

ARTICLE VII. - USE REQUIREMENTS BY ZONING DISTRICTS

701. - Public Lands District P-1.

701.01. *Intent of public lands zone.* To recognize lands owned or leased by the federal, state, county government and local and/or regional authority as being distinct from non-public properties.

701.02. *Permitted uses (Public Lands District - P-1 zone).* Those uses deemed by the county to serve the public interests, necessity, and convenience of Amherst County including but not limited to lands designated as national forest, publicly owned reservoirs, parks, schools, libraries, water/sewer utilities, emergency services, animal shelters, pounds, industrial parks, governmental facilities, and personal wireless service facilities as provided in Section 919.

701.03 *Special exceptions (Public Lands District - P-1 zone).*

1. Jail and other detention facilities.
2. Landfill or similar uses.
3. Off-site directional signs compliant with the requirements of Section 907.04.
4. Personal wireless service facilities as provided in Section 919.
5. Any other use which the planning director determines is consistent with the statement of intent for this district and is of the same general character as special exception uses in this district.

(Ord. of 3-20-07; Ord. of 6-19-07(2); Ord. of 3-16-10(3); Ord. of 12-21-10, § 2; Ord. No. 2012-0001, § 2, 3-20-12)

702. - Agricultural Residential District A-1.

702.01. *Intent of the Agricultural Residential District A-1.* This district is designed to accommodate farming, forestry and limited residential use. While it is recognized that certain rural areas may logically be expected to develop residentially, it is the intent however to discourage the random scattering of residential, commercial or industrial uses in this district.

702.02. *Permitted uses.* Within the A-1 district, the following uses are permitted:

1. Agriculture and forestry operations; crop production, livestock production, except no confinement facility may be closer than one thousand (1,000) feet to a property line; sale of agricultural and forestall products grown in the county; agritourism; and other activities or events that are usual and customary at Virginia agricultural operations.
2. Temporary sawmills, only for timber on-site or proximate to site.
3. Single-family dwellings that are built in accordance with the statewide building code.
4. Manufactured homes as provided in Section 908.
5. Accessory structures.
6. Emergency services.
7. Home occupations.
8. Reserved.
9. Camping for less than four (4) consecutive weeks in portable facilities; i.e., tent or camper or per Section 904.

10. Utilities that are for the purpose of serving the community, not merely for transferring the utility through the community; including, but not limited to, sewer, water, gas, electricity, cable television, telephone.
11. Bed and breakfast lodging.
12. Public streets.
13. Confined livestock facilities ("CLF") subject to the following conditions:
 - a. Located more than one thousand five hundred (1,500) feet from any house not on the property owned by the applicant;
 - b. Located more than two thousand five hundred (2,500) feet from a public place such as a school or church;
 - c. Located more than one thousand (1,000) feet from a perennial stream as indicated on the 7.5 minute U.S.G.S. topographic survey maps;
 - d. Located more than one thousand (1,000) feet from a state maintained road;
 - e. A maximum of two hundred fifty (250) animal units may be confined per fifty (50) acres of contiguous property;
 - f. The CLF must be approved by all necessary state agencies prior to county approval;
 - g. The applicant for all permits must be a county resident and the property owner;
 - h. It cannot be visible from a state maintained road;
 - i. A zoning permit must be issued prior to any development of the CLF.
14. Flag lot as provided in Section 1301.04(6).
15. Personal wireless service facilities as provided in Section 919.
16. Farm winery.
17. Group home. The zoning administrator may impose conditions on group homes to ensure their compatibility with other permitted uses; however, such conditions shall not be more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption.
18. Family day home which serves no more than five (5) children. The zoning administrator may impose conditions on such family day homes to ensure their compatibility with other permitted uses; however, such conditions shall not be more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption.
19. Temporary family health care structure. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as follows:
 - a. Any person proposing to install a temporary family health care structure shall first obtain a zoning permit from the county. The county may not withhold such permit if the applicant provides sufficient proof of compliance with the requirements of this section.
 - b. Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.
 - c. Any temporary family health care structure shall be removed within thirty (30) days after which the mentally or physically impaired person is no longer receiving or is no longer in need of the caregiver's assistance.
 - d. The county may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the county of the temporary family

health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

- e. Any temporary family health care structure installed pursuant to this section may be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
 - f. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
20. Club, hunt.
 21. Limited brewery.
 22. Limited distillery.
 23. Short-term tourist rental of dwellings, provided that (i) the dwelling is served by a single-access driveway on a state maintained road, and (ii) is a distance of at least five hundred (500) feet from the nearest dwelling.
 24. Time-share projects.
 25. Small wind energy systems up to sixty (60) feet in height and at least five hundred (500) feet from property lines, as provided in Section 918.

702.03. *Special exceptions (Agricultural Residential District—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 as provided in Section 918.
16. Substance abuse treatment facility.
17. Off-site directional signs compliant with the requirements of subsection 907.04.
18. ~~Any other use which the planning director determines is consistent with the statement of intent for this district and is of the same general character as special exception uses in this district.~~
- 18.19. Personal wireless service facilities as provided in Section 919.

- 19.20. Club, private.
- 20.21. Shooting range, outdoor.
- 21.22. Breweries.
- 22.23. Family day home which serves six (6) through twelve (12) children.
- 23.24. Single-family attached dwelling developments, as provided in Section 921.
- 24.25. Kennels.
- 25.26. Aviation facilities, private as provided in Section 922.
- 27. ~~Time-share projects.~~
- 26. Retirement community.
- 27. Any other use which the planning director determines is consistent with the statement of intent for this district and is of the same general character as special exception uses in this district.

(Ord. of 3-18-03(2); Ord. of 9-20-05(2); Ord. of 8-15-06(3); Ord. of 10-17-06(4); Ord. of 1-15-08(1); Ord. of 7-15-08(2); Ord. of 10-21-08(2); Ord. of 7-21-09(1); Ord. of 12-1-09; Ord. of 1-19-10; Ord. of 3-16-10(3); Ord. of 12-21-10, § 2; Ord. No. 2011-0007, § 2, 1-17-12; Ord. No. 2012-0001, § 2, 3-20-12; Ord. No. 2012-0004, § 3, 7-17-12; Ord. No. 2012-0006, § 2, 7-17-12; Ord. No. 2013-0005, § 2, 12-3-13; Ord. No. 2014-0007, § 2, 5-20-14; Ord. No. 2015-0011, § 2, 11-17-15; Ord. No. 2016-0003, § 1, 4-19-16; Ord. No. 2016-0012, § 1, 8-16-16)

702.1. - Reserved.

Editor's note— Ord. No. 2016-0003, § 2, adopted Apr. 19, 2016, repealed § 702.1, which pertained to prohibition of time-share projects in the A-1 zoning classification and derived from Ord. of 2-21-06(2).

703. - Limited Residential District R-1.

703.01. Intent of Limited Residential District R-1. This district is composed of certain quiet, relatively low-density single-family residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district. To that end, development is limited to single unit dwellings plus certain low impact uses that serve the individual households of the district.

703.02. Permitted uses. Within the Limited Residential District R-1, the following uses are permitted:

1. Single-family dwellings, other than townhouses subject to Section 912, that are built in accordance with the Virginia Statewide Building Code.
2. Accessory structures.
3. Home occupations, so long as the following criteria are met, are permitted: no outside storage, no signage, no employees or customers may come to the property, no increase in neighborhood traffic or change in type of traffic may occur.
4. Utilities that are for the purpose of serving the community, not merely for transferring the utility through the community; including but not limited to sewer, water, gas, electricity, cable television, telephone.
5. Public streets.

6. Personal wireless service facilities as provided in Section 919.
7. Group home. The zoning administrator may impose conditions on group homes to ensure their compatibility with other permitted uses; however, such conditions shall not be more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption.
8. Family day home which serves no more than five (5) children. The zoning administrator may impose conditions on such family day homes to ensure their compatibility with other permitted uses; however, such conditions shall not be more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption.
9. Temporary family health care structure. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as follows:
 - a. Any person proposing to install a temporary family health care structure shall first obtain a zoning permit from the county. The county may not withhold such permit if the applicant provides sufficient proof of compliance with the requirements of this section.
 - b. Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.
 - c. Any temporary family health care structure shall be removed within thirty (30) days after which the mentally or physically impaired person is no longer receiving or is no longer in need of the caregiver's assistance.
 - d. The county may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the county of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.
 - e. Any temporary family health care structure installed pursuant to this section may be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
 - f. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
10. Short-term tourist rental of dwellings, provided that (i) the dwelling is served by a single-access driveway on a state maintained road, (ii) is a distance of at least five hundred (500) feet from the nearest dwelling, and (iii) adjoining property owners shall be notified per Section 1005.2.b.

703.03. Special exceptions (Limited Residential District—R-1 zone).

1. Churches.
2. Public schools.
3. Cemeteries, private or church.
4. Emergency services.
5. ~~Homes for aged.~~ Limited assisted living facility.
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. Personal wireless services facilities as provided in Section 919.
11. Neighborhood entrance signs.
12. Off-site directional signs compliant with the requirements of Section 907.04.
13. Family day home which serves six (6) through twelve (12) children.
14. Single-family attached dwelling developments, as provided in Section 921.

(Ord. of 8-15-06(4); Ord. of 10-17-06(4); Ord. of 7-17-07(4); Ord. of 12-16-08; Ord. of 3-16-10(3); Ord. of 12-21-10, § 2; Ord. No. 2012-0001, § 2, 3-20-12; Ord. No. 2012-0006, § 2, 7-17-12; Ord. No. 2014-0005, § 1, 5-20-14; Ord. No. 2015-0011, § 2, 11-17-15)

704. - General Residential District R-2.

704.01. Intent of General Residential District R-2. This district is composed of certain quiet, medium density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district. To that end, development is limited to one-, two-, three- and four-unit dwellings, plus certain low impact uses that serve the individual households and the neighborhood as a whole.

704.02. Permitted uses. Within the General Residential District R-2 the following uses are permitted:

1. All those allowed in R-1.
2. Manufactured homes which must be transported in two (2) or more sections, each of which is attached to a permanent chassis.
3. Two-, three-, and four-family dwellings that are built in accordance with the statewide building code.
4. Public facilities; i.e.; schools, parks, emergency services, libraries, post offices.
5. Utilities that are for the purpose of serving the community, not merely for transferring the utility through the community; including, but not limited to, sewer, water, gas, electricity, cable television, telephone.
6. Single-family attached dwelling developments.

704.03. Special exceptions:

1. All special exceptions listed in R-1 zone.
2. Day care centers.
3. Multi-family dwellings with an aggregate of not more than eight (8) units.
4. Signs as provided in Section 907.
5. Manufactured homes as provided in Section 908.
6. Short-term tourist rental of dwelling.

(Ord. of 2-18-03(4); Ord. of 10-17-06(4); Ord. of 12-16-08; Ord. No. 2015-0011, § 2, 11-17-15)

705. - R-3 Multi-Family Residential District.

705.01. *Intent of the R-3 Multi-Family Residential District.* To maximize the use of available public sewer and water and roads by allowing dense developments.

705.02. *Permitted uses.* Within the Multi-Family Residential District R-3, the following uses are permitted:

1. Those allowed in R-1 and R-2.
2. Multi-family dwellings as provided in Sections 906 and 911.
3. Townhouses, as provided in Section 912.

705.03. *Special exceptions.*

1. All special exceptions listed in R-1 and R-2 zones.
2. Nursing homes.
3. Retirement communities.
4. Mobile home parks.
5. Short-term tourist rental of dwelling.

(Ord. of 10-17-06(4); Ord. No. 2014-0005, § 1, 5-20-14)

706. - Village Center District V-1.

