



Town of Farmville Planning Commission

Members

Cameron Patterson, CPC, Chair
Jayne Johnson, CPC, Vice Chair
Jerry Davenport, Secretary
Patrick Crute
Dr. John Miller, PhD, CPC
Abigail O'Connor, CPC
Rhett Weiss, CPC

Town Council Chambers of the Town Hall, 116 North Main Street, Farmville, Virginia

Agenda for Wednesday, March 15, 2023 @ 7:00pm

1. **Call to Order** (please silence devices)
2. **Roll Call**
3. **Approval of Agenda**
4. **Consideration of Minutes-** Regular Planning Commission Meeting – **February 15, 2023**
5. **Public Participation – Speakers have three (3) minutes to make statements on non-agenda items.**
6. **Public Hearing-Case ZTA23-002:** Public Hearing for Planning Commission recommendation to the Town Council to amend Section 29-81 – Definitions. The purpose of this amendment is to comply with certain requirements of the Virginia Department of Conservation and Recreation, Federal Emergency Management Agency, and the National Flood Insurance Program.
 - a. Staff Report
 - b. Public Participation- Speakers have three (3) minutes to make statements.
 - c. Planning Commission Deliberation
7. **Old Business**
8. **New Business**
 - a. Department update and upcoming major cases
 - b. Staff and Commission Items
 - c. Other Items of Interest
9. **Staff Updates**
10. **Adjournment**

**Town of Farmville Planning Commission
Town Council Chamber of the Town Hall
116 North Main Street, Farmville, VA 23901
Wednesday, February 15, 2023**

Planning Commission Members Present: Chairperson Cameron Patterson, Vice-Chair Jayne Johnson, Secretary Jerry Davenport, Patrick Crute, and Rhett Weiss.

Planning Commission Members Absent: Abigail O'Connor and Dr. Miller

Staff Present: Director of Community Development Lee Pambid, GIS Analyst/Grants Manager Ashley Atkins- Austin, and Administrative Assistant II Michelle Watkins

CALL TO ORDER

Chairperson Patterson called the Planning Commission meeting to order at 7:00 PM.

APPROVAL OF AGENDA

Chairperson Patterson noted the agenda was distributed and asked if there were any corrections. On a motion by Mr. Davenport, seconded by Ms. Johnson, with all present members voting "aye", the agenda was adopted.

CONSIDERATION OF MINUTES

Minutes of Regular Planning Commission Meeting -January 18, 2023

Chairperson Patterson noted that the minutes had been likewise distributed and asked if there were any corrections or revisions. Mr. Weiss noted that at the previous public hearing recorded in the minutes, the commissioners asked questions in addition to Mr. William Coffey offering to field questions after his presentation. On a motion by Mr. Weiss, seconded by Mr. Crute, and with all present members voting "aye," the minutes from January 18, 2023 were approved with clarifications.

CONSIDERATION OF MINUTES

Minutes of Planning Commission Work Session Meeting -January 25, 2023

Chairperson Patterson noted that the minutes had been likewise distributed and asked if there were any corrections or revisions. Mr. Weiss stated that due to his virtual connection maybe his remarks weren't heard clearly. He noted that there were three (3) incorrect words recorded in the minutes regarding his remarks. On a motion by Mr. Weiss, seconded by Mr. Crute, and with all present members voting "aye," the minutes from January 25, 2023, were approved with corrections.

PUBLIC PARTICIPATION

Chairperson Patterson opened the public participation portion of the meeting. Ms. Watkins reported that staff had not received any comments or requests to speak from the public.

PUBLIC HEARING

Public Hearing -Case POD22-004: David and Amy Hufcut request site plan approval for a 30' x 35', 1,050 square foot specialty food store (ice cream) per Town Code Sections 29-13.e.2 and 29-13.e.4.e The 0.505-acre site is located on the east line of East Third Street at its intersection with Hylawn Avenue on parcel 0023A09(20)00-012. This property is zoned B-2 Transitional Commercial and is on public water and sewer.

On a Motion by Mr. Crute, seconded by Mr. Davenport, and with all present members voting “aye”, the public hearing was open.

Mr. Pambid provided relevant information from the staff report with supporting slides. He reported that the site meets all criteria for the comprehensive plan and land use map. There are no significant impacts to utilities, environment, or transportation systems and it poses no detriment to the neighborhood or adjacent properties. There were no public comments received by staff.

Staff Recommends approval of POD22-004 for a specialty food shop. There are no recommended conditions. Compliance with specialty food shop standards is met. Staff fielded questions from Commissioners.

Chairperson Patterson offered the floor to Mr. and Mrs. Huffcut for remarks. Mr. Huffcut offered his thanks to the Commissioners for their time. He and Mrs. Huffcut grew up dairy-farming, they farmed independently for 25 years. He wanted to follow in his dad’s foot steps to open an ice cream store. He expressed wanting to provide a family-oriented, kid friendly business to the citizens of Farmville.

Chairperson Patterson called for a motion to close the public hearing. On a motion by Mr. Crute, seconded by Mr. Davenport, and with all present member voting “aye”, the motion was passed.

The commissioners had a brief discussion regarding the driveway easements at the site. On a motion by Mr. Crute, seconded by Mr. Weiss, and with all present members voting “aye”, the motion was passed to approve POD22-004.

ADOPTION OF RESOLUTION TO INITIATE FLOODPLAIN ORDINANCE AMENDMENTS ZTA23-001 AND 002

On a motion by Mr. Davenport, seconded by Mr. Crute, and with all present members voting “aye”, the motion to adopt the resolution to initiate the ordinance amendment process for ZTA23-001 and 002 was passed.

**A Resolution Initiating Amendments
to the Farmville Town Code, Chapter 29, Zoning and Subdivision to
Update the Floodplain Ordinance**

WHEREAS, on June 10, 2020, after 22 months of deliberation, discussion, and other due diligence, and in pursuit of advancing the public health, safety, and welfare, the Farmville Town Council adopted a revision to Chapter 29 of the Farmville Town Code; and

WHEREAS, from time to time, amendments to ordinances are needed to recognize current conditions and land use practices; and

WHEREAS, the Farmville Department of Community Development received input in 2022 from the Virginia Department of Conservation and Recreation on the state of the current Floodplain Ordinance located in Sections 29-23.a and 29-81 of the Zoning and Subdivision Ordinance; and

WHEREAS, the Floodplain Ordinance requires amendment prior to April 19, 2023, to keep pace with current practices and state and federal standards, and for the Town of Farmville to remain in good standing with the National Flood Insurance Program; and

WHEREAS, Section 29-14.a.2.a.1.B of the Farmville Town Code and §15.2-2286(7) of the Code of Virginia allow the Planning Commission to initiate amendments to the zoning ordinance;

NOW THEREFORE BE IT RESOLVED that the Farmville Planning Commission hereby initiates the ordinance amendment process pursuant to the appropriate local ordinance and statutory authority for Zoning Text Amendments ZTA23-001 and ZTA23-002 for the amendment of Section 29-23.a entitled Floodplain Overlay District and Section 29-81 entitled Definitions, respectively.

