

An ordinance, to amend and reordain section 302 by adding therein subsections 302.107.2 and 302.107.3, and to amend and reordain sections 701.03, 702.03, 703.03, 706.03, 707.03, 708.03, 907.01, 907.02, 907.03, 907.04, 1003.03, and 1009.02, in Appendix A to the Code of the County of Amherst, relating to signs, for the purposes of establishing a definition for religious assembly and institution, modifying the requirements applicable to signs erected by or on behalf of religious assemblies or religious institutions, modifying the requirements applicable to temporary signs, and making other amendments to clarify existing statutory provisions.

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Approved as to form and legality  
by the County Attorney

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**PUBLIC HEARING: Planning Commission: November 4, 2010**  
**PUBLIC HEARING: Board of Supervisors December 21, 2010**

**THE COUNTY OF AMHERST HEREBY ORDAINS:**

**§ 1. That § 302, Specific Definitions, in Appendix A to the Code of the County of Amherst be and hereby is amended and reordained by adding therein the following subsections:**

302.107.2. *Religious assembly.* A site used by a bona fide religious group primarily or exclusively for religious worship and related religious services, including a place for worship, retreat site, or religious camp. 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.

302.107.3. *Religious institution.* A church or place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent, private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, cemetery.

**§ 2. That §§ 701.03, 702.03, 703.03, 706.03, 707.03, and 708.03 in Appendix A to the Code of the County of Amherst be and hereby are amended and reordained as follows:**

*701.03 Special exceptions.*

1. Jail.
2. Landfill.
3. ~~Off site directional signs, per Section 907.04(2)(b)~~ Off-site directional signs compliant with the requirements of Section 907.04.

*702.03. Special exceptions (A-1 zone).*

1. Public entertainment.
2. Schools.
3. Saw mills.
4. Pallet manufacturing.
5. Wood yards.
6. Feed mills.
7. Truck business.
8. Churches and related facilities.
9. Signs as provided in Section 907.
10. Planned unit developments.
11. Short-term tourist rental of dwelling.
12. Machinery sales and service.
13. Storage of biosolids as provided in Section 917.
14. Mineral extraction per Section 910.
15. Small wind energy systems as provided in Section 918.
16. Substance abuse treatment facility.
17. ~~Off-site directional signs, per Section 907.04(2)(b)~~ Off-site directional signs compliant with the requirements of Section 907.04.

*703.03. Special exceptions:*

1. Churches.
2. Public schools.
3. Cemeteries, private or church.
4. Emergency services.
5. Homes for aged.
6. Two-family dwelling which has an outward appearance of a single-family dwelling.
7. Private clubs having facilities such as golf courses, tennis courts and swimming pools.
8. Planned unit developments.
9. Short-term tourist rental of dwelling.
10. Wireless communication facilities in which an antenna array and supporting equipment are placed on a freestanding, non-residential structure or tower other than those listed in Section 703.02(6.) above, provided that the requirements of Section 914 are met.
11. Neighborhood entrance signs.
12. ~~Off-site directional signs, per Section 907.04(2)(b)~~ Off-site directional signs compliant with the requirements of Section 907.04.

*706.03. Special exceptions:*

1. Signs for uses not specified in the permitted use section and as provided for in Section 907.
2. Cemeteries.
3. Private clubs.
4. Civic organization meeting facilities.
5. Parks and recreational facilities where land is owned privately.
6. Professional offices.
7. Restaurants.