706.01. *Intent of the Village Center District.* This district is designed to allow minimal concentrations of commercial activity and residential-type development within a large agricultural or residential area. As an adjunct to the Public Lands District P-1 and Agricultural District A-1, it is the intent to encourage cluster development of residential, commercial and public uses, thereby helping to discourage random scattering of these uses throughout agricultural and forested areas. To this end, retail activity is greatly limited to neighborhood convenience sales and services and tourists-oriented specialties, thereby protecting against encroachment of general commercial or other similar uses likely to generate noise, light, odors, smoke, or other obnoxious influences.

706.02. *Permitted uses.* Within the Village Center District V-1 the following uses are permitted:

1. Those allowed in R-1 Limited Residential;
2. Churches and adjacent cemeteries;
3. Signs used for commercial and institutional uses as provided in Section 907;
4. General convenience stores;
5. Utilities that are for the purpose of serving the community, not merely for transferring the utility through the community; including, but not limited to, sewer, water, gas, electricity, cable television, telephone;
6. Public streets;
7. Banks;
8. Emergency services;
9. Hair-cutting shops;
10. Laundromats;
11. Wearing apparel stores;
12. U.S. post offices;
13. Catering establishments;

14. Retail stores such as: antique, gift and craft, agricultural products, hardware and building supplies, bookstores, consignment, hobby and collectibles provided that the use does not exceed ten thousand (10,000) square feet;
15. Professional offices provided that the use does not exceed ten thousand (10,000) square feet;
16. Small restaurant;
17. Dual use structure limited to a single-family dwelling use and a business use;
18. Retail nurseries and greenhouse;
19. Museums;
20. Bed and breakfast;
21. Short-term tourist rental of dwellings, provided that (i) the dwelling is served by a single-access driveway on a state maintained road, (ii) is a distance of at least five hundred (500) feet from the nearest dwelling, and (iii) adjoining property owners shall be notified per Section 1005.2.b.
22. Limited brewery;
23. Limited distillery;
24. Limited cidery;
25. Any other use which the planning director determines is consistent with the statement of intent for this district and is of the same general character as permitted uses in this district.

706.03. *Special exceptions (Village Center District—V-1 zone):*

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.~~
- 9.10. Nursing homes and assisted living facilities.
- 10.11. Machine shops.
- 11.12. Short-term tourist rental of dwelling.
- 12.13. Off-site directional signs compliant with the requirements of subsection 907.04.
- 13.14. 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.

14.15. Automobile service stations as provided in Section 902 herein.

15.16. Day care centers.

16.17. Farm machinery display, sales and services.

17.18. Taxidermy.

19. ~~Retail nurseries and greenhouses.~~

20. ~~Museum.~~

21. ~~Bed and breakfast.~~

22. ~~Any other use which the planning director determines is consistent with the statement of intent for this district and is of the same general character as special exception uses in this district.~~

18.23. Personal wireless services facilities as provided in Section 919.

19.24. Breweries.

20. Any other use which the planning director determines is consistent with the statement of intent for this district and is of the same general character as special exception uses in this district.

706.04. *Site plan.* Before a building and zoning permit shall be issued for any use in the Village Center District V-1, other than residential or agricultural, a site plan of the proposed development shall be approved by the commission or the zoning administrator, whichever is applicable, in conformance with Section 1003 and Article XI herein.

706.05. All uses in the V-1 zone shall comply with the terms of Section 1301.08 entitled "Operating Conditions in V-1 Village Zone."

1. *Site plan.* Before a building and zoning permit shall be issued for any use in the V-1 Village Zone, a site plan of the proposed development shall be approved by the commission or the zoning administrator, whichever is applicable, in conformance with Section 1003 and Article XI herein.

(Ord. of 10-16-06(4); Ord. of 3-16-10(2); Ord. of 3-16-10(3); Ord. of 3-16-10(4); Ord. of 12-21-10, § 2; Ord. No. 2011-0007, § 2, 1-17-12; Ord. No. 2012-0001, § 2, 3-20-12; Ord. No. 2014-0007, § 2, 5-20-14)

707. - General Commercial District B-2.

707.01. *Intent of General Commercial District B-2.* This district covers those areas intended for the conduct of any retail, service or contracting business, for siting of public facilities, and for other similar uses as determined by the zoning administrator. Uses requiring extended hours of operation and generating high volumes of traffic are permitted in this district. The permitted and special exception uses identified in subsection 707.02 and 707.03 may not be listed in alphabetical order.

707.02 *Permitted uses.* Within the General Commercial District B-2, the following uses are permitted:

1. Accessory buildings and uses as provided in Section 901;

2. Banks and savings and loan institutions;
3. Clinics and medical offices;
4. Clubs and lodges, fraternal, civic and patriotic;
5. Drug stores and other establishments for the filling of prescriptions and sale of pharmaceutical and similar supplies;
6. Emergency services;
7. Food stores;
8. General convenience stores;
9. Professional office buildings;
10. Public utilities such as poles, lines, transformers, pipes, meters and related or similar facilities; water sewer distribution lines;
11. Retail nurseries and greenhouses;
12. Retail service stores such as bakeries, barber shops, beauty parlors, shoe shops, self-service laundries, and establishments for receiving and distributing articles for laundering, drying and dry cleaning;
13. Signs as provided in Section 907;
14. U.S. post offices;
15. Antique and gift shops;
16. Automobile service stations as provided in Section 902;
17. Cemeteries;
18. Churches, manses, parish houses and adjacent cemeteries;
19. Day care centers;
20. Garages, public;
21. Hardware stores;
22. Motels, motor hotels and motor inns;
23. Restaurants;
24. Retail stores and shops;
25. Schools;
26. School support facilities;
27. Shopping center, subject to restrictions of Section 909;
28. Shopping complex;
29. Single-family dwelling and a retail sales and/or service store within the same main structure;
30. Telephone repeater substations, with no external antennas;
31. 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;
32. Bakeries employing not more than ten (10) persons other than clerks and vehicle drivers;
33. Cabinet making shops;
34. Catering establishments;
35. Cold storage plants and frozen food lockers not including lard rendering and abattoirs;

36. Dry cleaning plants;
37. Funeral homes;
38. Furniture stores;
39. Printing plants and newspaper offices;
40. Radio and TV offices and studios;
41. Retail automotive parts stores;
42. Satellite dish antenna sales and service establishments;
43. Theaters, indoor;
44. Wholesale and jobbing establishments, with all material stored entirely in buildings enclosed on all sides or screened in accordance with Section 1607;
45. Bowling alleys, roller skating and ice skating rinks, billiard parlors, pool rooms, dance halls, game rooms, pinball parlors, electronic game centers, golf driving ranges and similar forms of amusement;
46. Call centers;
47. Colleges;
48. Community centers;
49. Contractor facilities and storage yards and establishments for installation and servicing the following: air conditioning, electrical service, flooring, heating, interior decorating, painting, plumbing, roofing, steel erection, tiling or ventilating with all material stored entirely in buildings enclosed on all sides or screened in accordance with Section 1607;
50. Dormitories;
51. Excavation contractor's facilities and yards for storage of equipment intended for off-site use;
52. Feed and seed stores;
53. Golf driving range;
54. Governmental facilities;
55. Kennels;
56. Light manufacturing, processing or packaging of products 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, or public lands district; shall not store or otherwise maintain any parts or waste material outside such building unless such parts or waste material are screened in accordance with Section 1607; and shall not create conditions of smoke, fumes, noise, odor or dust detrimental to health, safety or general welfare of the community; and shall be permanently screened from adjoining residential lots and districts by a wall, fence, evergreen hedge and/or other suitable enclosure of a minimum height of seven (7) feet at the original elevation of the property line;
57. Pest exterminating businesses;
58. Public utilities: public water and sewer transmission lines, treatment facilities, and pumping stations; electrical power transmission lines and substations; oil and gas transmission pipelines and pumping stations; microwave and radio wave transmission and relay towers and substations; telephone exchange centers, offices, equipment storage, dispatch centers and warehouse facilities;
59. Radio and TV transmission towers which are set back from any lot line at a distance equal to the maximum height of the tower above ground level;

60. Radio and TV transmitters;
61. Sign manufacturing;
62. Truck stop;
63. Veterinary hospitals and clinics;
64. Libraries;
65. Public utilities;
66. Public streets;
67. Personal wireless service facilities as provided in Section 919;
68. Short-term tourist rental of dwelling;
69. Breweries;
70. Use, temporary;
71. Museums;
72. Warehousing and distribution facilities, with all material stored entirely in buildings enclosed on all sides or screened in accordance with Section 1607.
73. Automobile sales subject to landscaping requirements in Section 1607;
74. Travel trailer sales;
75. Tattoo establishments;
76. Self-service mini-storage and warehouse facilities;
77. Marine sales and service. All service operations shall be conducted in a building. Openings in all buildings shall be located a minimum of one hundred (100) feet from a residential, agricultural, or public lands district. Parts or waste material shall not be stored outside the building;
78. Any other use which the planning director determines is consistent with the statement of intent for this district and is of the same general character as permitted uses in this district;

707.03. *Special Exceptions (General Commercial District—B-2 zone).*

1. Bulk storage and sale of sand, gravel and rock;
- ~~2. Automobile sales, used;~~
- ~~2.3. Building and excavating contractor facilities with outside storage;~~
- ~~4. 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;~~
- ~~3.5. Building materials dealer, not including handling of bulk materials such as sand and gravel;~~
- ~~4.6. Farm machinery display, sales and services;~~
- ~~5.7. Machinery sales and services;~~
- ~~6.8. Arenas, auditoriums or stadiums;~~
- 7.9. 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 or public lands district and which shall not store or otherwise maintain

any parts or waste material outside such building unless such parts or waste material are screened in accordance with Section 1607;

8.10. 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;

9.11. Adult entertainment establishments in accordance with Section 915;

12. ~~Tattoo establishments;~~

10.13. Auction house;

14. ~~Self-service mini-storage and warehouse facilities;~~

15. ~~Travel trailer sales;~~

11.16. Display of and sale of wholesale and retail modular homes;

12.17. Small wind energy systems as provided in Section 918;

13.18. Substance abuse treatment facility;

14.19. 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 Section 4-27, as amended;

15.20. Off-site directional signs compliant with the requirements of Section 907.04;

16.21. Pawnbrokers;

22. ~~Marine sales and service. All service operations shall be conducted in a building. Openings in all buildings shall be located a minimum of one hundred (100) feet from a residential, agricultural, or public lands district. Parts or waste material shall not be stored outside the building;~~

17.23. Oil and gas exploration, extraction and production, provided the entity conducting these activities complies with Chapter 22.1 of Title 45.1 (Code of Virginia, § 45.1-361.1 et seq.), and adheres to the oil and gas rules and regulations promulgated by the Virginia Department of Labor and Industry;

18.24. Personal wireless service facilities as provided in Section 919;

19.25. Substance abuse treatment clinic; and

20.26. Any other use which the zoning administrator determines is consistent with the statement of intent for this district and is of the same general character as special exception uses in this district.

707.04. *Site Plan.* Before a building and zoning permit shall be issued for any use in the General Commercial District B-2, a site plan of the proposed development shall be approved by the commission or the zoning administrator, whichever is applicable, in conformance with Section 1003 and Article XI herein.