Approved by the Farmville Planning Commission on this 15th day of February 2023.

Approved: _____
Planning Commission Chair

Attest: _____
Secretary

PUBLIC HEARING

Public Hearing- Case ZTA23-001: Public Hearing for Planning Commission recommendation to the Town Council to amend Section 29-23(a) of the Floodplain Overlay District. The purpose of this amendment is to comply with certain requirements of the Virginia Department of Conservation and Recreation, Federal Emergency Management Agency, and the National Flood Insurance Program.

Mr. Pambid provided a brief background to the commissioners. Ms. Atkins-Austin presented relevant information from the staff report with supporting slides. The Commissioners and Staff had a brief discussion.

Chairperson Patterson called for a motion to open public participation. On a motion by Mr. Crute, seconded by Mr. Weiss, and with all present members voting “aye”, the motion was passed. Ms. Watkins reported that staff had not received any comments or requests to speak from the public.

Chairperson Patterson called for a motion to close public participation. On a motion by Ms. Johnson, seconded by Mr. Davenport, and with all present members voting “aye”, the motion was passed.

There was no deliberation from the Commissioners. On a motion by Mr. Weiss, seconded by Mr. Crute, and with all present members voting “aye”, the motion was passed to recommend approval of ZTA23-001 to Town Council.

OLD BUSINESS

There was no old business before the Commission.

NEW BUSINESS

Mr. Pambid reported to the Commission that there was a monthly department report included in their meeting package that they had received. The report contained qualitative information in terms of what staff has been doing from a training standpoint and other activities in the department. He shared that the report also contained statistics on permit approval, FAB Ridership, and Airport fuel sales. A chart of the Farmville Regional Airport KVVX arrivals and departures was also provided. Department updates and upcoming major cases were also mentioned.

Mr. Pambid's last day working at the Town of Farmville is February 16, 2023. He expressed that it has been a privilege to work with the Farmville Planning Commission, Board of Zoning Appeals, Town Council, and Staff. The Commissioners offered their personal thanks and presented Mr. Pambid with a Plaque in recognition of his service.

ADJOURNMENT

With no further business, Chairperson Patterson called for a motion to adjourn the meeting. On a motion by Mr. Crute, seconded by Mr. Weiss and with all present members voting "aye", the meeting was adjourned at 7:46 PM.

Respectfully submitted by Michelle D. Watkins, Administrative Assistant II

Cameron Patterson, Chairperson

Jerry Davenport, Secretary



MEETING DATE: Wednesday, March 15, 2023 (Planning Commission)

ITEM NO.: 6

REQUEST: **ZTA23-002**, Public Hearing for Planning Commission recommendation to the Town Council to amend Section 29-81 – Definitions.

BACKGROUND: Written staff report and other supporting materials and verbal report by Ashley Atkins-Austin, Interim Director of Community Development

RECOMMENDATION: That the Planning Commission approves ZTA23-002 as presented by staff.

MOTION: _____

SECONDED: _____

Commissioner	Yes	No
O'Connor		
Weiss		
Johnson		
Davenport		
Patterson		
Crute		
Miller		

Sec. 29-81. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where terms are not defined, they shall have their ordinarily accepted meaning, or such as the context may imply.

Generally, the words "used for" include "designed for," and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; and the word "lot" includes the word "plot." Any words pertaining to gender shall be interchangeable. The word "he" shall mean "she," and "she" shall mean "he." The word "shall" is mandatory; the word "may" or "should" is permissive.

Access. Means of approach, including ingress and egress.

Accessory dwelling or accessory dwelling unit. A dwelling that exists as part of a principal dwelling or on the same lot as the principal dwelling and is subordinate in size to the principal dwelling.

Accessory use or structure. A subordinate use or structure customarily incidental to and located on the same lot occupied by the main use or building but not attached to the main building. Attached structures shall be considered part of the main building.

Accessory structures are not to exceed 600 square feet in the Special Flood Hazard Area.

Acreage. A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

Act of God. A natural event, not preventable by any human agency, such as flood, storms, or lightning. Forces of nature that no one has control over and therefore cannot be held accountable.

Addition. Any construction that increases the gross floor area of a building or structure, or results in an expanded footprint of a building or structure on the ground.

Administrator. The official charged with the enforcement of this chapter that is by formal resolution designated the position by the governing body. He may serve with or without compensation as determined by the governing body.

Affordable housing. Housing that is affordable to families with incomes at or below eighty (80) percent of the area median income, provided that the occupant pays no more than thirty (30) percent of his or her gross income for gross housing costs, including utilities.

Agent. One who represents another, called the principal, in dealings with third persons. The agent undertakes some business by authority of the principal. The principal is the property owner.

Aggrieved person. A person or group of people with an immediate, pecuniary and substantial interest in an action taken by the administrator or board of zoning appeals under this chapter, as opposed to a remote or indirect interest. A person is also

aggrieved if the person suffers a denial of some personal or property right or imposition of a burden or obligation different from that suffered by the public in general.

Alteration. Any change in the total floor area, use, adaptability or external appearance of an existing structure.

Alley. A minor right-of-way that is dedicated to public use and which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

All-weather driving surface. Any material capable of supporting the weight of a large motor vehicle during any weather condition. Examples could include products such as Grasscrete and Geoblock; or, materials such as gravel, textured pavement, concrete or others as approved by the zoning administrator.

Area. The portion of a parcel of land which the owner or developer demonstrates is usable by the inhabitants or future inhabitants of the parcel. Excessive slopes and floodplains may be deemed unusable.

Amateur radio tower. A structure on which an antenna is installed for the purpose of transmitting and receiving amateur radio signals erected and operated by an amateur radio operator licensed by the Federal Communications Commission.

Antenna. Any exterior apparatus designed for commercial telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves.

Applicant. A property owner or their authorized representative who has petitioned the town for approval of a zoning change, zoning permit, building permit, variance, conditional use permit, site development plan, sign permit, certificate of appropriateness, subdivision, or any other authorization for the use or development of their property under the requirements of this chapter.

Application. An applicant petition for approval of a zoning change, zoning permit, building permit, variance, conditional use permit, site development plan, sign permit, certificate of appropriateness, or any other authorization for the use or development of their property under the requirements of this chapter.

Assembly. The use of land for a meeting place where persons gather together for purposes of attending civic, social, or religious functions, recreational events or entertainment performances on a regular or recurring basis including but not limited to, religious institutions, banquet facilities, funeral homes, theaters, conference centers, stadiums, and similar places.

Auction barn. A building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder. This definition excludes the sale of livestock.

Automobile graveyard. Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, incapable of being operated, and

which it would not be economically practical to make operative, are placed, located or found.

Automobile rental/leasing. The rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.

Automobile repair service. A use which provides for the minor repair and/or maintenance of automobiles, but does not include towing service or body work. The retail sale and dispensing of motor fuels may be allowed as permitted within this chapter.