8. Manufactured homes.
9. Dual use structure limited to a single-family dwelling use and a business use.
10. Nursing homes and assisted living facilities.
11. Machine shops.
12. Short-term tourist rental of dwelling.
13. ~~Off-site directional signs, per Section 907.04(2)(b)~~ Off-site directional signs compliant with the requirements of Section 907.04.
14. Above ground liquefied petroleum gas containers between one hundred twenty-five (125) gallons water capacity and two thousand (2,000) gallons water capacity, provided there is a distance of three (3) feet between other liquefied petroleum gas containers. Liquefied petroleum gas containers shall be set back twenty-five (25) feet from roads and lot lines of adjoining properties and fifty (50) feet from all structures and installed in a manner to reduce exposure and proximity to vehicular traffic. The board of supervisors may impose greater setbacks if above ground liquefied petroleum gas containers are located in close proximity to the following non-exhaustive list of land uses: dwellings, schools, churches, government facilities, or other uses in which higher densities of people gather. The board of supervisors may provide for a reduction in setbacks if engineered provisions are made for blast containment. All requirements shall be in accordance with Chapter 4, Article II, Section 4-27 of the Amherst County Code, as amended.
15. Automobile service stations as provided in Section 902 herein.
16. Day care centers.
17. Farm machinery display, sales and services.
18. Taxidermy.
19. Retail nurseries and greenhouses.
20. Museum.
21. Bed and breakfast.

*707.03. Special Exceptions.*

1. Bulk storage and sale of sand, gravel and rock;
2. Automobile sales, used;
3. Building and excavating contractor facilities with outside storage;
4. Automobile laundry or car wash, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process;
5. Building materials dealer, not including handling of bulk materials such as sand and gravel;
6. Farm machinery display, sales and services;
7. Machinery sales and services;
8. Arenas, auditoriums or stadiums;
9. Automotive repair garage, mechanical and body, provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or public lands district and which shall not store or otherwise maintain any parts or waste material outside such building;
10. Tire recapping, provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or school district and which shall not store or otherwise maintain any parts or waste material outside such building;
11. Adult entertainment establishments in accordance with Section 915;
12. Tattoo establishments;

13. Auction house;
14. Self-service mini-storage and warehouse facilities;
15. Travel trailer sales;
16. Display of and sale of wholesale and retail modular homes;
17. Small wind energy systems as provided in Section 918;
18. Substance abuse treatment facility;
19. Above ground liquefied petroleum gas containers between one hundred twenty-five (125) gallons water capacity and two thousand (2,000) gallons water capacity, provided there is a distance of three (3) feet between other liquefied petroleum gas containers. Liquefied petroleum gas containers shall be set back twenty-five (25) feet from roads and lot lines of adjoining properties and fifty (50) feet from all structures and installed in a manner to reduce exposure and proximity to vehicular traffic. The board of supervisors may impose greater setbacks if above ground liquefied petroleum gas containers are located in close proximity to the following non-exhaustive list of land uses: dwellings, schools, churches, government facilities, or other uses in which higher densities of people gather. The board of supervisors may provide for a reduction in setbacks if engineered provisions are made for blast containment. All requirements shall be in accordance with Chapter 4, Article II, Section 4-27 of the Amherst County Code, as amended.
20. ~~Off-site directional signs, per Section 907.04(2)(b)~~ Off-site directional signs compliant with the requirements of Section 907.04.

*708.03. Special exceptions:*

1. Salvage yards;
2. Quarries;
3. Paper mills;
4. Wholesale and retail modular homes;
5. Small wind energy systems as provided in Section 918;
6. ~~Off-site directional signs, per Section 907.04(2)(b)~~ Off-site directional signs compliant with the requirements of Section 907.04.

**§ 3. That §§ 907.01, 907.02, 907.03, 907.04, 1003.03, and 1009.02 in Appendix A to the Code of the County of Amherst be and hereby are amended and reordained as follows:**

*907.01. Intent.* ~~Section 907 of the zoning ordinance shall be designated the sign ordinance. The intent of this ordinance the sign ordinance is to allow authorize signs that do not compromise public health, welfare, and safety, and to allow signs that which create a more attractive business climate and protect the natural beauty of the county. Therefore these regulations should prevent signage~~ Signage that by reason of its location, size, number or manner of display endanger endangers the public, or obstruct obstructs views of scenic beauty, or detract detracts from the neighborhood and surrounding area shall not be authorized under the County's permitting process.