(Ord. of 8-20-02(2); Ord. of 11-19-02; Ord. of 10-17-06(4); Ord. of 7-17-07(3); Ord. of 7-15-08(1); Ord. of 9-16-08; Ord. of 4-21-09(1); Ord. of 12-1-09; Ord. of 1-19-10; Ord. of 3-16-10(3); Ord. of 3-16-10(4); Ord. of 12-21-10, § 2; Ord. No. 2011-0007, § 2, 1-17-12; Ord. No. 2012-0001, § 2, 3-20-12; Ord. No. 2013-0012, § 1, 10-15-13; Ord. No. 2014-0007, § 2, 5-20-14; Ord. No. 2014-0009, § 3, 5-20-14; Ord. No. 2015-0011, § 2, 11-17-15; Ord. No. 2016-0004, § 1, 4-19-16)

708. - Industrial District M-1.

708.01. *Intent of Industrial District M-1* . This district covers areas intended to allow uses for the production, wholesale, storage or distribution of products, and proprietary office and business support facilities not intended to be generally accessible to the general public.

708.02. *Permitted uses* . Within the Industrial District M-1, the following uses are permitted:

1. All wholesalers;
2. Breweries;
3. Call centers;
4. Contractor facilities;
5. Corporate or professional offices;
6. Data centers;
7. Manufacturing, processing, fabricating, assembling, distributing or packaging of products, including an on-site retail store for products manufactured or distributed by the permitted business provided that such store is an accessory use to the permitted use and does not exceed twenty (20) percent of the floor area of the permitted facility;
8. Personal wireless service facilities as provided in Section 919;
9. Printing establishments;
10. Public utilities and all attendant structures necessary for transmission or storage;
11. Public streets;
12. Research and development facilities;
13. Signs as provided in Section 907;
14. Truck and freight facility;
15. Utilities;
16. Warehousing operations not open to the general public.
17. Emergency services;
18. Governmental facilities.

708.03. *Special exceptions (Industrial District—M-1 zone):*

1. ~~Emergency services;~~
2. ~~Governmental facilities;~~
- 1.3. Salvage yards;
- 2.4. Quarries;

- 3.5. Paper mills;
- 4.6. Wholesale and retail modular homes;
- 5.7. Small wind energy systems as provided in Section 918;
- 6.8. Off-site directional signs compliant with the requirements of Section 907.04;
- 7.9. Personal wireless service facilities as provided in Section 919;
- 8.10. Any other use which the zoning administrator determines is consistent with the statement of intent for this district and is of the same general character as special exception uses in this district.

708.04. *Site plan.* Before a building or zoning permit shall be issued for any use in the Industrial District M-1, a site plan of the proposed development shall be approved by the commission or the zoning administrator, whichever is applicable, in accordance with Section 1003 and Article XI herein.

(Ord. of 11-20-07(2); Ord. of 12-1-09; Ord. of 3-16-10(3); Ord. of 12-21-10, § 2; Ord. No. 2011-0007, § 2, 1-17-12; Ord. No. 2012-0001, § 2, 3-20-12; Ord. No. 2014-0007, § 2, 5-20-14; Ord. No. 2016-0004, § 1, 4-19-16)

709. - Reserved.

Editor's note— Ord. No. 2017-0002, § 2, adopted Apr. 18, 2017, repealed § 709, which pertained to Flood Hazard Overlay District FH, and derived from Ord. of 9-18-07(2).

710. - Watershed District (WS).

710.01. *Intent of the watershed district.* The purpose of this district is to protect against and minimize the pollution of, and deposition of sediment in, the public drinking water supply sources located in Amherst County in order to protect the health, safety and general welfare of the citizens using the water supply source. In the establishment of this district it is not the intent of the board of supervisors at this time or its recommendation for the future that livestock be prohibited from accessing streams in a normal manner.

710.02. *Superimposed district.* This zoning district is to be superimposed over other existing districts, and the special requirements of this district shall apply in addition to the requirements of the zoning use district within which a specific property is located.

710.03. *Boundaries.* The delineation of the district boundaries shall be based on technical studies by the appropriate public water supply agency and approved by the board of supervisors. Such boundaries shall be shown on the Watershed District Maps of Amherst County, Virginia, which are declared to be a zoning map and a part of this ordinance. These maps shall be kept on file in the Sanitarian Office of the Health Department and the Zoning Administrator's Office.

1. District boundaries. Unless otherwise indicated, district boundaries indicate as approximately following property lines, land lot lines, highways, railroads, power lines, pipelines, or civil boundaries, shall be construed to follow such lines. Where district lines approximately follow the ridgeline of a watershed, it shall be construed that the district boundary actually lies on the crest of the ridgeline, as determined by an accepted topographic survey of the property in question.
2. District boundary change. The delineation of any of the watershed districts may be revised by the board of supervisors where more detailed studies, conducted by the appropriate public water supply agency document that such a change is appropriate or necessary, such revisions being made in accordance with Section 1004 herein.

710.04. *Establishment of zoning districts.* The watershed areas within the county are hereby divided into two (2) types of districts: Primary Water Supply Districts (PWS) and Secondary Water Supply Districts (SWS). The boundaries of these districts shall be shown on the official Watershed District Maps.

1. The Primary Water Supply District (PWS) shall include watersheds upstream from a current or proposed water supply intake structure, which is expected to supply fifty (50) percent or more of a water treatment facility's untreated water source as determined by the appropriate public water supply agency and designated as such by the Amherst County Board of Supervisors. The primary water supply districts of Amherst County consist of the Graham Creek Watershed and the Mill Creek Watershed, as a future source of water supply, all lands within the Buffalo River and Mill Creek Watershed upstream from the water intakes of the Town of Amherst Filtration Plant and the Harris Creek and Graham Creek Watershed, upstream from the water intakes of the Henry L. Lanum, Jr. Water Filtration Plant as shown on the official Watershed District Maps.
2. The Secondary Water Supply District (SWS) shall include those watersheds upstream from a current or proposed water supply intake structure, which is expected to supply less than fifty (50) percent of a water treatment facility's untreated water source as determined by the appropriate public water supply agency and designated as such by the Amherst County Board of Supervisors.

710.05. *Watershed District Activities.*

1. Permitted uses and special exceptions. All permitted uses and special exceptions allowed in the zoning district over which the watershed districts are superimposed shall be allowed except as provided in Section 710.05(2) through (5) herein.
2. Uses prohibited. The following uses shall be prohibited within the Watershed District (WS):
 - a. Production or disposal of hazardous waste as defined in Section 302 herein.
 - b. Storage of hazardous waste or materials, other than those pesticides used for agricultural, forestry and horticultural purposes.
 - c. Storage of pesticides used for agricultural, forestry and horticultural purposes intended for repackaging or resale.
 - d. Installation of long distance transmission pipelines for natural gas, liquid petroleum, petroleum products, slurry coal, and any other liquids or solids, except water lines, sewer lines and storm sewers.
 - e. Application to land surfaces or landfilling of industrial, commercial or residential waste.
 - f. Relocation of streambeds. Channelization of streams shall be prohibited, except in the correction of flood damage and/or as part of a conservation plan, utilizing best management practices, developed and approved by the Natural Resources Conservation Service and the Robert E. Lee Soil & Water Conservation District. Such plans may also require a permit from the U. S. Army Corps of Engineers, if the project is determined to be within their jurisdiction.
 - g. Establishment of feed lots in which more than one hundred (100) animal livestock units, such as one hundred (100) beef cattle, heifers or calves, seventy (70) mature dairy cattle, two hundred fifty (250) mature swine, one thousand (1,000) immature swine (less than fifty-five (55) pounds), five thousand five hundred (5,500) turkeys, ten thousand (10,000) chickens, fifty (50) horses, one thousand (1,000) sheep or lambs, five hundred (500) ducks, are birthed, fed, raised or held at any given time prior to slaughter or sale unless operated under best management practices for waste management in livestock holding areas and in accordance with a conservation plan approved by the Robert E Lee Soil & Water Conservation District and reviewed by the appropriate public water supply agency. Additional permitting by the Virginia State Water Control Board may be required.

addressed in 710.06.1.c. This buffer strip shall not apply to agricultural row crops except as addressed in 710.06.1.c. The buffer strip shall be clearly shown on all plats and site plans.

- b. No portion of any on-site sewerage system, drain field, reserve drain field, waste pump station, waste force main, or building structure shall be placed within the 75-foot vegetated buffer strip. This statement shall be on all plats, site plans and in the deed of affected lots. Drain fields and reserve drain field spaces shall be shown on the plats and site plans.
- c. On agricultural lands, no row crops requiring tillage shall be permitted in the buffer strip. The buffer strip shall be managed to prevent concentrated flows of surface water from breaching the strip and noxious weeds (such as Johnson grass, kudzu and multiflorous rose) may be prevented from invading the buffer areas. Permanent cover crops which do not require seasonal tillage nor pesticide applications, such as hay crops, are encouraged in the buffer strip and may be harvested as they would be elsewhere.

The agricultural buffer strip may be reduced to a minimum of twenty-five (25) feet on each side of the stream when a water and soil quality conservation plan utilizing best management practices, and as developed and approved by the Natural Resources Conservation Service and the Robert E. Lee Soil Conservation District, has been implemented on the adjacent land. This reduction in buffer strip width may be applied only if the plan achieves water quality protection of at least the equivalent of that provided by the 75-foot buffer strip. The buffer area is not required for agricultural drainage ditches if the adjacent land has in place best management practices in accordance with an approved conservation plan.

- d. No logging or other silvicultural activities may take place within the 75-foot buffer strip, except in strict accordance with a best management practices program (as it applies to municipal water supplies) approved by the Department of Forestry.
 - e. No structures, on-site sewerage system drain field or reserve drain field space owned by parties other than the local government entity or the appropriate public water supply agency shall be located within three hundred fifty (350) feet of the normal pool elevation of a water supply reservoir. Such structures include residences, commercial and industrial structures, docks, boathouses and all accessory buildings. This reservoir setback shall be clearly shown on all plats, along with the statement "No structures, drain fields or other facilities owned by parties other than the local government entity or the appropriate public water supply agency shall be constructed within the reservoir setback."
2. Minimum lot area. Minimum lot sizes shall apply to both residential and commercial uses. Minimum lot size is dependent on soil conditions as classified and defined by the Commonwealth of Virginia Sewerage Regulations and the provision of one hundred (100) percent drain field reserves. All minimum lot sizes are subject to Section 801. The more restrictive of Section 801 and 710.06.2 shall apply.
 - (1) Minimum lot sizes for residential properties shall conform to the requirements of the district upon which the Primary Water Supply District has been superimposed, plus the space requirements for on-site sewerage system drain fields and one hundred (100) percent reserve drain fields, in subsection 710.06.3, if this should impact lot size.
 - (2) Minimum lot sizes for commercial properties shall conform to the underlying district, but shall be not less than twenty-five thousand (25,000) square feet in zones other than agricultural and public lands.
 3. On-site sewerage systems. Lots within the Primary Water Supply District shall be required to meet the following design and maintenance standards based on soil conditions as classified by the Commonwealth of Virginia Sewerage Regulations, as amended, and verified by the local Health Department, plus Amherst County's mandatory one hundred (100) percent reserve drain fields.
 - a. All drain field and reserve drain field spaces shall be shown on subdivision plats and project site plans.

- b. Each subdivision plat and site plan shall contain the following statement: "The Virginia Department of Health advises that septic tanks should be pumped every three (3) to five (5) years to maximize the life of the on-site wastewater area."