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, lease, or rent, including any warranty repair work and other major and minor repair service conducted as an accessory use.

Awning. A shelter constructed of rigid or non-rigid materials on a supporting framework, either freestanding, or projecting from and supported by an exterior wall of a building.

Base flood; one-hundred-year flood. A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year).

Base flood elevation. The Federal Emergency Management Agency designated one-hundred-year water surface elevation.

Basement. That portion of a building below the first or ground-floor level and all or partly underground but having at least one-half ($\frac{1}{2}$) of its height, the distance between the ceiling and floor, below grade. For floodplain management, any area of the building having its floor sub-grade (below ground level) on all sides.

Bed and breakfast (B and B). A temporary lodging facility, which serves as the property owner's and B and B manager's primary residence and shall be permitted to have up to five (5) guest rooms wherein food service shall be limited to breakfast and light fare for guests of the B and B only.

Berm. A landscaped earthen mound, incorporated as part of a site design, and intended to enhance the compatibility of abutting or nearby properties through the mitigation of sound, the screening of views, and/or the visual enhancement of a property's landscaped character.

Bikeway. A bicycle pathway: either a bike lane, a bike trail, or bike route.

Block. An area enclosed by adjacent and usually by intersecting streets.

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 chapter and to authorize, upon appeal, variances from the terms of this chapter when justified by special conditions.

Brewery or distillery. The use of land, licensed by the state, where beer or spirits are manufactured for sale. Breweries have a capacity greater than one thousand (1,000) barrels a year and distilleries have a capacity greater than five thousand (5,000) gallons a year. Consumption on the premises is permitted as an accessory use.

Broadcasting or communication tower. Any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A broadcasting or communication tower usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Excluded are amateur radio towers, which are described separately. Also excluded are wireless communication antennas which fit the definition of utility services, minor.

Buffer yard. A yard with screening and landscaping materials required between abutting zoning districts of differing intensities or between adjoining land uses for the purpose of decreasing the adverse impact of differing uses and districts.

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

Building, accessory. A subordinate structure customarily incidental to and located on the same lot occupied by the main structure. No such accessory structure shall be used for housekeeping purposes.

Building, height of. The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof; if a flat roof, to the deck line of a mansard roof or to the mean height between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

Building line or setback line. A line that establishes the area within which the principal building or structure must be erected or placed and which may be located by means of a plat of subdivision or site plan at a distance greater than, but in no case less than, the minimum setbacks or yard spaces required by the zoning ordinance.

Building, main. The principal structure or one (1) of the principal buildings on a lot or the building or one (1) of the principal buildings housing the principal use of the lot.

Building official. The administrative official responsible for issuing building permits and enforcing the building code of the town.

Caliper. The diameter of a tree (usually nursery stock) measured at a point six (6) inches above the ground or top of root ball for up to and including four (4) inch caliper trees, and at a point twelve (12) inches above the ground or top of root ball for larger sizes.

Canopy, awning. A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the

canopy and placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

Car wash. The washing and cleaning of vehicles. Typical uses include automatic conveyor machines and self-service car washes.

Cemetery. Any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery.

Cemetery, private. A place where human remains are interred above or below ground and where plots are not sold.

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

Club. A use providing educational, meeting, or social facilities for civic or social clubs, fraternal/sororal organization, and similar organizations and associations, primarily for use by members and guests. Recreational facilities, unless otherwise specifically cited in this section, may be provided for members and guests as an accessory use. A Club does not include a building in which members reside.

Commission. The planning commission of the town.

Commercial indoor recreation/amusement. An establishment which provides an enclosed building for indoor sports and/or multiple coin operated amusement or entertainment devices or machines as other than an incidental use of the premises. Typical uses include bowling alleys, ice and roller skating rinks, indoor racquetball, swimming, billiard halls, game rooms, and video arcades.

Commercial outdoor recreation/amusement. Participant or spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf, swimming pools, paintball facilities, motorized cart tracks, sports arenas, racing facilities, and outdoor amusement parks.

Communications service. An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished using electronic and telephonic mechanisms. Excluded from this use type are facilities classified as *utility services, major or broadcasting or communication towers*. Typical uses include television studios, telecommunication service centers, telegraph service offices or film and sound recording facilities.

Condominium. A multiple dwelling or development where individual property owners typically own the dwelling unit in which they live, but the land the structure is situated on is owned by some other individual or in common.

Construction, new. For the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM (flood insurance rate map) or after December 31, 1974, whichever is later, and includes any subsequent improvements of such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Construction sales and service. Establishment or place of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures, but specifically excluding automobile or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.

Construction sign. A temporary sign identifying an architect, developer, builder, general contractor, subcontractor, material supplier, and or financing entity participating in construction on the property on which the sign is located.

Construction, start of. The date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Construction yard. Establishment or place of business primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's yards.

Consumer repair service. Establishment or place of business primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

Commercial vehicle repair service. Repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include

automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops and other similar uses where major repair activities are conducted.

Cul-de-sac. A street with only one (1) outlet and having a turnaround for reverse traffic movement.

Day care center. Any facility operated for the purpose of providing care, protection, and guidance during only part of a twenty-four-hour day. This term includes nursery schools, preschools, day care centers for individuals including adults, and other similar uses but excludes public and private educational facilities, family home day care, or any facility offering care to individuals for a full twenty-four-hour period.

Deck. A structure, without a roof, directly adjacent to a principal building, which has an average elevation of thirty (30) inches or greater from finished grade. A deck may be constructed of any materials.

Dedication. The transfer of private property to public ownership upon written acceptance.

Developer. See *applicant*.

Development. Any human-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.

District. Districts as referred to in Code of Virginia, § 15.2-2282.

Driveway. A private road giving access from a public way to parking spaces on abutting lots.

Dump heap (trash pile). Any area of one hundred (100) square feet or more lying within one thousand (1,000) feet of a state highway or town street, a residence, a dairy barn, a food handling establishment where trash, garbage, or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

Dwelling or dwelling unit. Any building or portion of a building intended to be used for residential purposes by a single family and designed or arranged in such a manner that none of the facilities or areas customarily provided for cooking, sleeping, eating, sanitation or other residential functions is shared by any other family or persons residing in the same structure. Does not include hotels, boardinghouses, lodging houses, tourist cabins, and mobile homes.

Dwelling, multi-family. A building arranged or designed to be occupied by three (3) 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 (2) or more single family dwellings sharing two (2) or more common walls, each on its own individual lot. Attached dwellings are not vertically stacked.

Dwelling, single-family detached. A site built or modular building designed for or used exclusively as one (1) dwelling unit for permanent occupancy, which is surrounded by open space or yards on all sides, is located on its own individual lot, and which is not attached to any other dwelling by any means.

Dwelling, townhouse. A row of three (3) or more dwelling units, each separated from one another by a continuous vertical wall without opening from basement floor to roof between units which is commonly known as a firewall.

Dwelling, two-family. Also referred to as a duplex; means a structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

Easement. A grant by a property owner of the use of land for a specific purpose.