*907.02. General Requirements.*

- a. All signs unless otherwise specified ~~herein, in the sign ordinance~~ are subject to the permitting procedure required in Section 1003 of this the zoning ordinance.
- b. Applications for a zoning permit for a sign shall be accompanied by a minor site plan and shall be accompanied by a \$75.00 fee as provided in Section 1009.03 of the zoning ordinance.

except that applications submitted by or on behalf of a religious assembly or religious institution for a sign not exempted from regulation pursuant to subsection 8 of section 907.03 may be accompanied by a sketch or narrative describing the proposed locations, sizes, and content of such signs, and shall be accompanied by a \$25.00 fee.

c. The board of supervisors may require as a condition of permitting certain off-site directional signs that such signs not be visible from surrounding residences.

d. All signs, whether permanent or temporary, shall comply with the applicable requirements of the ~~county~~ County building code and any regulations promulgated by the Virginia Department of Transportation.

Prohibited signs shall include the following types:

e. The following signs shall not be permitted:

1. Portable signs with an area larger than thirty-two (32) square feet. ~~All portable signs may be displayed on the same property for a period of no more than thirty (30) days each year.~~

2. Signs attached to a roof.

3. Signs that obstruct the ability to see oncoming motor vehicle traffic at any intersection or entrance to a property.

*907.03. Exempt signs.* The following signs are permitted and exempt from the zoning and building permit process. These signs shall conform to all other applicable standards ~~stated in this ordinance-~~ established pursuant to the sign ordinance except as otherwise provided in this ordinance.

1. Real estate signs not exceeding six (6) square feet in area for residential properties or thirty-two (32) square feet in area for commercial properties. Only two (2) such signs are allowed per parcel.

2. Political campaign signs.

3. Identification and or address signs, not exceeding two (2) square feet in area.

4. Construction signs pertaining to on-site activity that do not exceed thirty-two (32) square feet in area.

5. Nonilluminated, nonportable ~~church identification~~ signs identifying religious assemblies or religious institutions, which signs (i) are affixed to the site at which the assembly or institution is located, and (ii) do not exceed not exceeding thirty-two (32) square feet in area.

6. In agricultural areas, non-illuminated signs that advertise products which have been produced on the premises from on-site resources, which signs (i) are affixed to said premises, and (ii) do not exceed not exceeding thirty-two (32) square feet in area.

7. On-Site Directional signs.

a. One (1) for each on-site intersection requiring visual prompting. All directional signs are limited to a maximum width of eighteen (18) inches and a maximum height of forty-two (42) inches.

b. Temporary non-commercial signs ~~that~~ which: (i) describe a specific event or activity; (ii) are displayed for up to no more than thirty (30) days in any given 12-month period; and (iii) do not exceed eighteen (18) inches in width and a maximum height of forty-two (42) inches in height.

8. Off-site directional signs erected to guide people to a given religious assembly or religious institution which: (i) are no larger than four square feet in total area; (ii) do not rise more than four feet above the ground; (iii) contain the name, address or other descriptive information for that religious assembly or religious institution; (iv) are located outside the public right of way and any public utility easement; (v) are spaced at least 300 feet from one another; and (vi) appear

no more than once on any side of a road containing up to two lanes and no more than once on each side of a road containing more than two lanes. The provisions of this subsection shall not be construed as authorizing the placement of any such signs on private property where the property owner has not consented to such placement. Any dispute as to such consent shall be resolved through dispositive evidence of written consent produced by the party seeking to erect the sign.

*907.04. Standards.*

All signs erected in the County of Amherst shall comply with the following standards, except as otherwise provided in the sign ordinance.

*1. Illumination:*

a. Any illumination of signs shall be done in such a manner that no light is reflected or is apparent beyond the sign structure itself.

