
- (B) A public or semi-public building such as a school, place of worship, or library or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall each be increased one (1) foot for every foot in height over thirty-five (feet).
- (C) Spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae and radio aerials may be erected to a height of sixty (60) feet from grade. Parapet walls may be up to four (4)

feet above the height of the building on which the walls rest. Buildings and structures used for agricultural purposes, including barns, silos, windmills and the like, may be erected to a height of ninety (90) feet from grade.

- (D) No accessory building which is within fifteen (15) feet of any property lot line shall be more than one (1) story high. All accessory buildings and structures, other than those permitted under subsection (C) above, shall be less than the main building or structure in height.

Sec. 22-4-9. - Intensive livestock, dairy and poultry facilities; statement of intent.

This section (sections 22-4-9\* through 22-4-9.4) encourages economic development, preserves farm land, and promotes the orderly and responsible growth of the livestock, dairy and poultry industries. In the Agricultural (A-1) district, all agricultural production uses, including the uses defined herein as intensive livestock, dairy and poultry facilities, shall be permitted by right.

**\*Editor's note**— Erroneously appears in original as 22-9-4.

Sec. 22-4-9.1. - Definitions.

For the purpose of sections 22-4-9 through 22-4-9.4, the following terms shall have the meaning indicated:

- (1) Livestock includes all domestic or domesticated animals, including but not limited to: cattle, sheep, lambs, hogs, goats, horses, poultry and furbearing animals.
- (2) Intensive livestock, dairy or poultry facility means a livestock, dairy or poultry operation where, for a period of forty-five (45) consecutive days or more, 300 animal units are closely confined and not free-ranging, and are fed in the area of confinement. For the purpose of this article, 300 animal units shall be equivalent to any of the following, or any combination thereof where the animals are confined in one location:
  - Livestock: 300 slaughter or feeder cattle
  - Livestock: 750 swine each weighing over 55 pounds
  - Livestock: 150 horses
  - Livestock: 3,000 sheep, lambs, or goats
  - Livestock: 16,500 furbearing animals such as rabbits or chinchilla
  - Dairy: 200 mature dairy cows (whether milked or dry cows)
  - Poultry: 16,500 turkeys
  - Poultry: 30,000 laying hens or broilers
- (3) Intensive livestock, dairy or poultry structure means a building, structure or other improved area used in the operation of an intensive livestock, dairy or poultry facility; including, but not limited to, litter storage sites, incinerators, manure storage sites, poultry houses, poultry disposal pits, or dead poultry cold

storage chests. The term shall not include structures that are used only indirectly in the operation of the facility.

- (4) Operator means any person who operates an intensive livestock, dairy or poultry facility, or the land on which it is located.
- (5) Poultry means any domestic or domesticated fowl raised for meat or eggs; including, but not limited to, chickens and turkeys.
- (6) Existing intensive livestock, dairy or poultry structure means an intensive livestock, dairy or poultry structure that has been in operation for one (1) year within the five (5) years immediately preceding the date on which a building or zoning permit is sought for a dwelling.

(Ord. 12-16-15)

Sec. 22-4-9.2. - Setbacks.

- (1) Except as otherwise expressly provided in this section, each intensive livestock, dairy or poultry structure shall be set back 300 feet from any property line.
- (2) Any dwelling not owned by the operator shall be set back from any existing intensive livestock, dairy or poultry structure as follows:
  - (a) If the dwelling is an Agricultural (A-1) district, 300 feet;
  - (b) If the dwelling is in a residential district, 600 feet.
- (3) Each intensive livestock, dairy or poultry structure shall be setback at least 300 feet from any property line, at least 200 feet from the right-of-way of any secondary road, and at least 300 feet from the right-of-way of any primary highway.
- (4) Each intensive livestock, dairy or poultry structure shall be setback at least 1,000 feet from any incorporated town, public school, place of worship, public water intake from a stream or river and from the boundary of any adjacent residential district.

(Ord. 12-16-15)

Sec. 22-4-9.3. - Development plans to include plat or similar document.

- (1) Any person who intends to establish or expand an intensive livestock, dairy or poultry facility shall file with the Zoning Administrator a development plan, including a plat, or similar document, that indicates the number, size and location of all intensive livestock, dairy or poultry structures planned for the subject parcel; and a written statement, sworn to and subscribed before a notary public, by which the owner certifies to the Zoning Administrator that the facility meets all applicable requirements. Where a proposed expansion would not substantially change the character of the facility or the intensity of the use, the Zoning Administrator may approve the expansion without requiring a development plan.
- (2) If the plan meets the requirements of sections 22-4-9 through 22-4-9.4, the Zoning Administrator shall approve it within thirty (30) days of receipt. If the plan does not meet the requirements of sections 22-4-9 through 22-4-9.4 of this chapter, the Zoning Administrator shall return it to the applicant within thirty (30) days of receipt, together with a written description of the portion or portions of the plan that do not meet

such requirements. Any plan not returned to the applicant within thirty (30) days of receipt shall be deemed approved. As long as an approved plan is in effect, the applicant shall have the right to build structures and operate the facilities shown thereon, notwithstanding any dwelling or other feature located after the time of approval.