Educational facility, college/university. An educational institution authorized by the state to award associate, baccalaureate or higher degrees, and facilities associated with it. This term includes academic buildings, administrative facilities, dormitories, special housing, parking areas, dining halls and other physical plants associated with the college or university use.

Educational facility, primary/secondary. A public, private or parochial school offering instruction at the elementary, junior and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the state.

Emergency shelter. A facility promoting temporary housing for one (1) or more individuals who are otherwise temporarily or permanently homeless. This definition excludes halfway house which is otherwise defined in this chapter.

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.

Engineer. An engineer licensed by the commonwealth.

Equipment sales and rental. Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment, and the rental of mobile homes. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

Façade. An entire outside wall of a structure, including wall faces, parapets, fascia, windows, and doors, of one (1) complete elevation.

Family. A person living alone, or any of the following groups living together as a single housekeeping unit: (1) Any number of persons related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship; (2) Four (4) unrelated people; (3) Two (2) unrelated people and any children related to either of them; (4) Residents of an assisted living facility or group home as allowed by Code of Virginia, § 15.2-2291.

Family home day care. A single-family dwelling in which more than four (4) but less than thirteen (13) individuals, are received for care, protection and guidance during only part of a twenty-four-hour day. Individuals related by blood, legal adoption or marriage to the person who maintains the home shall not be counted towards this total. The care of four (4) or fewer individuals for portions of a day shall be considered as a home occupation.

Family health care structure, temporary. Pursuant to all conditions set forth in Code of Virginia, § 15.2-2292.1, a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that: (1) Is primarily assembled at a location other than its site of installation; (2) Is limited to one (1) occupant who shall be the mentally or physically impaired person, or in the case of a married couple, two (2) occupants, one (1) of whom is a mentally or physically impaired person and the other requires assistance with one (1) or more activities of daily living as defined in Code of Virginia, § 63.2-2200, as certified in writing by a physician licensed in the commonwealth; (3) has no more than three hundred (300) gross square feet; and (4) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.).

Farmer's market. Retail sale of fresh fruits and vegetables, and other food and related items, at a facility with spaces occupied by several different temporary tenants on a short-term or daily basis; indoor or outdoor; but this term does not include roadside stands.

Fence. A freestanding structure of metal, masonry, composition, vinyl or wood or any combination, resting on or partially buried in the ground and rising above ground level, with posts at regular intervals, and used for confinement, screening, or partition purposes.

Financial institution. An establishment whose principal purpose is the provision of financial services, including but not limited to, an insured depository institution, a credit union, a federal home loan bank, a small business investment company, a depository institution holding company, a mortgage lending business, or other institutions as defined by federal code.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (3) Mud slides (i.e., mud flows) which are proximately caused by flooding as defined in subsection (2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (4) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of

water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (1) of this definition.

Flood insurance rate map (FIRM). An official map of the a community, on which the Federal Insurance Administration Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood insurance study (FIS). A report published by FEMA for a community in conjunction with the community's flood insurance rate map. The study contains such background data as the base flood discharges and water surface elevations that were used to prepare the FIRM. that examines, evaluates and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards.

Floodplain.

- (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation.
- (2) An area subject to the unusual and rapid accumulation or runoff of surface water from any source.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood-prone. Any land area susceptible to being inundated by water from any source.

Floodway. The designated area of the floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of one-hundred-year magnitude without increasing the water surface elevation more than one (1) foot above the regulatory base flood elevation.

Floor area, gross. The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two (2) buildings, from the centerline of such common wall. Gross floor area shall exclude basements and attics. The surface area of tennis courts, swimming pools, driveways, surface parking spaces, decks, patios, and porches, is not included in the total gross floor area.

Floor area ratio (FAR). The ratio of gross floor area of all structures on a lot to total lot area.

Freeboard. A margin of safety added to the base flood elevation to account for waves, debris, miscalculations, or lack of data.

Frontage. The minimum width of a lot measured from one (1) side lot line to the other along a straight line parallel to the street or if curved, parallel to the tangent to the curve of the street, on which no point shall be farther away from the street on which the lot fronts than the building setback line as defined and required herein.

Frontage road. A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.

Funeral home. Establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

Garage, private. An accessory building designed or used for the storage of not more than three (3) automobiles owned and used by the occupants of the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half (1½) times as many automobiles as there are dwelling units.

Garden center. Establishments or places of business primarily engaged in retail sales from the premises including trees, shrubs, seeds, fertilizers, pesticides, plants and plant materials primarily for agricultural, residential and commercial consumers. Such establishments typically sell products purchased from others, but may sell material which they grow themselves.

Gasoline station. An area of land, including structures thereon, or any building or part thereof, or any devices used for the sale and direct delivery to motor vehicles of fuel.

Governing body. The town council.

Grade. The lowest of:

- (1) Lowest elevation of the street at the curb;
- (2) Established or mean street elevation if curb not established;
- (3) Lowest elevation of finished ground surface on any side of the building or property.

Grandfathered. A term referencing a use or structure that is not in conformance with the current ordinance but that was legal at the time it was established or constructed. Also referred to as a legally nonconforming use/structure.

Greenhouse. A building with transparent walls and roof; for the cultivation and exhibition of plants under controlled conditions.

Greenhouse, commercial. A greenhouse operation in which plants are offered for sale to the public, either at wholesale or at retail.

Gross public floor area. The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), plus aisles, hallways, and entryways serving such areas.

Group home. A licensed residential facility in which no more than eight (8) mentally ill, intellectually disabled, or developmentally disabled persons, or no more than eight (8) aged, infirmed or disabled persons reside, with one (1) or more resident counselors or other resident or nonresident staff persons. The terms "mental illness" and "developmental disability" shall not include current illegal use of, or addiction to, a controlled substance as defined in Code of Virginia, § 54.1-3401. The residential facility, to qualify as a group home, must have a license from the state department of behavioral health and developmental services or the state department of social services.

Guestroom. A room which is intended, arranged or designed to be occupied, for more than forty-five (45) nights, by one (1) or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking.

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

Halfway house. An establishment providing accommodations, supervision, rehabilitation, counseling, and other guidance services to persons suffering from alcohol or drug addiction, to persons re-entering society after being released from a correctional facility or other institution, or to persons suffering from similar disorders. This use is separate from emergency shelters and shelters as defined in this chapter.

Hazardous substance. A substance listed under United States Public Law 96-510, entitled the Comprehensive Environmental Response Compensation and Liability Act.

Health official. The health director or sanitarian serving the town.

Highway engineer. The resident engineer employed by the state department of transportation.

Historic area. An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the area, of such significance as to warrant conservation and preservation. An historic area is not currently in, or does not currently constitute, an historic district.

Historic district. A site, structure, landmark, one (1) or more of them, or a group of them, which have unique architectural, historic, cultural, or archaeological importance to the county, the commonwealth, or the nation, and which are designated on the official zoning map as constituting an historic district.