*2. Setbacks and other:*

a. *Generally.* The following setback requirements notwithstanding, all signs or support structures shall not impair or jeopardize adequate sight distance of traffic movement.

~~b. *Off-site directional signs.* No portion of an off-site directional sign shall be located closer than eight (8) feet from the right-of-way of any public road and must be located outside of a public utility easement. Off-site directional signs shall be spaced a minimum three hundred (300) feet from each other regardless of the location. Off-site directional signs are limited to a maximum height of six (6) feet. Church and civic signs may not exceed eight (8) square feet in total area, any other use(s) other than church and civic signs must be located at an intersection of two (2) or more public streets and may not exceed two (2) square feet in total area. Such signs shall be allowed only if a special exception for that sign has been granted. Conditions which may be placed on off-site directional signs may include, but not be limited to the following: The board of supervisors may require that such signs not be visible from surrounding residences or residential districts.~~

~~e. *b. Front yard.* No portion of a sign shall be located closer than eight (8) feet from the right-of-way of any public road. For the purpose of this sign ordinance, these standards~~ this standard shall be applicable to both frontages on corner lots.

~~d. *c. Side yard.* No portion of a sign shall be located closer than five (5) feet from a side property line.~~

~~e. *d. Rear yard.* No portion of a sign shall be located closer than five (5) feet from a side rear property line.~~

~~f. *3. Number of signs.* This section shall not apply to signs regulated by the exempt sign section of this ordinance. A property may have one on-site freestanding sign for every public road it fronts on. Excepting those signs exempted pursuant to section 907.03, there may be erected upon a given property no more than one on-site freestanding sign for every public road contiguous to that property.~~

~~g. *4. Area.*~~

~~a. *All signs*~~ On-site signs shall have a maximum area of not exceed two hundred (200) square feet in total area. On-site, nonattached sign area is determined by multiplying the width of the property along the frontage in feet by 0.5. Attached signs may cover a maximum of twenty (20) percent of the view of the structure to which it is attached.

b. Off-site directional signs identifying a religious assembly or religious institution, which are not exempted from regulation pursuant to subsection 8 of section 907.03, shall not exceed eight (8) square feet in total area.

c. Off-site directional signs identifying a civic organization shall not exceed eight (8) square feet in total area.

d. Off-site directional signs identifying any organization other than a religious assembly or religious institution, or civic organization, shall not exceed two square feet in total area.

~~h.~~ 5. Height.

~~Attached~~ a. On-site attached signs shall not extend above the eaves of the roof and shall not project above the height of the roof peak of the principal on-site building.

b. The maximum allowable height of freestanding signs shall be defined by a plane that extends from the setback line at a height of six (6) feet to the eaves of the principal building on-site.

c. Off-site directional signs shall not exceed six (6) feet in height.

6. Location.

a. No portion of any sign, except those exempted from regulation pursuant to subsection 8 of section 907.03, shall be located within eight (8) feet of the right-of-way of any public road.

b. No portion of any sign shall be located in a public utility easement.

c. An off-site directional sign identifying any organization other than a religious assembly or religious institution, or civic organization shall not be located at any place other than the intersection of two or more public streets.

d. Off-site directional signs shall be spaced at least 300 feet from one another.

*1003.03. Application procedures for special exception.* Applications for a zoning permit for a special exception shall be submitted to the zoning administrator, who shall refer the application to board of supervisors for a public hearing. Applications for zoning permits for special exceptions must be submitted in accordance with the following procedures:

1. An application shall be accompanied by site plan documentation as required under Article XI hereunder.

2. The application shall be sent to the commission and the board of supervisors following the commission's recommendation. The commission shall have one hundred (100) days within which to review and submit a recommendation to the board of supervisors, except that the commission shall, within 90 calendar days of the date the application is filed with the zoning administrator, complete its review of, and submit to the board of supervisors its recommendation regarding, any application filed by or on behalf of a religious assembly or religious institution for a special exception permit for one or more off-site directional signs subject to the requirements contained in sections 907.02 and 907.04 of the sign ordinance. The commission shall hold a public hearing on the application for a special exception in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended. If the commission fails to submit a report within ~~a one hundred day~~ the applicable 100-day or 90-day period, it shall be deemed to have approved the proposed special exception.