710.07. *Special requirements within the Secondary Water Supply District (SWS).*

1. Stream and reservoir setback requirements:
 - a. A buffer strip of dense perennial vegetation, preferably natural, shall be maintained adjacent to any permanent tributary and shall be no less than fifty (50) feet in width on each side of the tributary, measured from the crest of the stream bank. The buffer strip shall be clearly shown on all subdivision plats and project site plans.
 - b. No on-site sewerage system drain field, reserve drain field, or building structures may be placed within the 50-foot vegetated buffer strip. This statement shall be on all plats, site plans and in the deeds of effected lots. Drain field and reserve drain field space shall be shown on plats and site plans.
 - c. On agricultural lands, no row crops requiring tillage shall be permitted in the buffer strip. The buffer strip shall be managed to prevent concentrated flows of surface water from breaching the strip and noxious weeds (such as Johnson grass, kudzu and multiflorous rose) may be prevented from invading the buffer areas. Permanent cover crops which do not require seasonal tillage nor pesticide applications, such as hay crops, are encouraged in the buffer strip and may be harvested as they would be elsewhere. The agricultural buffer strip may be reduced to a minimum of twenty-five (25) feet on each side of the stream when a water and soil quality conservation plan utilizing best management practices, as developed and approved by the Natural Resources Conservation Service and the Robert E. Lee Soil & Water Conservation District has been implemented on the adjacent land. This reduction in buffer strip width may be applied only if the plan achieves water quality protection at least the equivalent of that provided by the 50-foot buffer strip. The buffer area is not required for agricultural drainage ditches if the adjacent land has in place best management practices in accordance with an approved conservation plan.
 - d. No logging or other silvicultural activities may take place within the 50-foot buffer strip, except in strict accordance with a best management practices program (as it applies to municipal water supplies) approved by the Department of Forestry.
 - e. No structures, above ground or below ground storage tanks, on-site sewerage system, drain field or reserve drain field space owned by parties other than the local government entity or the appropriate public water supply agency shall be located within three hundred (300) feet of the normal pool elevation of a water supply reservoir. Such structures include residences, commercial and industrial structures, docks, boat houses, and all accessory buildings. This reservoir setback shall be clearly shown on all subdivision plats along with the statement, "No structures, drain fields or other facilities owned by parties other than the local government entity or the appropriate public water supply agency shall be constructed within the reservoir setback."
2. Minimum lot area. Minimum lot sizes shall conform to the requirements of the district upon which the Secondary Water Supply District has been superimposed, as specified in Section 801, plus the space requirements for on-site sewerage system drain fields and one hundred (100) percent reserve drain fields, in subsection 710.07.3.
3. On-Site Sewerage Systems. All drain fields which are initially installed and reserve drain field space must conform to all the requirements of the Commonwealth of Virginia Sewerage Regulations, as amended, and verified by the Health Department, plus Amherst County's mandatory one hundred (100) percent reserve drain fields.
 - a. All drain field and reserve drain field spaces shall be shown on subdivision plats and project site plans.

- b. Each subdivision plat and site plan shall contain the following statement: "The Virginia Department of Health advises that septic tanks should be pumped every three (3) to five (5) years to maximize the life of the on-site wastewater area."

710.08. *Issuance of permits.* No building permit or on-site sewerage system drain field permit shall be issued for any property located within a Watershed District (WS) unless the proposed activity is consistent with this article.

(Ord. of 11-21-06(4); Ord. of 4-17-07(2))

711. - Mixed Use/Traditional Neighborhood Development (MU/TND) District.

711.01 *Intent of the Mixed Use - Traditional Neighborhood Development District.* This section establishes the Mixed Use/Traditional Neighborhood Development District ("District" or "MU/TND District"). This section will facilitate development of projects that feature a mix of land uses and building types closely linked by a network of streets, sidewalks, formal and informal open spaces, and trails. Projects developed in a MU/TND District will reflect the following characteristics:

1. Compact development with defined edges and a distinct neighborhood center.
2. Human scale buildings and streets that are pedestrian- and public transit-oriented.
3. A mix of residential, commercial, civic, and open space uses located close to one another to reduce traffic congestion, travel demand and dependence on automobiles.
4. A mix of housing styles, types, and sizes to accommodate households of all ages, sizes and incomes.
5. A system of narrow, interconnected streets with sidewalks and bikeways.
6. Public transit as a viable alternative to the automobile by organizing appropriate building densities.
7. Preservation of significant environmental features and incorporation of such features into the design of new neighborhoods.
8. Design and development consistent with the county's County Comprehensive Plan.

711.02 *Development Standards.* MU/TND District projects benefit from flexible development standards as a matter of right. The development standards set forth in this section shall supersede any conflicting requirements contained in Appendix A, Zoning and Subdivisions, of the County Code.

711.03 *Qualifying Lands.* Lands qualifying for inclusion in the MU/TND District shall be limited to tracts within the Designated Growth Area that are mapped as Urban Development Areas on the future land use map and that are served by, or planned for service by, public water and sewer sufficient to accommodate the proposed development at full build out.

711.04 *MU/TND Designation.* A tract of land shall be designated a MU/TND District only when it meets all of the requirements of section 711 and has been rezoned in accordance with Article X, Administration, Section 1004 Procedure for Requesting a Zoning Amendment.

711.05 *Area Requirements.* The optimal minimum size for a MU/TND District is forty (40) contiguous acres of land; however sites containing less acreage are permissible if identified in the development plan submitted at the time of rezoning approval. The tract of land to be rezoned and developed shall be under single ownership, or shall be the subject of an application filed jointly in accordance with subsection 711.21, Development Plan Review and Approval.

711.06 *Required Subareas within a MU/TND Project.*

1. A MU/TND project shall contain a mix of residential uses and unit types, a neighborhood center and open space.
2. Each MU/TND District master plan shall identify subareas as follows:

SUB-AREA	MIN. LAND ALLOCATION (% of gross land area)	MAX. LAND ALLOCATION (% of gross land area)
Neighborhood Center	10%	30%
Residential Neighborhoods	—	80%
Open Space	10%	—

3. Subareas include:

- a. *Neighborhood Center.* The Neighborhood Center shall be a distinct, centralized area contiguous to surrounding residential neighborhoods and open space and shall be the designated focal point of a MU/TND. The Neighborhood Center shall extend no further than one thousand four hundred (1,400) linear feet in any direction from its center point and shall comprise not less than ten (10) percent nor more than thirty (30) percent of the net developable area of the MU-TND District. The Neighborhood Center shall contain residential, civic, commercial and open space uses.
- b. *Residential Neighborhood.* The primary subarea of a MU/TND District shall be a Residential Neighborhood or series of such neighborhoods that provide a mix of housing types. Residential Neighborhoods shall surround the Neighborhood Center on at least two (2) sides and shall contain only residential uses, civic uses and open space areas. Residential Neighborhoods shall comprise not more than eighty (80) percent of the net developable area of a MU/TND District.
- c. *Common Open Space.* Common open space shall be distributed throughout the development and accessible to all residents. Open space shall include formal squares, plazas, and greens, and less formal parks, recreation areas, greenbelts and natural areas. Open space shall comprise not less than ten (10) percent of the net developable area of a MU/TND District.

711.07 MU/TND District Standards by Subarea.

1. Neighborhood Center Subarea Standards.
 - a. Land uses are permitted within the Neighborhood Center either by-right or by special exception as delineated in subsection 711.08.
 - b. The mix of uses within a Neighborhood Center shall be in accordance with the recommendations of Chapter VII of the County Comprehensive Plan, and shall include: (i) a mix of commercial retail, professional office and service uses; (ii) civic or institutional uses; (iii) residential uses; and (iv) open space.
 - c. No more than eighty (80) percent of the net development area of a Neighborhood Center shall be allocated to residential uses.

- d. Individual buildings shall not exceed twenty thousand (20,000) square feet of gross floor area, or ten thousand (10,000) square feet of floor area per floor, or forty thousand (40,000) square feet of gross floor area for a mixed use or multi-tenant buildings.
 - e. Clear pedestrian pathways that meet all requirements of the American Disabilities Act (ADA) shall be provided between buildings on the same lot and between buildings on adjacent lots.
 - f. Crosswalks shall be incorporated within the project at intersections where new streets are proposed, within parking lots, or other needed pedestrian connections.
 - g. The timing of construction of the non-residential portions of the Neighborhood Center shall be left to the discretion of the applicant so long as the approved development plan reserves an area for such uses and provided not more than seventy-five (75) percent of the total approved residential units for the entire MU/TND District may be built prior to construction of at least fifty (50) percent of the approved non-residential floor area of the Neighborhood Center.
 - h. Street furnishings, which may include pedestrian scale street lights twelve (12) feet to fifteen (15) feet in height, street signs, benches, trash receptacles, and water fountains, shall be provided in the Neighborhood Center subarea.
 - i. Additional Provisions for Neighborhood Center Uses:
 - i. Mixed use buildings shall not contain ground floor residential uses.
 - ii. Notwithstanding other buffer, landscaping and screening requirements located elsewhere in this section, outside storage areas for materials, equipment or trash receptacles shall not exceed forty (40) percent of the ground floor building area, shall be located in rear or side yards adjacent to the principal building, and shall be screened from view of abutting streets or lands.
 - iii. Outdoor seating areas shall have a minimum sidewalk width of eight (8) feet between the limits of the outdoor seating area and the roadway edge of the sidewalk.
2. Residential Neighborhood Subarea Standards.
- a. Land uses are permitted within the Residential Neighborhood Subarea either by-right or by special exception as delineated in subsection 711.08.
 - b. The mix of uses within a Residential Neighborhood shall accord with the recommendations of Chapter VII of the County Comprehensive Plan and shall include a mix of single-family and multi-family residential uses, civic or institutional uses and open space.
 - c. Each Residential Neighborhood shall include a minimum of two (2) different housing types and no more than seventy (70) percent of the total number of units in a neighborhood shall be of any one (1) housing type (e.g. single-family detached, single-family attached, multi-family).
 - d. High density housing types (i.e., multi-family and single-family attached) shall be located closest to the core of the community and within one-quarter ($\frac{1}{4}$) mile of the Neighborhood Center.
 - e. Street furnishings including, but not limited to, pedestrian scale street lights twelve (12) feet to fifteen (15) feet in height and street signs, shall be provided in Residential Neighborhoods.
3. Open Space Subarea Standards.
- a. Land uses are permitted within Open Space either by-right or by special exception as delineated in subsection 711.08 below
 - b. Open Space requirements may be met by open space areas designated within the Neighborhood Center and Residential Neighborhood subareas.

- c. A minimum of ten (10) percent of the net developable area of the MU/TND District shall be designated as Open Space. At least fifteen (15) percent of the designated Open Space shall be formal parks or recreational fields. The balance may be greenways, paths, and trails, but shall not include existing or proposed street rights-of-way, parking areas, or driveways.
- d. All residential dwellings shall be located within one-quarter (¼) mile of dedicated Open Space, including public spaces.
- e. Open Space structured as large outdoor recreation areas shall be located at the periphery of neighborhoods rather than central locations.