Historic site. A building, place or area in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of 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, class A. An occupation conducted primarily on-site involving persons residing on the premises. Such occupations may require the use of accessory structures. No more than five (5) clients or customers shall be allowed on the premises at any one (1) time on a regular basis.

Home occupation, class B. An occupation conducted primarily on-site involving persons residing on the premises and not more than two (2) full or part-time outside employees. Such occupations may require the use of accessory structures or outside areas. No more than ten (10) clients or customers shall be allowed on the premises at any one (1) time on a regular basis.

Hospital. An institution rendering medical, surgical, obstetrical or convalescent care, including sanitarium, but in all cases excluding veterinary hospitals and hospitals specializing in the care and treatment of mental illnesses, narcotic addicts or alcoholics, unwed mothers, and those about to become mothers out of wedlock.

Hotel, motel. A building designed or occupied as the more or less temporary abiding place for fourteen (14) or more individuals who are lodged for compensation, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

Junkyard. The use of any area of land lying within one hundred (100) feet of a state highway or town street or the use of more than two hundred (200) square feet of land area, regardless of location, for storage, keeping or abandonment of junk, including scrap metals or other scrap materials. The term "junkyard" shall include the term "automobile graveyard" as defined in Code of Virginia, § 33.1-348.

Kenel. A place to house, board, breed, handle or otherwise keep or care for dogs for sale or in return for compensation.

Laboratory, research, and development. An establishment whose principal purpose is the research, compounding and/or packaging of scientific products, or research and development of innovative ideas in technology-intensive fields. Examples include research and development of communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes and light manufacturing may be associated with this use.

Landscaping. The improvement of the appearance of an area by the planting of trees, grass, shrubs, or other plant materials, or by the alteration of the contours of the ground.

Laundry, commercial. Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

Letters of Map Change (LOMC). A letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate map or Flood Insurance Study, Letters of Map Change include:

Letter of Map Amendment (LOMA). An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current affective Flood Insurance Rate Map and establishes that a land as defined by meets and bounds or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR). A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR). A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study.

Life care facility. A residential facility primarily for the continuing care of the elderly, providing for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home type care where all related uses are located on the same lot. Such facility may include other services integral to the personal and therapeutic care of the residents.

Liquor. Any alcoholic beverage other than beer, wine, or cider, as those terms are defined in Virginia Code § 4.1-100 and 4.1-213.

Loading space. An off-street space used for the delivery and loading/unloading of vehicles.

Location. A lot, parcel, building site or tenant space.

Lot. A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yards, open spaces, lot width, and lot areas as are required by this chapter, and having frontage on a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

Lot area. The total area, measure on a horizontal plane, included within lot lines. In residential zoning districts, lot area shall be defined as the area of the lot that excludes major utility easements (e.g., gas pipeline, electric, etc.) and an area that lies within the one-hundred-year flood plain (as it is established at the time of the final plat approval).

Lot, corner. A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot the front shall be deemed to be the shortest of the two (2) 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, irregular. A lot of such a shape or configuration that technically meets the area, frontage and width to depth requirements of this chapter but meets these requirements by incorporating unusual elongations, angles, curvilinear lines unrelated to topography or other natural land features.

Lot of record. A lot which has been recorded in the clerk's office of the circuit court.

Lot, pipestem. A "panhandle" or "flag" shaped lot with its widest point set back from the road at the rear of another lot (called the pipe), and having a thin strip of land connecting to the road to provide legal access and frontage (called the stem). Pipestem lots are also referred to as panhandle lots or flag lots.

Lot, width of. The average horizontal distance between side lot lines.

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.

Manufacturing. The processing and/or converting of raw, unfinished material or products or either of them into articles or substances of a different character or for use for a different purpose without significant external effects that cannot be eliminated or contained during the manufacturing process. Uses may include, but are not limited to, a machine shop, bottling distributor, the manufacturing of apparel, ceramic products, cosmetics and toiletries, electrical appliances, electronics or information technology equipment, medical equipment or devices, paper products, pharmaceuticals, plastic products, tools, or hardware.

Manufacturing, small-scale. Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures without significant external effects, involving the use of hand tools, or the use of mechanical equipment commonly associated with residential or commercial uses, or a single kiln. Retail sales may be incidental to the manufacturing use.

Manufactured home. A structure subject to federal regulations which is transportable in one (1) or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode or is three hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis; and is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required facilities, and includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. Some manufactured homes are also referred to as mobile homes. The term "mobile home" does not include travel trailers nor does it necessarily include modular housing except floodplain management purposes, the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed a site for greater than one hundred eighty (180) consecutive days.

Manufactured home park. Also referred to as mobile home park or trailer park; any area of five (5) acres or more designed to accommodate twenty-five (25) or more manufactured homes intended for residential use. A mobile home park may include a rental office but may not include mobile home sales.

Micro-brewery. An establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer, with a capacity of not more than one thousand (1,000) barrels per year. Micro-brewery may include a restaurant or public tasting room as an accessory use.

Micro-distillery. An establishment primarily engaged in distilling and blending potable liquors, including mixing them with other ingredients, with a capacity of not more than five thousand (5,000) gallons of finished product per year. A micro-distillery may include a restaurant or public tasting room as an accessory use.

Mini-warehouse. A building designed to provide rental storage space in cubicles where each cubicle has a maximum floor area of four hundred (400) square feet. Each cubicle shall be enclosed by walls and ceiling and have a separate entrance for the

loading and unloading of stored goods. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

Mixed use structure. A building containing residential uses in addition to non-residential uses permitted in the zoning district. Mixed use structure should not be confused with a mix of uses each in separate structures in a single development.

Modular home. A dwelling unit primarily manufactured off-site in accordance with the state uniform statewide building code standards and transported to the building site for final assembly on a permanent foundation.

New construction. For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after September 1, 1978, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

Nonconforming lot. An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

Nonconforming sign. Any sign, the area, dimensions or location of which were lawful at the time the sign was erected, but which fail to conform to the current standards and regulations due to the adoption, revision or amendment of this chapter.

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 chapter, or is designed or intended for a use that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

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 chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

Nursing home. A use providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.

Occupancy. The period during which one owns, rents, uses, or occupies a certain premises or land.

Occupant. A person who, on a regular basis, spends nights at a residence. A person is considered an occupant regardless of whether they spend the majority of their nights at a residence, if the times they do stay overnight are regular and recurrent. In

addition, a person shall be considered an occupant if their clothes or other daily living supplies are maintained at the residence.

Office, general. The use of land wherein the primary use is the conduct of a business or profession such as, but not limited to accounting, tax-preparation, lenders and securities brokers, architecture, computer software, or information systems research and development, engineering, insurance, law, management, organization and association offices, psychology, theology, real estate and travel. Retail sales do not comprise more than an accessory use of the primary activity of a general office. This definition does not include medical office as defined by this chapter.

Office, medical. The use of a site for facilities which provide diagnoses, minor surgical care, and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the state. Emergency treatment is not the dominant type of care provided at this facility.

Off-street parking area. Space provided for vehicular parking outside the dedicated street right-of-way.