3. The board of supervisors shall consider the proposed special exception after notice and public hearing in accordance with Section 15.2-2204 of the Code of Virginia, 1950, as amended, and shall take action on the proposed special exception within twelve (12) months from the date of the public hearing, except that the board of supervisors shall, within 90 days of the date the commission's recommendation is filed with the board of supervisors, take action on any application filed by or on behalf of a religious assembly or religious institution for a special exception permit for one or more off-site directional signs subject to the requirements contained in sections 907.02 and 907.04 of the sign ordinance.

4. In addition to the specific requirements for special exceptions as specified in this article, the board of supervisors shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- a. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the county's comprehensive plan and/or this article;
- b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- c. Will not be hazardous or disturbing to existing or future neighboring uses;
- d. ~~Will~~ If applicable, will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structure, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- e. Will not create excessive additional requirements at public costs for public facilities and services and will not be detrimental to the economic welfare of the community;
- f. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or water pollution;
- g. ~~Will~~ If applicable, will have vehicular approaches to the property which shall be so designed as not to create any interference with traffic on surrounding public streets or roads; and
- h. Will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.

5. ~~Conditions set forth above and in Article XI for the various special exceptions are minimum.~~ This section and Article XI of the zoning ordinance establish the minimum conditions for approval of a proposed special exception. In approving a proposed special exception, the board of supervisors may stipulate such additional requirements as are necessary to the public interest. The board of supervisors may require the applicant to furnish a performance bond in an amount sufficient for, and conditional upon, the fulfilling of any and all conditions and requirements stipulated by the respective board.

6. If the board of supervisors approves the application for a zoning permit for a proposed special exception, the zoning administrator shall issue a zoning permit in accordance with paragraph 1003.02 herein, indicating the special nature of the use.

7. If the board of supervisors disapproves the application for a zoning permit for a proposed special exception, the board of supervisors shall inform the applicant of the decision in writing within sixty (60) days from the date of the public hearing, stating the reasons for disapproval, except that any such disapproval of an application for a zoning permit for a proposed special exception for one or more off-site directional signs filed by or on behalf of a religious assembly or religious institution shall be communicated to the applicant no later than 20 days after the date of the public hearing held to consider such application. The zoning administrator shall retain one (1) copy of the site plan and two (2) copies of the refusal, and keep them as a public record.

8. A property owner, or his appointed agent, shall not initiate action for zoning permit relating to the same special exception affecting the same parcel of land more often than once every twelve (12) months.

9. Prior to an expansion of an approved special exception, the owner, or his agent, must submit an application for an amended zoning permit for a special exception, in accordance with the



special exception provisions herein, whenever the cumulative expansion, or expansions, exceeds twenty-five (25) percent in the aggregate of floor area of the structure, or use, originally approved for the current special exception.

*1009.02. Special exceptions, zoning amendments, administrative reviews and variances.* Applications for special exceptions and zoning amendments for consideration by the board of supervisors and applications for administrative reviews, variances and other appropriate applications for considerations by the board of appeals shall be accompanied by a ~~sum~~ fee of three hundred dollars (\$300.00), except that such applications filed by or on behalf of a religious assembly or religious institution shall be accompanied by a fee of one hundred dollars (\$100.00).

**§4. That this ordinance shall be in force and effect upon adoption.**

**§5. That any fee assessed against a religious assembly or religious institution within 90 days of the effective date of this ordinance, pursuant to any section amended by this ordinance, shall be reimbursed to the extent such fee exceeds the fees established in this ordinance.**