711.08 Permitted Uses within the MU/TND District. Land uses within a MU/TND District shall be permitted either by right ("P") or by special exception ("SE"), or are prohibited ("X") as follows:

Use/Activity	Neighborhood Center	Residential Neighborhoods	Open Space
Drive-through windows serving or associated with permitted uses provided such facilities are located at the rear or side of the structure and do not conflict with pedestrian travel ways. In no case shall the drive through lane or window abut or face a public street	SE	X	X
Outdoor storage, display and/or sales serving or associated with a by-right permitted use, if any portion of the use would be visible from a travel way	SE	X	X
Individual buildings over 20,000 total square feet in gross floor area, or greater than 10,000 square feet per floor	SE	X	X
Fuel sales with pumps located at the rear or side of the associated retail structure and which do not conflict with pedestrian travel ways or interrupt street frontage.	SE	X	X

In no case shall the gas pump canopy abut a public street			
Outdoor seating associated with restaurants is permitted	P	X	X
Mixed use buildings	P	X	X
Residential			
Single-family detached dwellings	X	P	X
Single-family attached dwellings, including two-family dwellings or duplexes, townhouses, row houses	P	P	X
Multi-family dwellings	P	SE	X
Live/work units	P	X	X
Accessory structures associated with single-family dwellings	X	P	X
Home occupations are permitted, in accordance with Sections 703.02.3 and 905.	X	P	X
Accessory parking structures, lots or areas associated with permitted multi-family or open space uses	P	P	X
Senior living facility	P	SE	X
Short-term tourist rental of a dwelling per Article IX, Special Provisions, Section 916	P	SE	X
Commercial			
Antique shops for the sale of antiques, except that no	P	X	X

auctions are permitted, and no items can be stored outdoors			
Bed and breakfast lodging	P	X	X
Museums and art galleries	P	X	X
Retail sales and services including, but not limited to the following: Studios and shops for artists, photographers, writers, teachers, jewelers, tailors and dressmakers, taxidermists, weavers and other craftsmen, sculptors and musicians and consignment shops, provided no such studio or shop shall contain more than 7,500 square feet	P	X	X
Grocery and convenience stores and general stores without fuel sales and provided that no individual store shall contain more than 20,000 square feet of floor area	P	X	X
Barbershops, beauty parlors and shoe shops	P	X	X
Bicycle sales and repair shops provided no items can be stored outdoors	P	X	X
Bakeries, catering establishments and meal delivery services	P	X	X
Florist and flower shops	P	X	X
Furniture, television and appliance sales, service and repair, including service and repair of any type of home appliance provided that no items may be	P	X	X

stored outdoors			
Restaurants	P	X	X
Financial institutions	P	X	X
Hotels and inns	P	X	X
Office, administrative, business or professional	P	X	X
Medical offices and clinics: medical, dental and optical, provided that no single clinic shall contain more than 20,000 square feet of floor area	P	X	X
Day care center, babysitting services	P	X	X
Funeral home	P	X	X
Conference or training center	P	X	X
Public or private parking structures, areas, and lots that are accessory to any permitted or permissible commercial, residential, civic, institutional or open space use	P	SE	X
Civic			
County-owned or leased buildings and properties of a conservation, cultural, administrative, or public service type and publicly-owned or leased buildings of a recreational type, with approval of a development plan in accordance with Article XI, Site Plan Review Requirements, by	P	P	X

the Board of Supervisors			
Public facilities such as schools, emergency services, police and fire stations, libraries, museums, community meeting facilities, community centers, and post offices	P	SE	X
Transit shelters	P	X	X
Churches and parish houses (except rescue missions and revival tents)	P	P	X
Schools, including child care, charitable, cultural, and other community service activities on school property	P	SE	X
Colleges and universities, including educational, scientific and related research facilities	P	X	X
Civic club	P	X	X
Personal wireless service facilities (In accordance with Section 914)	P	X	X
Open Space			
Natural areas including environmental corridors, greenways, protected natural areas and reserves	P	P	P
Parks, squares, greens and plazas	P	P	P
Ball fields and playgrounds	P	P	P
Community gardens, including plots	P	P	P

that are made available with or without a fee to residents			
Streams, ponds and other water bodies	P	P	P
Stormwater detention/retention facilities	P	P	P
Accessory parking areas or lots located within and designated solely for public parks or publicly accessible natural areas	P	P	P

711.09 Development Density. The permitted minimum development densities are as follows:

1. Residential Densities: a minimum of four (4) single-family detached dwellings or six (6) townhouses (two-family and row houses included), or twelve (12) multi-family units per net residential acre.
2. Non-Residential Densities: non-residential gross floor area ratios shall be a minimum of 0.4 F.A.R. (excluding designated Open Space).
3. Calculating Density for Mixed Use Buildings: the residential floor area of mixed use buildings shall not be used when calculating the maximum non-residential floor area permitted. Multi-family residential uses up to ten (10) units per net acre maximum shall be permitted if included on the upper floors of a building with ground floor commercial use.

711.10 Lot and Building Requirements.

1. Residential lot and building standards.
 - a. Minimum lot area.
 - i. Single-family detached dwellings: Ten thousand (10,000) square feet.
 - ii. Two-family dwellings: Twelve thousand (12,000) square feet .
 - iii. Single-family attached dwellings: as provided in Section 912.
 - iv. Multi-family structures: as provided in Section 801.
 - b. Minimum lot width.
 - i. Single-family detached dwellings: Seventy-five (75) feet.
 - ii. Two-family dwellings: Seventy-five (75) feet.
 - iii. Single-family attached dwellings: as provided in Section 912.
 - iv. Multi-family structures: One hundred ten (110) feet.
 - c. Maximum lot coverage. Seventy-five (75) percent.
 - d. Required yards.

i. Front.

• Single-family detached and two-family dwellings:

- Minimum: six (6) feet in the Neighborhood Center; ten (10) feet in Residential Neighborhoods.
- Maximum: fifteen (15) feet in the Neighborhood Center; twenty-five (25) feet in Residential Neighborhoods, except no maximum setback for any residential lot of twenty thousand (20,000) square feet or greater.

• Single-family attached and multi-family dwellings:

- Minimum: six (6) feet in Neighborhood Center; ten (10) feet in the Neighborhood Residential area.
- Maximum: fifteen (15) feet.

ii. Side.

• Single-family detached and two-family dwellings:

- Minimum: Ten (10) feet
- Maximum: None.

• Single-family attached and multi-family dwellings:

- Minimum: Five (5) feet
- Maximum: None.

iii. Rear.

• Single-family detached and two-family dwellings:

- Minimum: Thirty (30) feet; may include alley.
- Maximum: None.

• Single-family attached and multi-family dwellings:

- Minimum: Thirty (30) feet; may include alley.
- Maximum: None.

- e. Separation of structures. Groups of single-family attached dwellings and multi-family structures shall be separated from each other by a minimum of fifteen (15) feet.

2. Non-residential and mixed use lot and building standards.

- Minimum lot area for commercial uses: Eight thousand five hundred (8,500) square feet.
- Minimum lot width for commercial uses. Forty (40) feet at the minimum front setback line.
- Maximum lot coverage for commercial uses. Seventy-five (75) percent. The areas of contiguous lots may be combined for the purpose of calculating impervious surface requirements.
- Required yards for commercial uses.

i. Front.

- Minimum: None. A sidewalk of at least five (5) feet shall be provided along all lot frontages.
 - Maximum: None.
- ii. Side.
- Minimum: Minimum allowed under the Virginia Statewide Fire Prevention Code.
 - Maximum: None.
- iii. Rear.
- Minimum: Minimum allowed under the Virginia Statewide Fire Prevention Code.
 - Maximum: None.
3. Accessory buildings, structures and garages shall meet the following requirements:
- a. Accessory buildings and garages shall meet the minimum side, and rear yard requirements stipulated in this subsection, and shall not be constructed in front of the principal buildings on site.
 - b. Accessory buildings and garages shall not block or limit ingress to or egress from the site itself or any buildings on site, and must comply with applicable building code, fire safety, ADA.
 - c. Garages serving single-family detached dwellings and accessed from an alley at the rear of a lot shall be set back a minimum of ten (10) feet from the rear lot line.

711.11 Building Height.

1. Maximum Building Height. New structures within a MU/TND District shall be no more than thirty-five (35) feet or three (3) stories for single-family residential uses, or fifty (50) feet or four (4) stories for non-residential, multi-family residential or mixed used structures.
2. Minimum Building Height. The optimal minimum height for structures located in the MU/TND Neighborhood Center subarea is two (2) stories. Shorter structures are permissible if identified in the Development Plan submitted at the time of rezoning approval.

711.14 Street Design, Block Size and Sidewalks.

1. Public streets. All streets within a MU/TND District shall be designed and constructed according to VDOT Secondary Street Acceptance Requirements, and the applicant shall ensure that the public streets will be accepted into the public street system by VDOT, and shall supply such surety as the county may require pursuant to Section 1010.
2. Grid network. The transportation system in the MU/TND District shall be generally in the form of a grid of interconnected streets, alleys and paths, modified as necessary to accommodate topography and parcel shape.
 - a. Proposed streets within the MU/TND District shall be extended to the boundary lines of the parcel being developed and terminated with stub outs to provide access to adjacent tracts not presently being subdivided or developed.
 - b. Cul-de-sac streets shall not comprise more than ten (10) percent of the total street length in the MU/TND District, nor shall any individual cul-de-sac street exceed five hundred (500) feet in length. Alleys are exempt from this calculation.
3. Block size. Blocks shall be in conformance with subsection 1301.03.
4. Street design.

- a. Street sections shall be designed to meet VDOT standards and shall be built to the narrowest dimensions permitted by VDOT.
 - b. Dead end alleys are permissible if identified in the development plan submitted at the time of rezoning approval, but in no circumstances shall an alley have a dead end length of over one hundred (100) feet. Dead end alleys shall have hammerhead turnarounds.
 - c. Bicycle accommodations shall meet VDOT requirements.
 - d. Within the Neighborhood Center an existing or planned roadway must be designated as a main street which would be subjected to the following conditions:
 - i. On main streets within the Neighborhood Center, at least seventy-five (75) percent of the total first floor area of new development fronting the street on any parcel shall be devoted to non-residential uses.
 - ii. A sidewalk with a minimum width of eight (8) feet shall be provided across the front of principal buildings facing both sides of the main street.
5. Accommodation for pedestrians and bicycles.
- a. Accommodations for pedestrians and bicycles within the VDOT right-of-way shall be designed and constructed according to VDOT Secondary Street Acceptance Requirements.
 - b. Sidewalks shall be provided on both sides of the street in the Neighborhood Center and Residential Neighborhood subareas and separated from the roadway by a planting strip or designated parallel parking.
 - c. In the Neighborhood Center, the paved area of sidewalks shall be not less than eight (8) feet wide. If a planting strip is provided, it shall be a minimum of six (6) feet in width.
 - d. In the Residential Neighborhood, the paved area of sidewalks shall be not less than five (5) feet wide. If a planting strip is provided, it shall be a minimum of four (4) feet in width.
6. Lot Access.
- a. All lots shall front on a public street or on a square or plaza.
 - b. Alleys shall serve only the rear or sides of lots or uses.

711.15 Parking.

1. Except as otherwise provided by this subsection, off-street parking requirements shall be in accordance with Sections 602 and 603.
2. Shared parking shall be permitted upon approval of a shared parking plan by the zoning administrator.
3. On-street parking is permitted, provided that the design and placement of such spaces are approved by the Virginia Department of Transportation (VDOT).
 - a. On-street as well as off-street parking spaces shall be counted toward satisfying the use-based parking requirements contained within subsection 602.03.
 - c. Where on-street parking is provided, requirements for off-street parking shall be reduced accordingly.
 - d. On-street parking spaces assigned to a building or use shall be those spaces that abut the lot containing that building or use.
 - e. On-street parking shall be provided on streets abutting squares, small parks or other open spaces in the Neighborhood Center.

4. Off-street parking and loading spaces for commercial and mixed-use structures shall be located to the rear of principal structures with the exception of required handicapped parking or loading spaces which may be located to the sides of the principal structure.
5. Parking for retail and service uses in the Neighborhood Center shall not require on-site parking provided that:
 - a. On-street or off-street parking is available within a six-hundred-foot radius of the activity.
 - b. The total floor space for the individual uses does not exceed two thousand five hundred (2,500) square feet of gross floor area.

711.16 Transit Provisions. All new developments within a MU/TND greater than forty (40) acres in area and that meet any one (1) of the following qualifications shall include a suitable location for a transit stop or commuter parking facility within their Development Plan:

1. Contains fifty (50) or more dwelling units.
2. Contains five (5) or more dwellings per acre.
3. Contains thirty thousand (30,000) square feet of commercial development.