Open space, required. Any space required in any front, side, or rear yard.

Outdoor display. The permanent and/or continuous keeping, displaying, or storing, outside of a building, of any goods, materials, merchandise or equipment to be sold to the public.

Outdoor storage. The keeping, in other than a building, of any goods, materials, or merchandise on the same parcel for more than twenty-four (24) consecutive hours.

Parcel or parcel of land. A lot or parcel which is described by plat or other legal description.

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 chapter. This use type shall not include parking facilities accessory to a permitted principal use.

Parking lot area. The square foot area of the parking spaces and aisles and interior parking lot islands, excluding access drives that do not have parking spaces within them.

Parking space, compact. A space for parking one (1) passenger automobile that is sixteen (16) feet long and eight (8) feet wide and is marked "compact car."

Parking space, normal. An area not less than ten (10) feet wide by twenty (20) feet long for an automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

Parking structure, multilevel. A structure with multiple stories designed for the parking of passenger vehicles and in which there is no provision for the repairing of vehicles.

Patio. A level surfaced area directly adjacent to a principal building which has an average elevation of not more than thirty (30) inches from finished grade, and without walls or a roof. A patio may be constructed of any materials.

Pedestrian ways. Paved, marked or otherwise designated pedestrian treatments meeting AASHTO standards.

Person. An individual, firm, corporation, or association.

Personal improvement services. Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

Personal services. Establishments or places of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops; grooming of pets; seamstresses, tailors, or shoe repairs; florists; and laundromats and dry cleaning stations serving individuals and households.

Plat. A map or plan of a parcel of land that is to be, or has been subdivided. When used as a verb, "plat" is synonymous with "subdivide."

Porch. A roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from, a building.

Principal building or structure. A building or structure in which the primary use of the lot on which the building is located is conducted.

Principal use. The main use of land or structures as distinguished from a secondary or accessory use.

Proffer. A voluntary offer by an applicant that addresses an impact or impacts from a use or development.

Property. Any tract, lot, parcel or several of such tracts, lots or parcels collected together.

Post-Firm structures. A structure for which construction or substantial improvement occurred on or after September 1, 1978.

Pre-Firm structures. A structure for which construction or substantial improvement occurred before September 1, 1978.

Public. Unless otherwise specifically indicated, public shall mean anything owned, operated, provided and/or maintained by a local, state, or federal government.

Public assembly. Facilities that accommodate public assembly for sports, amusements, or entertainment purposes. Typical uses include auditoriums, sports stadiums, convention facilities, and incidental sales and exhibition facilities.

Public maintenance and service facility. A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment services centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

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.

Public parking. Any area used primarily or regularly for parking motor vehicles; or to any parking space or area required to be provided by any law; except for parking provided solely to reserve a single-family dwelling.

Public use. Any use for exclusively public purposes and not otherwise defined under this chapter without reference to the ownership or structures or the realty upon which it is situated by any department or branch of the federal government, commonwealth, county or town.

Public utility. Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing, under federal, state or municipal regulations, to the public electricity, gas, steam, communications, telegraph, transportation or water.

Public water and sewer systems. A water or sewer system owned and operated by a municipality or county or owned and operated by a private individual or a corporation approved by the governing body and properly licensed by the state corporation commission and subject to special regulations as herein set forth.

Recreation, active. Those recreational pursuits which require physical alteration to the area in which they are performed including, but not limited to, pedestrian ways, bikeways, tennis courts, swimming and boating areas, playgrounds, and play fields.

Recreation, passive. Recreational activities that generally do not require a developed site such as hiking, horseback riding, and picnicking.

Recreation facility, private. A private recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with development and are usually located within or adjacent to such development.

Recreational vehicle. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
- (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, travel, or seasonal use.

Recycling center. A facility used by the general public for the collection of materials for recycling or reuse, including bins, boxes, buildings, self-propelled motor vehicles, trailers and other enclosures or receptacles. Except for town or other governmental sponsored programs to collect and/or recycle household hazardous wastes, this definition shall not include facilities for the collection of non-recyclable materials, such as business and household refuse, garbage, organic materials, medical waste, trash, junk, toxic substances or similar materials.

Religious assembly. A use located in a permanent building and providing regular organized religious worship and related incidental activities, except primary or secondary schools and day care facilities.

Repetitive Loss Structure. A building covered by a contract for flood insurance that has incurred flood-related damages on two occasions in a 10-year period, in which the cost of the repair, on average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.

Research and development. A business which engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of communication systems, transportation, geographic information systems, multi-media and video technology. Development and construction of prototypes may be associated with this use.

Residential density. A measure of dwelling units per acre. The number of units shall be rounded up to the next whole unit (e.g. a 5.2 unit/acre average would be counted as six (6) units/acre).

Restaurant. Any building in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafeterias, cafes, tearooms, confectionery shops, refreshment stands and drive-ins.

Restaurant, drive-in. An establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery or table service, served in disposable containers at a counter and a drive-up or drive through service facility, or which offers curb service.

Restaurant, general. An establishment engaged in the preparation of food and beverages and characterized primarily by table service to customers in non-disposable containers.

Restaurant, mobile. A readily movable wheeled cart, trailer, or vehicle designed and equipped for the preparing, serving, and/or selling of food and operated at temporary locations. This definition shall include food trucks, food trailers, and food carts and shall not apply to ice cream trucks.

Right-of-way. A legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded, and which is occupied or

intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or other similar use.

Retail stores and shops. Buildings for display and the sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards), e.g., drugstore, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barbershop and beauty shop.

School, business or trade. A facility where instruction is given in business, industrial and cultural arts other than that normally provided in colleges and secondary schools.

Screening. A method of visually shielding or obscuring one (1) abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation. Screening is intended to substantially, but not necessarily totally, obscure visual impacts between adjoining uses.

Setback. The minimum distance by which any building or structure shall be separated from the front lot line.

Severe repetitive loss structure. A structure that: (a) Is covered under a contract for flood insurance made available under the NFIP; and (b) Has incurred flood related damage – (i) For which 4 or more separate claims payments have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or (ii) For which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure.

Shelter. A facility providing temporary protective sanctuary for victims of crime or abuse including emergency housing during crisis intervention for individuals, such as victims of rape, child abuse, or physical beatings.

Shopping center. A group of commercial establishments planned, constructed and managed as a total entity with shared access, customer and employee parking provided onsite, provision of goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Short-term rental business. A residential dwelling unit that is used or advertised for rent for transient occupancy in increments of forty-five (45) nights or less. This use type does not include bed-and-breakfast establishments.

Sign. A display designed or intended to convey information to the public in written or pictorial form where such display is made on, attached to, or as part of a structure, surface, or any other thing, including but not limited to the ground, any rock, tree or other natural object which display is visible beyond the boundaries of the parcel of land on which it is made. The term shall not be construed to include any display of merchandise or temporary signage displayed within a show window. A display of less than one (1) square foot in area is excluded from this definition.