- (3) The development plan shall remain in force only so long as the proposed structures are constructed in accordance with the development plan. At least one-third of the number of livestock or dairy animals indicated in the development plan, or one poultry structure, shall be placed in service within five (5) years of the date on which the development plan is approved by the Zoning Administrator, unless at least one-third the livestock, or one poultry structure, was already in service at the time the plan was filed. In the event the operator fails to obtain building and zoning permits for any of the proposed structures, or fails to have in place the minimum number of livestock required above, within five (5) years of the date on which the development plan is approved by the Zoning Administrator, the development plan shall expire.
- (4) The operator shall notify the Zoning Administrator in writing within thirty (30) days of placement into service of any structure indicated on his plan.
- (5) Each parcel for which a development plan has been approved shall display at its entrance a sign no smaller than two (2) square feet, and no larger than four (4) square feet, clearly visible from the nearest public road, indicating that a development plan is in effect for the parcel and containing the word "Certified Agricultural Development Site".
- (6) Nothing herein shall be construed to prohibit an operator or a potential operator from submitting amendments to his or her original development plan, or from submitting revised plans. The Zoning Administrator shall review such amendments or revised plans as required in subsection (1) above according to the zoning ordinance in effect at the time the amendments or revised plans are received.

#### Sec. 22-4-9.4. - Nutrient management plan.

After the effective date of this section, no intensive livestock, dairy or poultry facility for which the Commonwealth of Virginia requires a nutrient management plan shall commence operation until such plan has been approved by the Virginia Department of Conservation and Recreation, or by a person certified or employed by the Virginia Soil and Water Conservation Board or the Commonwealth as a nutrient management planner, in accordance with 4VAC50-85-10 et seq., "Nutrient Management Training and Certification Regulations."

If the nutrient management plan provides for off-site disposal of waste, the operator shall provide, as a part of the plan, written documentation of an agreement with the receiver of the waste produced at his facility, or affidavit, sworn and subscribed before a notary public, that states his intention to dispose of waste through sale in a retail establishment or otherwise marketing to consumers. Documentation shall specify the duration of the agreement and the nature of the application or use of the waste. A nutrient management plan containing such an agreement shall be valid only as long as the agreement remains in force and shall be reviewed whenever such agreement expires or is terminated. If such an agreement is terminated before its expiration date, the operator shall notify the Zoning Administrator within fifteen (15) days of termination.

(Ord. 12-16-15)

#### Sec. 22-4-10. - Rural cluster development.

It shall be the policy of the County to promote the preservation of open space and the rural character of the County, while at the same time accommodating growth and protecting the value of property. To implement such policy, development of property according to rural cluster principles shall be encouraged throughout the County in accordance with the provisions of this section.

Sec. 22-4-10.1. - Definitions.

For purposes of this Section 22-4-10, the following terms shall be deemed to have the following meanings:

*Building lot* shall mean any lot which is sold or intended for use for the construction of one or more residential units.

*Existing public road* shall mean any road which is maintained as part of the Virginia Highway System or the Virginia Secondary Highway System at the time of the final approval for any rural cluster development; provided that no road which is dedicated to public use in connection with the approval of any cluster option development, whether by depiction on a subdivision plat or otherwise, shall be deemed to be an existing public road for purposes of this section.

*Open space parcel* shall mean any parcel which is restricted from further residential, commercial or industrial development as provided herein.

*Rural cluster development* shall mean any subdivision or other development for sale or use for residential purposes as provided in this section.

Sec. 22-4-10.2. - Compliance with zoning and subdivision regulations.

Each rural cluster development shall comply with the provisions of this Section 22-4-10, and, to the extent that the provisions of this section shall conflict with other provisions of this chapter, the provisions of this section shall control. Except to the extent of such conflict, the provisions of this chapter shall control every rural cluster development. In addition, every rural cluster development shall comply with the provisions of Chapter 19 of the Code.

**Cross reference**— Chapter 19 of this Code sets out the provisions adopted as the Subdivision Ordinance of Fluvanna County, Virginia.

Sec. 22-4-10.3. - Rural cluster regulations.