711.17 Landscaping and Buffering.

1. Except as otherwise provided by this subsection, landscaping requirements for all uses shall be in accordance with Article XVI of Appendix A, County Code.
2. Canopy street trees shall be planted along both sides of all streets at an average center to center spacing based on the mature spread of the particular street tree, with a goal of achieving tree canopy coverage of between thirty (30) percent and seventy (70) percent.
3. Street trees shall be native species; no understory trees shall be used as street trees.

711.18 Pedestrian Scale Lighting.

1. The provisions of this subsection shall apply to any non-residential project in a MU/TND District as follows:
 - a. Site lighting shall be located and designed so as to illuminate only the intended lot; light shall be directed downward to the immediate area being lighted and away from any living quarters.
 - b. Floodlights or directional lights (maximum 100-watt metal halide bulbs) may be used to illuminate alleys, parking garages and working (maintenance) areas, but shall be shielded or aimed in such a way that they do not shine into other lots, the street, or direct light out of the MU/TND District. Floodlighting shall not be used to illuminate building walls (i.e. lights should not be placed on the ground so that a beam of light is directed upward).
 - c. Pedestrian scale decorative street lights (twelve (12) feet to fifteen (15) feet in height) shall be installed by the developer on both sides of streets throughout the District with a maximum average spacing of seventy-five (75) feet on center.

711.19 Utilities.

1. All development within a MU/TND District shall be served by public water and sewer facilities.
2. Utilities (and associated pedestals, cabinets, junction boxes and transformers) including electric, cable TV, telephone and natural gas service shall be located underground and to the rear of properties in alley rights-of-way (ROW) or the ROW of minor streets, and all utilities shall be located within a public utility easement. Above-ground utilities are permissible if identified in the development plan submitted at the time rezoning is approved.

711.20 Property Owners Association to be Established.

1. A property owners association (POA) shall be established by the developer at the time of zoning approval of a MU/TND District.
2. Membership in a POA shall be mandatory for all property owners within the MU/TND, and shall be required as a covenant in all deeds to property in the MU/TND District granted after development plan approval.
3. The developer shall prepare documents which provide at a minimum that the POA shall accept title to any common elements including, but not limited to, open space, recreation, plazas, roads, parking, sewer, water, and stormwater management facilities which will not be publicly owned, and shall provide for the maintenance of any common area improvements or other property owned by the POA.

711.21 Development Plan Required.

1. All development plans submitted for a rezoning application shall be in conformance with the minor site plan requirements set forth in Section 1103.
2. If the property is approved for rezoning for a MU/TND District, a major site plan shall be submitted in accordance with Section 1103.
3. The applicant shall demonstrate to the satisfaction of the planning commission and board of supervisors that there is sufficient available water and sewer capacity to accommodate the proposed development at full build out or provide a plan demonstrating that such improvements will be phased to accommodate projected development as it occurs.

711.22 Additional Definitions. For projects developed within the MU/TND District the following definitions will apply:

Alley. A private right-of-way, not less than eighteen (18) feet nor that provides secondary and/or service access for vehicles to the side or rear of abutting properties having principal frontage on another street or on a plaza, square or green. All alleys shall be paved or surface treated to eliminate dust.

Building, principal. The principal or main structure or one (1) of the principal buildings on a lot or the building or one (1) of the principal buildings containing the principal use on the lot. The terms main and principal have the same meaning in this ordinance when referring to structures, buildings and uses.

Common Open Space. Common Open Space consists of a parcel or parcels of land and/or an area of water within a development project site that are held in some form of common ownership and designated, designed and intended for benefit, use or enjoyment of the occupants of the development. It may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants. Common Open Space may include environmentally sensitive areas not suitable for development.

County Comprehensive Plan. Amherst County Comprehensive Plan.

Developable area, gross. The total amount of land on the site or lot.

Developable area, net. The amount of land on a site or lot less floodplain, steep slopes in excess of twenty-five (25) percent, public right-of-way, and any non-residential use areas in residential or mixed-use developments.

Dwelling. A building or portion thereof used for residential purposes, including one-family, two-family and multi-family dwellings, and bed and breakfast establishments, but not including hotels, motels, boardinghouses, dormitories, fraternity/sorority houses, tourist cabins, or automobile trailers (also see "Dwelling unit").

Dwelling, accessory. A subordinate dwelling located on the same lot as the principal dwelling, and which may be within the same structure as the principal dwelling, or which may be a detached structure, but which shall not include duplex or two-family dwellings.

Dwelling, single-family attached. One (1) of two (2) or more residential buildings, each being used or intended for use by one (1) family, each unit having separate ground floor access, and having a common or party wall separating the dwelling units, such party walls having no openings. For purposes of this definition, living space on the ground floor may include a garage or porch. Includes duplex, triplex, quadraplex, row house and townhouse units (also see "Townhouse").

Dwelling, single-family detached. A single-family dwelling unit which is entirely surrounded by open space or yards on the same lot.

Floor area ratio (FAR). A number or percentage, derived by dividing the gross floor area of the buildings on any lot by the total lot area less the area within the one hundred (100)-year floodplain (net lot area). The floor area ratio multiplied by the net lot area produces the maximum amount of gross floor area that may be constructed on a lot.

Green. An open space available for unstructured recreation, its landscaping consisting of grassy areas and trees. A Green should be designed for passive and unstructured active recreation. Improvements to the green may consist of paths, benches, landscaping, and other improvements.

Live/Work Unit. A building in single ownership that provides limited commercial space on the first floor and a dwelling unit on the upper floor(s). The operator of the commercial use may reside in the dwelling unit, or either the commercial space or the dwelling unit may be leased or rented.

Mixed use building. A single building occupied with two (2) or more of the following uses: retail, office, professional services, personal services, lodging, restaurants or dwelling unit(s). Uses within a mixed use building may be divided either vertically or horizontally.

Mixed Use/Traditional Neighborhood Design (MU/TND) District. A mixed use zoning District that provides exceptional flexibility as a matter of right to affect compact development and meet the intent described in subsection 711.01 of Appendix A of the the Amherst County Code.

Natural Area/Preserve. Open space that preserves or protects endangered species, a critical environmental feature, or, other natural feature. Access to a Preserve may be controlled to limit impacts on the environment. Development of the Preserve is generally limited to trails, educational signs, and similar improvements.

Park. An open space, available for recreation, its landscape consisting of paved paths and trails, open lawn, trees, open shelters, or recreational facilities. Facilities may range from simple picnic tables, benches, or a playground in a small park, to a recreation center, swimming pool, or sport field in a larger park. Other facilities may include playgrounds, shelters, sport courts, drinking fountains, parking lots, or restrooms. Park grounds are usually grassy and maintained on a regular basis for recreational activity, but may include some natural or formally landscaped areas.

Plaza. Open space usually at the intersection of important streets, set aside for civic purposes and commercial activity, including parking, its landscape consisting of durable pavement and formal tree plantings. A plaza is usually bordered by civic or private buildings. Plazas may range from very active places with adjacent complimentary uses such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings, and amenities such as fountains or public art.

Senior living facilities. This broad category of housing accommodation includes the following types of facilities:

- a. Senior housing facility: A residential facility for independent living, containing dwellings where the occupancy is restricted to persons fifty-five (55) years of age or older or couples where either the husband or wife is fifty-five (55) years of age or older. This does not include a development that contains convalescent or nursing facilities.
- b. Congregate care living facility: A residential facility for semi-dependent living, containing two (2) or more dwelling units for four (4) or more persons fifty-five (55) years of age or older or couples where either the husband or wife is fifty-five (55) years of age or older, within which are provided living and sleeping facilities, as well as various other services such as meal preparation, laundry services and the like.
- c. Life care facility: A facility which may include a full range of living arrangements, for elderly and/or disabled persons, progressing from independent living in single-family units to congregate apartment living where semi-dependent residents share various common facilities and services, to a nursing home facility for dependent residents providing a full range of support services and nursing care (also see "Nursing home").

Square. Square means open space that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes, with landscape consisting of paved walks, lawns, trees, and civic buildings. A square is bordered by streets and may have major civic uses located on or adjacent to the square. The square is intended as a central place for the community and should accommodate a wide variety of formal and informal gatherings; it does not actually have to form a perfect square.

Stub out. Stub out means a transportation facility (i) whose right-of-way terminates at a parcel abutting the development, (ii) that consists of a short segment that is intended to serve current and future development by providing continuity and connectivity of the public street network, (iii) that based on the spacing between the stub out and other streets or stub outs, and the current terrain there is a reasonable expectation that connection with a future street is possible, and (iv) that is constructed to the property line.

(Ord. No. 2011-0008, § 2, 12-20-11)

712. - Residential Mixed Use District RMU-1.

712.01 Intent. The purpose of establishing the Residential Mixed Use District (the "RMU-1 district") is to accommodate development of mixed-use, pedestrian-oriented, activity centers for a variety of uses, including residential, commercial, cultural, educational, and other public and private uses. The standards applicable in the RMU-1 district are intended to encourage redevelopment and reinvestment in residential and supporting commercial areas. The RMU-1 district shall incorporate publicly accessible community open space areas and encourage high quality development and redevelopment that stimulates investment, generates jobs, increases available housing options, and expands the county's tax base. The RMU-1 district standards permit a compatible mix of uses in a single structure or a group of structures on a parcel or group of parcels and are intended to discourage piecemeal development. The RMU-1 district standards will facilitate investment by increasing the number of permitted principal and accessory uses in a single district and will encourage high quality redevelopment by permitting greater regulatory flexibility and innovative and creative design.

712.02 Permitted uses.

1. Single-family dwellings that are built in accordance with the Virginia Statewide Building Code.
2. Accessory structures per Section 901.
3. Home occupations, provided that no outside storage or signage is permitted, no employees or customers may come to the property, and the use shall not result in any increase in or change to neighborhood traffic.

4. Utilities serving the community, including, but not limited to, sewer, water, gas, electricity, cable television, telephone.
5. Public streets.
6. Personal wireless service facilities as provided in Section 919.
7. Public facilities such as schools, parks, emergency services, libraries, post offices, community center.
8. Antique shops, except that no auctions are permitted, and no items can be stored outdoors.
9. Barbershops and beauty parlors.
10. Florist and flower shop.
11. Retail service stores such as bakeries, shoe shops, laundries, and dry cleaners.
12. Restaurant, small.
13. Museum and art gallery.
14. Family day home which serves no more than five (5) children. The zoning administrator may impose conditions on such family day homes to ensure their compatibility with other permitted uses; however, such conditions shall not be more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption.
15. Group home. The zoning administrator may impose conditions on group homes to ensure their compatibility with other permitted uses; however, such conditions shall not be more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption.
16. Temporary family health care structure. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as follows:
 - a. Any person proposing to install a temporary family health care structure shall first obtain a zoning permit from the county. The county may not withhold such permit if the applicant provides sufficient proof of compliance with the requirements of this section.
 - b. Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.
 - c. Any temporary family health care structure shall be removed within thirty (30) days after which the mentally or physically impaired person is no longer receiving or is no longer in need of the caregiver's assistance.
 - d. The county may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the county of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.
 - e. Any temporary family health care structure installed pursuant to this section may be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.
 - f. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
17. Any other use which the planning director determines is consistent with the statement of intent for this district and is of the same general character as permitted uses in this district.
18. Signs used for commercial and institutional uses as provided in Section 907.