Sign area. The entire face of a sign, including the advertising surface and any framing, trim or molding, but not including the supporting structure. Sign area is calculated by standard mathematical formulas such as height times width for rectilinear signs, πr^2 for circular signs, and the applicable standard mathematical formula for other geometrical shapes. The area of any sign made up of individual letters or figures shall include the space between such letters or figures.

Sign, A-frame. A temporary, portable sign used at a place of business to provide information to pedestrians and slow moving vehicles. The sign may be one- or two-sided.

Sign, animated. A sign which changes physical position or involves the use of motion, rotation, or the appearance of motion.

Sign, awning. See *sign, canopy*.

Sign, banner. A temporary sign made of cloth, paper, vinyl or like material attached to a wall so as to remain in a generally stationary position.

Sign, billboard. See *sign, off-premises*.

Sign, canopy. A sign placed directly on or attached to the surface of an awning or canopy.

Sign, changeable. A sign or part of a sign that is designed so that characters, letters or illustrations can be mechanically or physically changed or rearranged without altering the face or surface of the sign.

Sign, double-faced. A sign with two (2) parallel or nearly parallel faces, back to back, upon which advertising is displayed.

Sign, electronic message board. Any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Sign face. The area or display surface used for the message, not including any framing, trim or molding, or the support structure. Face area is calculated using the same mathematical formulas as for sign areas.

Sign, flag. Cloth or similar flexible fabric attached to a pole at one (1) end such that the material can bend or flutter from the point (s) of attachment.

Sign, flashing. Any illuminated sign on which there is artificial light which is not stationary or constant in intensity or color at all times when such sign is in use.

Sign, freestanding. A sign supported by one (1) or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure, or a monument form without separate supporting elements.

Sign, government. Government signs that are approved by the town council or installed for the public benefit by the town.

Sign, hanging. See *sign, projecting*.

Sign height. Distance measured in feet and inches from the ground below the sign to highest point of sign to include sign structure, or in the case of wall signs on upper floors, from the floor level immediately below the sign to the highest point of the sign. Artificially increasing the height of the sign by berming or mounding dirt or other material at the sign base is prohibited.

Sign, illuminated. A sign illuminated in any manner by an artificial light source, whether internally or externally lit. Externally illuminated signs are those that have a light source projecting onto the face of the sign either by downlighting or indirectly with fluorescent, halogen or a source that gives off natural white light. Internally illuminated signs are those that have a light source inside or behind the sign structure or sign face which projects lights through or from the sign face.

Sign, individual letter. A wall sign made up of letters only that are attached directly to the building.

Sign, inflatable. Any display capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event.

Sign, minor. A wall or freestanding sign not exceeding one (1) square foot in area, not exceeding four (4) feet in height, and not illuminated. Examples include no trespassing signs, displays of building address, security warning signs, on-site directional signs, and the like.

Sign, mobile billboard. An off-site advertising sign mounted on a vehicle or trailer that can become part of traffic flow or be parked at specific locations. Neither vehicles nor trailers which advertise the company of their primary use nor campaign signs are considered mobile billboards.

Sign, moving or rotating. An environmentally activated sign or other display with mechanical motion powered by natural, manual, mechanical, electrical or other means, including but not limited to pennant strings, streamers, spinners, propellers, and search lights. Hand held signs are not included; see *portable sign*.

Sign, off-premise. Any sign, including billboards, which directs attention to a business, commodity, service or establishment conducted, sold or offered at a location other than the premises on which the sign is erected.

Sign, painted. Any sign painted on the exterior surface of a building; includes a mural sign.

Sign, portable. Any sign not permanently affixed to a building, structure, or the ground. This category includes, but is not limited to, signs attached to or placed on vehicles not used for the daily conduct of the business, banners, balloons, and similar devices used to attract attention, including hand held signs.

Sign, projecting. A sign attached to a building, approximately perpendicular to the building wall, and projecting up to four (4) feet from the building wall; also *hanging sign*.

Sign, roof. Any sign erected, constructed, and maintained wholly upon or over the roof of any building (such signs are not permitted under this chapter).

Sign structure. The supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, V-type, or otherwise exhibiting a sign.

Sign, temporary. A sign designed or intended, based on materials and structural components, to be displayed for a specified or limited period of time, regardless of type or style of sign. Examples include real estate signs, yard sale signs, contractor's signs, and special or one-time event signs per year.

Sign, wall. Any signs or lettering, projecting not more than eight (8) inches, which are placed against or attached to the front, rear, or side wall of a building, but shall not be painted or mural signs, or roof signs as defined herein.

Sign, window. A sign painted, stenciled, or affixed on a window.

Site plan. A plan prepared by a professional engineer or land surveyor licensed by the state showing all proposed improvements to the site in accordance with this chapter.

Special flood hazard area. The land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year as displayed on federal emergency management area maps.

Specialty food shop. The use of land, such as a coffee, candy, or ice cream shop, where the primary client consumption is off-site with limited seating and the product is limited to one (1) type or line of food service and the food preparation is such that:

- (1) All odors must be contained within the establishment and specialized equipment may be required to contain the odors;
- (2) It does not involve "cooking" but the application of heat, by microwave or the boiling of water for beverages, shall not be considered "cooking" for purposes of this definition; and
- (3) No open flame heat source is used.

Specialty store. A small-scale (less than two thousand five hundred (2,500) square feet per business) retail use which offers for sale items of art or crafts, or which offers for sale items related to a specific theme, e.g., kitchen wares, pet care, etc.

Start of construction. For other than new construction and substantial improvement under the Coastal Barriers Resource Act (P.L. – 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a

substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Store. Retail stores and shops.

Store, adult. An establishment that: offers for sale or rent items from any of the following categories:

- (1) Adult media,
- (2) Sexually oriented goods, or
- (3) 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 (15) percent of its stock in trade or occupies more than fifteen (15) percent of its gross public floor area; and where there is no on-site consumption of the goods, media or performances for sale or rent.

Store, general. Buildings for display and sale of merchandise at retail.

Store, grocery. 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.

Store, liquor. Any privately owned store:

- (1) Licensed by the state to sell liquor for off-premises consumption, but excluding breweries or distilleries as defined by this chapter; and
- (2) In which liquor makes up more than ten (10) percent of its stock in trade or occupies more than ten (10) percent of its net floor area.

Store, neighborhood convenience. Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, and limited household supplies and hardware. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

Story. That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it, or 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 wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds ($\frac{2}{3}$) of the floor area and the ceiling next above it.

Street line. The dividing line between a street or road right-of-way and the contiguous property.

Street, road. A public thoroughfare which affords principal means of access to the abutting property.

~~**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, buildings and signs.~~

Street, local. A street connecting blocks within neighborhoods and designed for short trips at low speeds.

Street, main. A street which serves as the principal means of access through town.

Street, major. Any existing or future street designated as a major street on the adopted plan of land use and major thoroughfares or heavily traveled thoroughfare or highway that carries a large volume of through traffic or anticipated traffic exceeding five hundred (500) vehicles per day.