Any parcel of land which is otherwise susceptible to development into building lots may be divided into lots which provide for the preservation of substantial open space as hereinafter provided. Such development shall be known as rural cluster development.

- (1) The gross density for any rural cluster development shall not exceed one (1) dwelling unit per two (2) acres, as provided in this district.
- (2) Repealed.

(Ord. 6-15-05)

- (3) Not less than  $\frac{3}{4}$  of the area of any rural cluster development shall be permanently restricted to prohibit further residential, commercial or industrial development. Such restriction may be made in the form of a covenant running with the land so restricted and in favor of each building lot in the rural cluster

development, and in favor of the County. In the alternative, such restriction may be effected by the conveyance or dedication of such restricted land to the County, the Commonwealth or any other public body which is empowered to accept such conveyance or dedication. The substance of any such restriction, conveyance or dedication shall be subject to the approval of the County to ensure that such restriction shall be permanent and effective, which approval shall be made at the time of final subdivision approval and shall not be unreasonably withheld. The form of each such restriction, conveyance or dedication shall be subject to the approval of the County attorney at the time of final subdivision approval. Nothing herein shall be deemed to require the acceptance of any conveyance or dedication or land by any public body except as may be approved by the governing body of such public body in its sole discretion.

- (4) Nothing contained herein shall be construed to prevent the use or development of any open space parcel for one or more of the following:
- (A) The construction of a single family residence, provided that such residence shall be included in the calculation of maximum gross density permitted for the cluster option development.
  - (B) Agriculture, horticulture, silviculture, including temporary sawmills, but not including any residential, commercial or industrial uses or structures.
  - (C) Parks; playgrounds; preserves; conservation areas; hunting and boating clubs and small boat docks; all of which shall be maintained for the use of the residents of the rural cluster development or of the public, but, in any event, not for residential, commercial or industrial use.
  - (D) Public utilities: Poles, lines, transformers, pipes, meters and related or similar facilities; water and sewerage distribution and collection lines.
  - (E) Cable communications distribution lines.
  - (F) Public uses and structures.
  - (G) Water wells and other facilities for the production, storage and distribution of water exclusively for the use of the residents and users of uses permitted within the rural cluster development; subject, in the case of any such facility which is a part of a central water system, to the issuance of a special use permit.

(Ord. 9-17-08)

- (H) Septic systems and other sewage disposal facilities exclusively for the use of the residents and users of uses permitted within the rural cluster development subject, in the case of any such facility which is a part of a central sewer system, to the issuance of a special use permit.

(Ord. 9-17-08)

- (I) Non-commercial cemeteries.
- (5) Each building lot shall be so designed as to provide minimum setbacks and yards. Except for buildings lots fronting on existing public roads, such setbacks and yards shall be not less than the minimum setback and yard requirements of the R-4 residential district which are as follows:
- (A) The minimum frontage for permitted uses shall be sixty (60) feet, and for each additional permitted use there shall be at least ten (10) feet of additional lot width.

- (B) Side. The minimum side yard for each accessory building and main structure, including a group of attached units, shall be ten (10) feet on each side.
  - (C) Rear. Each main structure shall have a rear yard of twenty-five (25) feet or more, and no accessory building shall be placed within twenty five (25) feet of any rear line.
  - (D) Any lot or parcel fronting on two (2) or more roads shall conform to the frontage, minimum lot width and setback requirements for all such roads.
- (6) Each building lot fronting on an existing public road shall conform to the minimum frontage, setback and yard requirements for conventional development in this district. For purposes of this section, any building lot which is separated from an existing public road by any open space parcel shall be deemed to front on such existing public road for purposes of the application of such minimum frontage, setback and yard requirements unless the distance between the boundary of such open space parcel and any abutting building lot shall be at least equal to the minimum setback requirement applicable to conventional development in this district.
- (7) All building lots shall be designed with due consideration of the topography and soil suitability for the following purposes, in such a manner as to maximize the efficient use and utility of the land; minimize development cost; protect existing scenic quality; discourage congestion in adjacent public roads; and minimize land disturbance, soil erosion and other potentially adverse consequences of development:
- (A) Construction of residential improvements;
  - (B) Provision of utilities, including, where applicable, public or common sewer and/or water facilities;
  - (C) Provision of roads and other transportation facilities, including pedestrian trails and other facilities designed for non-motorized traffic, and including particularly provisions for connections to existing, planned or potential transportation facilities on adjacent properties;
  - (D) Protection of physical features having a recognized architectural, historic, scenic and/or economic value to the County; and
  - (E) Provision of open space of a size, shape and character to promote the uses designated for such open space and to protect and promote the rural character of the area, and provide for contiguous greenways and wildlife corridors.