712.03 *Special exceptions:*

1. Emergency services.
2. ~~Homes for aged.~~ Limited assisted living facility.
3. Personal wireless service facilities as provided in Section 919.
4. Signs for uses not specified in the permitted use section and as provided in Section 907.
5. Short-term tourist rental of a dwelling as provided in Section 916.
6. Bicycle sales and repair shops provided no items can be stored outdoors.
7. Catering establishments and meal delivery services.
8. Child care centers, babysitting services.
9. Churches and parish houses, except rescue missions and revival tents.
10. Schools, including child care, charitable, cultural, and other community service activities on school property, and colleges and universities, including educational, scientific and other related research facilities.
11. County-owned or county-leased buildings and properties of a conservation, cultural, administrative or public service type and publicly-owned or publicly-leased buildings of a recreational type, with approval of a site plan, in accordance with Article XI of Appendix A to the County Code, Zoning and Subdivisions.
12. Furniture, television and appliance sales, service and repair, including service and repair of any type of home appliance provided no items can be stored outdoors.
13. Grocery or general convenience store, except that no individual store shall contain more than three thousand (3,000) square feet of floor area designated for retail sales and the sale of gasoline shall not be allowed.
14. Drying and dry cleaning retail laundry or cleaning and pressing establishments employing not more than three (3) persons in the actual cleaning process. Establishments shall use nonflammable cleaning solvents, fully enclosed cleaning and solvent reclamation processes, fully enclosed pressing equipment with no outside steam exhaust, and other devices or arrangements necessary to fully protect adjacent properties from noise, odors, and vapors.
15. Studios and shops for artists, photographers, writers, teachers, jewelers, tailors and dressmakers, taxidermists, weavers and other craftsmen, sculptors and musicians, provided no such studio or shop shall contain more than three thousand (3,000) square feet.
16. Single-family dwelling and a retail sales or service store within the same main structure, provided the single-family dwelling unit occupies fifty (50) percent or more of the structure.
17. Two-family dwelling which has an outward appearance of a single-family dwelling.
18. Any other use which the planning director determines is consistent with the statement of intent for this district and is of the same general character as special exception uses in this district.

712.04 *Limitation on commercial uses.* Commercial uses may operate only during the period from 7:00 a.m. and 7:00 p.m. Monday - Saturday, and shall not operate on Sunday. Different hours of operation may be approved only via a special exception permit.

712.05 *Site plan.* Before a building and zoning permit shall be issued for any use in the Residential Mixed Use District RMU-1 other than residential developments of four (4) or fewer units on a single parcel, a site plan of the proposed development shall be approved by the planning commission or the zoning administrator in conformance with Section 1003 and Article XI. All development shall comply with Article XVI of Appendix A to the County Code, Zoning and Subdivisions.

712.06. *Development standards.* The standards set out below shall be in addition to the standards required elsewhere in Appendix A, Zoning and Subdivisions:

- A. Sidewalks. All new developments, or expansions that increase the floor area by twenty (20) percent or more, shall, at the zoning administrator's discretion, include sidewalks that parallel the public street. Sidewalks shall be constructed to meet the Virginia Department of Transportation standards.
- B. Public water and sewer. All new developments shall be served by public water and sewer.
- C. Utility lines underground. All new utility lines such as electric, telephone, CATV or other similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within the project. All junction and access boxes shall be screened with appropriate landscaping.
- D. Outside storage for non-residential uses . There shall be no outside storage of any equipment, vehicles, materials or supplies, however a trash receptacle area may be permitted if enclosed within an area completely screened from view.
- E. Lighting.
 - 1. Purpose. The purpose of RMU-1 district lighting standards is to encourage good lighting practices in non-residential development that is designed to conserve energy and money, minimize glare, protect the use and enjoyment of surrounding property, while increasing safety, utility, security and productivity.
 - 2. Applicability. The provisions of this section shall apply to any non-residential project in the RMU-1 district.
 - 3. Lighting standards.
 - a. All outdoor lighting fixtures shall be contained in the project's site plan, and shall be directed away from residential property.
 - b. Light source locations shall be chosen to minimize the hazards of glare. The height of freestanding lighting fixtures shall not exceed twenty (20) feet unless otherwise approved by the planning commission.
 - c. Street light poles shall be designed and placed in accordance with VDOT or county standards. Placement of the street light poles shall be coordinated to be on or near the side property lines of residential dwelling units.
 - 4. Submittal requirements. A lighting plan shall be submitted with each plan of non-residential development that details the location and specifications of all lighting provided.
- F. Parking. All off-street parking shall meet the standards set forth in Section 602. All parking for non-residential uses shall be placed in the side or rear of the lot, and may not be located in the front yard.

(Ord. No. 2012-0003, § 3, 7-17-12; Ord. No. 2015-0011, § 2, 11-17-15)

713. - Dam Break Inundation Zones Overlay District.

713.01. *Purpose of the Dam Break Inundation Zones Overlay District .* The purpose of this district is to help mitigate the potential for damage resulting from the failure of impounding structures within dam break inundation zones.

713.02. *Definitions .* The following definitions are applicable in this section 713 only:

Development means a tract of land developed or to be developed as a unit under single ownership or unified control which is to be used for any business or industrial purpose, or is to contain three (3) or more residential dwelling units. The term "development" shall not be construed to include any property which will be devoted principally to agricultural production.

Impounding structure means a manmade device, whether a dam across a watercourse or other structure outside a watercourse, used or to be used to retain or store water or other materials, including:

1. Any dam that is twenty-five (25) feet or greater in height and creates an impoundment capacity of fifteen (15) acre-feet or greater, and
2. Any dam that is six (6) feet or greater in height and creates an impoundment capacity of fifty (50) acre-feet or greater.

The term "impounding structure" shall not be interpreted to refer to: (a) dams licensed by the State Corporation Commission that are subject to a safety inspection program; (b) dams owned or licensed by the United States government; (c) dams operated primarily for agricultural purposes which are less than twenty-five (25) feet in height or which create a maximum impoundment capacity smaller than one hundred (100) acre-feet; (d) water or silt retaining dams approved pursuant to Virginia Code §§ 45.1-222 or § 45.1-225.1; or (e) obstructions in a canal used to raise or lower water.

713.03. *Review* .

- A. For any proposed development having a location within the boundaries of a dam break inundation zone that has been mapped in accordance with state law, the county shall, as part of a subdivision plan or plat review:
 1. Review the dam break inundation zone map on file with the county for the affected impounding structure;
 2. Notify the dam owner of the proposed development and county review; and
 3. Within ten (10) days of the review start date, ask the department of conservation and recreation ("department") to identify the potential impacts of the proposed development on the spillway design flood standards required of the dam.
- B. The department shall notify the dam owner and the county of its determination within forty-five (45) days of the receipt of the request. Upon receipt of the department's determination, the county shall complete the review in accordance with Virginia Code §§ 15.2-2259 or 15.2-2260. If the county has not received a determination within forty-five (45) days of the department's receipt of the request, the department shall be deemed to have no comments, and the county shall complete its review.
- C. If the department determines that the plan of development would change the spillway design flood standards of the impounding structure, the county shall not permit the development unless:
 1. The developer or subdivider agrees to modify the plan of development so that it does not affect the spillway design flood standard required of the impounding structure; or
 2. The developer or subdivider submits an engineering study in conformance with standards promulgated by the Virginia Soil and Water Conservation Board ("board") pursuant to the Virginia Dam Safety Act (Virginia Code §§ 10.1-604 et seq.) and the Virginia Impounding Structure Regulations (4 VAC 50-20). The study shall provide a contract-ready cost estimate for completing the upgrades. The department shall verify that the study conforms to the board's standards. Following receipt of a study, the department shall have fifteen (15) days to determine whether the study is complete. The department shall notify the developer or subdivider of any specific deficiencies that cause the study to be determined to be incomplete. Following a determination that a submission is complete, the department shall notify the developer or subdivider of its approval or denial within forty-five (45) days.

Any decision shall be communicated in writing and shall state the reasons for any disapproval.

- D. Following the completion of the engineering studies in accordance with subdivision C.2., and prior to any development within the dam break inundation zone, the county shall require that a developer or subdivider of land pay fifty (50) percent of the contract-ready costs for necessary upgrades to an impounding structure attributable to the development or subdivision, together with administrative fees not to exceed one (1) percent of the total amount of payment required or one thousand dollars (\$1,000.00), whichever is less. Necessary upgrades shall not include costs associated with routine operation, maintenance, and repair, nor shall necessary upgrades include repairs or upgrades to the impounding structure not made necessary by the proposed development or subdivision.
- E. Where a payment under subsection D is required, such payment shall be made by the developer or subdivider in accordance with the following provisions:
1. The county may elect to receive such payment. Upon receipt, payments shall be kept in a separate account by the county for each individual improvement project until such time as they are expended for the improvement project; however, any funds not committed by the dam owner within six (6) years of the time of deposit shall be refunded to the developer or subdivider. The county may issue an extension of up to an additional four (4) years for the use of the funds if the dam owner shows that sufficient progress is being made to justify the extension and the extension is approved by the Virginia Soil and Water Conservation Board prior to the expiration of the six-year period. Should the county be unable to locate the developer or subdivider following a period of twelve (12) months and the exercise of due diligence, the funds shall be deposited in the Dam Safety, Flood Prevention and Protection Assistance Fund for the provision of grants and loans. Any county maintaining an account in accordance with this section may charge an administrative fee, not to exceed one (1) percent of the total amount of payment received or one thousand dollars (\$1,000.00), whichever is less.
 2. If the county elects not to receive such payment, any payments shall be made to the Dam Safety, Flood Prevention and Protection Assistance Fund pursuant to Code of Virginia, § 10.1-603.19:1. The funds shall be held by the Virginia Resources Authority for each improvement project until such time as they are expended for the improvement project; however, any funds not committed by the dam owner within six (6) years of the time of deposit shall be refunded to the developer or subdivider. The board may issue an extension of up to an additional four (4) years for the use of the funds if the dam owner shows that sufficient progress is being made. Should the department of conservation and recreation be unable to locate the developer or subdivider following a period of twelve (12) months and the exercise of due diligence, the funds shall be deposited in the Dam Safety, Flood Prevention and Protection Assistance Fund for the provision of grants and loans. The Virginia Resources Authority shall not have any liability for the completion of any project associated with the moneys they manage in the Dam Safety, Flood Prevention and Protection Assistance Fund.
- F. The county shall have no obligation to assume financial responsibility for upgrades except as an owner of an impounding structure.
- G. The owner of the impounding structure shall retain all liability associated with upgrades in accordance with Code of Virginia, § 10.1-613.4.
- H. The developer or subdivider shall provide the dam owner and all affected localities with information necessary for the dam owner to upgrade the dam break inundation zone map to reflect any new development within the dam break inundation zone following completion of the development.

714. - Flood Hazard Overlay District (FH).

Intent and Definitions

714.01. Intent and applicability.

1. Section 714 of Appendix A to the Amherst County Code, pursuant to the authority granted under Code of Virginia, § 15.2-2280, establishes provisions intended to prevent the loss of property and life, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:
 - a. Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities and frequencies;
 - b. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding;
 - c. Requiring all uses, activities, and developments situate in a flood hazard district to be flood-proofed against flooding and flood damage; and
 - d. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.
2. These provisions shall apply to all privately and publicly owned lands within the jurisdiction of Amherst County and identified as areas of special flood hazard according to the Flood Insurance Rate Map (FIRM) provided to the County by the Federal Emergency Management Agency (FEMA) and dated September 19, 2007.
3. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this Section 714 and any other applicable laws and regulations that apply to uses within the County.
4. The degree of flood protection this Section 714 seeks to ensure is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study, but does not constitute total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. Compliance with this Section 714 will not ensure that districts outside the floodplain district or land uses permitted within such district will be free from flooding or flood damages.

714.02. *Superimposed districts.* The Flood Hazard Overlay District is superimposed over other existing districts, and the special requirements of this District shall apply in addition to the requirements of the zoning district within which a property is located.