Street, minor. A street that is used or planned primarily as a means of public access to the abutting properties with anticipated traffic of less than five hundred (500) vehicles per day.

Street, private. Any roadway that is restricted as to the hours of access by the general public or by those who may use it. The definition shall be construed to include public roads that are maintained by the individuals living along or otherwise served by the road or by a property owners association created for purposes including maintenance of streets.

Street, public. A street which affords principal means of access to abutting property, and encompassed by a right-of-way dedicated to public use and maintained by the commonwealth as a part of the state primary or secondary road system. The right-of-way shall not be less than fifty (50) feet.

Street, service drive. Also referred to as a frontage road; a public right-of-way generally parallel and contiguous to a major highway, primarily designed to promote safety by controlling ingress and egress to the right-of-way by providing safe and orderly points of access to the highway.

Street width. The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks and planting strips.

Structure, permanent. Anything constructed or erected the use of which requires more or less permanent location on the ground, or which is attached to something having a permanent location on the ground, including advertising signs and billboards. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Structure, temporary. Anything constructed or erected without a permanent foundation or footings and that extends eight (8) inches or more.

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 person owning any parcel of land to be subdivided, or a group of two (2) or more persons owning parcel of land to be subdivided, or a person or group of persons who has given their power of attorney to one (1) of their group or to another individual to act on their behalf in planning, negotiating for, representing or executing the legal requirements of the subdivision.

Subdivision. To divide any tract, parcel or lot of land into two (2) or more parts for the purpose of transfer of ownership or building development.

Subdivision agent. The administrative official, or an authorized agent thereof, responsible for administering and enforcing the Subdivision portion of the zoning ordinance of the town, also referred to in the subdivision article as the administrator.

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 (50) percent of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

Substantial renovation/rehabilitation. Improvements, not primarily cosmetic in nature, whose cost should equal at least twenty-five (25) percent of the value of the structure after the renovation/rehabilitation is completed.

Surveyor. A land surveyor licensed by the commonwealth.

Tasting room. An establishment that provides for the marketing and sale of products produced at a brewery, distillery or winery. Incidental sales of related merchandise and food shall be allowed.

Tattoo parlor and/or body piercing salon. Any business that provides tattooing or body-piercing as those terms are defined in Virginia Code, § 54.1-700, or both tattooing and body-piercing.

Transmission line, electrical. Any electrical line other than those supported by single poles normally used for the distribution of electrical power and/or those in excess of fifty (50) feet in height.

Travel trailer. A mobile unit less than twenty-nine (29) feet in length and less than four thousand five hundred (4,500) pounds in weight which is designed for human

habitation but not used for permanent residence. No appendage such as a tongue, stoop or awning shall be used in computing length.

Transportation terminal. A facility for the transfer, pick-up, or discharge of people or goods by truck, bus, or train without long-term storage of such items.

Use, accessory. A subordinate use, customarily incidental to and located on the same lot occupied by the main use.

Use. The purpose or activity for which land or buildings thereon are designed, arranged or intended, or for which they are occupied or maintained, and any manner of performance of such activity with respect to the performance standards of this chapter.

Utility service, major. Service of a regional nature which normally entails the construction of new buildings or structures such as generating plants and sources, electrical switching facilities and stations or substations, community waste water treatment plants, and similar facilities. Included in this definition are also electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission. All overhead service, distribution and transmission lines are included in this definition.

Utility service, minor. Service which is necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations. Also included in this use type are wireless communication antennas which are attached to an existing building or structure, including but not limited to utility poles, signs, broadcasting or communication facilities, and water towers, and which are not greater than twenty (20) feet in length.

Variance. A relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.

Vegetative buffer. Deciduous and evergreen plants, shrubs, or trees that are mature enough to act as an effective visual and audible buffer.

Veterinary hospital/clinic. Any establishment rendering surgical and medical treatment of animals. Boarding of domestic animals shall only be conducted indoors, on a short-term basis, and shall only be incidental to such hospital/clinic use, unless also authorized and approved as a commercial kennel. Agricultural livestock such as horses and cows may be boarded outdoors as appropriate.

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance

required in the floodplain management ordinance is presumed to be in violation until such time as that documentation is provided.

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.

Wetlands. Waters of the United States, including land where, at least some of the time, water saturates the soil enough to result in a hydric soil (soil that is characterized by an absence of free oxygen some or all of the time). Wetlands limits must be determined in accordance with the current federally approved method of delineation.

Wholesale sales. An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

Winery. A winery use is a facility licensed in accordance with § 4.1-207 VA Code Ann. and regulations of the board of alcoholic beverage control to manufacture wine and to sell, and deliver or ship such wine in closed containers for the purpose of resale outside the state or by persons licensed by the state to sell the wine at wholesale. The use may include the licensed operation of distilling equipment on the premises to manufacture spirits from fruit or fruit juices only, where used solely to fortify wine produced by the winery. This use does not include a farm winery.

Yard. An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

- (1) *Front yard.* An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.
- (2) *Rear yard.* An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.
- (3) *Side yard.* An open, unoccupied space on the same lot as a building between the side line of the building (excluding steps) and the side line of the lot, and extending from the front yard line to the rear yard line.

Zoning administrator. The administrative official, or an authorized agent thereof, responsible for administering and enforcing the zoning ordinance of the town, also referred to in this chapter as the administrator.

Zoning permit. A document issued by the zoning administrator authorizing the use of lots, structures, lots and structures, and the characteristics of uses.

(Ord. No. 196 , 6-10-2020)

State law reference(s)—Code of Virginia, §§ 15.2-2280 and 15.2-2281.



Background

On **June 10, 2020**, after several months of input and deliberation, the Town of Farmville adopted new zoning and subdivision ordinances (Chapter 29 of the Farmville Town Code). The Floodplain overlay district was included in the zoning and subdivision ordinances as Section 29-23(a). The Federal Emergency Management Agency (FEMA) released proposed Flood Insurance Rate Maps (FIRM) and Flood Insurance Studies (FIS) in April 2021. These products were available for public review and comments beginning in February 2022. The proposed FIRM and FIS will become effective on April 19, 2023.

Staff has been coordinating with the Department of Conservation and Recreation (DCR) to amend the language for Sections 29-23(a) and 29-81 to bring our floodplain overlay district ordinance into compliance with FEMA's National Flood Insurance Program (NFIP).

Staff has participated in several trainings related to Floodplain management, including DCRs L-273 class on Managing Floodplain Development through the NFIP.

Recommendations

- ☐ The Staff recommends **approval** of the proposed definition text amendments listed in **Attachment 1**.

Additional Information

For information on what definitions were amended, refer to the Ordinance Review Checklist that is included as an attachment.

Attachments

Proposed ordinance language is in **Attachment 1**. Ordinance Review Checklist from February 2, 2023 is in **Attachment 2**.

Staff Contact

Ashley Atkins-Austin, CZA, GIS Analyst/Grant Administrator
Phone: 434-392-8465 | Email: aaustin@farmvilleva.com