714.03. *Definition of terms.* Terms defined herein are applicable only to this Section 714, Flood Hazard Overlay District (FH).

Base flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE). The Federal Emergency Management Agency designated one (1) percent annual chance water surface elevation. The water surface elevation of the base flood in relation to the datum specified on the County's Flood Insurance Rate Map. For the purposes of this Section 714, the one hundred (100) year flood or one (1) percent annual chance flood.

Basement. Any area of a building having its floor sub-grade (below ground level) on all sides.

BZA. Board of Zoning Appeals.

Development. Any manmade 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.

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.

Existing construction. Structures for which construction commenced before the effective date of the FIRM or commenced before July 17, 1978, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

FEMA. The Federal Emergency Management Agency.

Flood or flooding. A general or temporary condition of partial or complete inundation of normally dry land areas from (i) the overflow of inland or tidal waters or (ii) the unusual and rapid accumulation or runoff of surface waters from any source. This includes mudflows which 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.

The terms also may refer to 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 flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event.

Flood Insurance Rate Map (FIRM). An official map of a community, on which the Floodplain Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is referred to as a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS). An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation, and determination of mudflow or flood-related erosion hazards.

Floodplain. Any land area susceptible to being inundated by water from any source.

Floodplain Administrator. The person having general responsibility for administering the provisions of this Section 714; usually the Zoning Administrator.

Flood proofing. Any combination of structural and non-structural 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.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Historic structure. Any structure that is: (i) listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (ii) 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; (iii) 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 (iv) 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) by the Secretary of the Interior in states without approved programs.

Hydrologic and Hydraulic Engineering Analysis. Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

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:

1. 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 effective Flood Insurance Rate Map and establishes that a specific property or structure is not located in a special flood hazard area.
2. 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 this Section 714.
3. 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.

Lowest floor. The lowest floor, including a basement, of the lowest enclosed area. 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 44 CFR § 60.3.

Manufactured home. A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

Manufactured Home Park/Subdivision. A parcel, or contiguous parcels, of land divided into two (2) or more lots for rent or sale.

NFIP. National Flood Insurance Program.

New construction. For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after July 17, 1978, including 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 this Section 714, including any subsequent improvements to such structures.

Recreational vehicle. A vehicle which is (i) built on a single chassis; (ii) four hundred (400) square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area (SFHA). The land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year as determined in accordance with this Section 714.

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 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 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.

Structure. For floodplain management purposes, a walled and roofed building, including a manufactured home, or a gas or liquid storage tank that is principally above ground.

Substantial damage. Damage of any origin sustained by a structure when 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 include either:

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

USBC. The Uniform Statewide Building Code at Code of Virginia, Tit. 36, Ch. 6 (section 36-97 et seq.), as amended.

Violation. The failure of a structure or other development to be fully compliant with the requirements imposed by this Section 714. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Section 714, is presumed to be in violation until such time as that documentation is provided.

Watercourse. Any stream or river.

Administration, Permit Application, Appeals

714.04. Administration.

1. The zoning administrator shall act as Floodplain Administrator to administer and implement the provisions of this Section 714 with the assistance of the Amherst County Building Official. The Floodplain Administrator may:
 - a. Delegate duties and responsibilities set forth in Section 714 to qualified technical personnel, plan reviewers, inspectors, and other employees.

- b. Enter into a written agreement or written contract with another community or private sector entity to administer specific provisions of Section 714. Administration of any part of Section 714 provisions by another entity shall not relieve the County of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. § 59.22.
2. The duties and responsibilities of the Floodplain Administrator include, but are not limited to:
 - a. Review applications for permits to determine whether proposed activities will be located in flood hazard areas.
 - b. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
 - c. Review applications to determine whether proposed activities will be reasonably safe from flooding, and require new construction and substantial improvements to meet the requirements of these regulations.
 - d. Review applications to determine whether all necessary permits have been obtained from the applicable Federal, State or local agencies from which prior or concurrent approval is required. In particular, permits from state agencies for any: construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures); and any alteration of a watercourse, which affects its course, current, or cross section, including any change to the one hundred (100) year floodplain of any free-flowing non-tidal waters of the State.
 - e. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (VADEQ, USACE, VMRC), and have submitted copies of such notifications to FEMA.
 - f. Approve applications and issue permits to develop in flood hazard areas if the requirements of this Section 714 have been met, or disapprove applications if the requirements have not been met.
 - g. Inspect, or cause to be inspected permitted buildings, structures, and other developments to determine compliance with this Section 714.
 - h. Review Elevation Certificates and require incomplete or deficient certificates to be corrected.
 - i. Submit to FEMA, or require applicants to submit to FEMA, data and information necessary to maintain FIRMs, including hydrologic and hydraulic engineering analyses prepared by or for the County, within six (6) months after such data and information becomes available, if the analyses indicate changes in base flood elevations.
 - j. Maintain and keep records that are necessary for the administration of this Section 714, including: (i) Flood Insurance Studies, Flood Insurance Rate Maps (including historic studies and maps and current studies and maps) and Letters of Map Change; and (ii) documentation supporting issuance and denial of permits, Elevation Certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been flood-proofed, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
 - k. Enforce the provisions of this Section 714, investigate violations, issue notices of violations or stop work orders, and require permit holders to take corrective action.
 - l. Inform the BZA of the intent of this Section 714, and for each application for a variance, prepare a detailed staff report.
 - m. Administer the requirements related to proposed work on existing buildings, including (i) making determinations as to whether buildings and structures located in flood hazard areas and damaged by any cause are considered to have been substantially damaged; (ii)

making reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct; and (iii) prohibiting the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property, or stabilize a building or structure in order to prevent additional damage.

- n. Undertake other actions including issuing press releases, public service announcements, and other information related to permit requests and repair of damaged structures; coordinating with other Federal, State, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance coverage under NFIP flood insurance policies.
- o. Notify the FEMA if the County's boundaries are modified and (i) provide a map that clearly delineates the revised boundaries or the land area for which the authority to regulate pursuant to this Section 714 has either been assumed or relinquished; and (ii) If the FIRM for any annexed land area includes special flood hazard areas that have flood zones which have regulatory requirements that are not set forth in this Section 714, prepare amendments to this Section 714 to adopt the FIRM and appropriate requirements. A copy of the amended Code provisions shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
- p. At FEMA's request, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
- q. Take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire County, whether or not those hazards have been specifically delineated geographically (e.g., via mapping or surveying).

714.05. Permit Requirement.

- 1. All uses, activities, and development occurring within any floodplain district, including placement of manufactured homes, shall be undertaken only upon the issuance of a valid zoning permit and in strict compliance with the provisions of this Section 714, and all other applicable law, including the USBC and the Amherst County Subdivision Regulations. The Floodplain Administrator shall issue a permit to only those applications that comply with all applicable state and federal laws. No use, activity, or development shall adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
- 2. Prior to any proposed alteration or relocation of any channels or of any watercourse in a special flood hazard area, a permit shall be obtained from the U.S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), the Federal Emergency Management Agency, and other required agencies. The flood carrying capacity within an altered or relocated portion of any watercourse shall be the same as in the original watercourse.

714.06. Site Plans and Development Applications . All applications for a permit authorizing development within any floodplain district shall contain the following information:

- 1. The elevation of the base flood at the site.
- 2. The elevation of the lowest floor of proposed habitable structures, including basement.

3. For non-residential structures to be flood-proofed, the elevation to which the structure will be flood-proofed.
4. Topographic information showing existing and proposed ground elevations.

714.07. Appeals procedures for administrative decisions regarding Flood Hazard District requirements.

1. Appeals. Any person aggrieved by a decision of the Floodplain Administrator with respect to the provisions of this Section 714 may appeal to the BZA. Any such appeal shall be filed, in writing, within thirty (30) days after the date of the decision by the Floodplain Administrator. Upon receipt of an appeal, the BZA shall set a time and place for hearing the appeal, which shall be not less than ten (10) nor more than thirty (30) days from the date of the receipt of the appeal. Notice of the time and place of the hearing shall be given to all parties. The determination by the BZA shall be final in all cases.
2. Appeals Seeking a Variance. In deciding appeals seeking a variance to the requirements imposed by this Section 714, the BZA shall address the following factors:
 - a. The repair or rehabilitation of historic structures will depend upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 - b. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development or activity within the Floodway District that will cause any increase in flood levels during the one hundred (100) year flood.
 - c. The danger that materials may be swept on to other lands or downstream to the injury of others.
 - d. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - e. The susceptibility of the proposed structure or facility and its contents to flood damage, and the effect of such damage on the individual owners.
 - f. The importance of the services provided by the proposed structure or facility.
 - g. The requirements of the structure or facility for a waterfront location.
 - h. The availability of alternative locations not subject to flooding for the proposed use.
 - i. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - j. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 - k. The safety of access to the property in time of flood of ordinary and emergency vehicles.
 - l. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

The BZA may refer any application and accompanying documentation pertaining to any request for variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities and adequacy of the plans for protection and other related matters.

3. Granting of Variance. Variances shall be granted only if the BZA has determined: (i) that the variance constitutes the minimum relief to any exceptional hardship; and (ii) that the granting of the variance will not result in: (a) unacceptable or prohibited increases in flood heights; (b) additional threats to public safety; (c) extraordinary public expense; (d) create nuisances; (e) cause fraud or victimization of the public; or (f) conflict with County Code.

The BZA shall notify the applicant for a variance in writing that the granting of a variance to construct below the one hundred (100) year flood evaluation increases risks to life and property and will result in increased premium rates for flood insurance.

A record of the above notification, as well as all actions on the requested variances, including justification for their issuance, shall be maintained by the Floodplain Administrator. Any variances which are granted shall be noted in the annual report submitted to the Federal Insurance Administration.

Establishing the Boundaries of Areas within the Flood Hazard Overlay District

714.08. Use and Interpretation of FIRMs . The Floodplain Administrator shall make interpretations, where needed, as to the exact location of special flood hazard areas, floodplain boundaries, and floodway boundaries. Should a dispute arise concerning the boundaries of any of the districts, the BZA shall make the necessary determination in accordance with the provision of subsection 714.07.

The following shall apply to the use and interpretation of FIRMs and data:

1. Where field-surveyed topography indicates that ground elevations:
 - a. Are below the base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as special flood hazard area and subject to the requirements of this Section 714;
 - b. Are above the base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.
2. In FEMA-identified special flood hazard areas where base flood elevation and floodway data have not been identified, and in areas where FEMA has not identified special flood hazard areas, any other flood hazard data available from a Federal, State, or other source shall be reviewed and reasonably used.
3. Base flood elevations and designated floodway boundaries on FIRMs and in FISs shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths or lower base flood elevations.
4. Other sources of data shall be reasonably used if such sources show increased base flood elevations or larger floodway areas than are shown on FIRMs and in FISs.
5. If a Preliminary Flood Insurance Rate Map or a Preliminary Flood Insurance Study has been provided by FEMA:
 - a. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
 - b. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data and be used where no base flood elevations or floodway areas are provided on the effective FIRM.
 - c. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change or appeal to FEMA.

714.09. Establishment of floodplain districts . The various floodplain districts shall include special flood hazard areas. The basis for the delineation of these districts shall be the FIS and FIRMs for Amherst County prepared by the Federal Emergency Management Agency and Federal Insurance Administration, dated September 19, 2007, and any subsequent revisions or amendments thereto. The boundaries of the Special Flood Hazard Area and Floodplain Districts are established as shown

on the FIRM which is incorporated in this Section 714, and which shall be kept on file at the offices of the Floodplain Administrator.

In addition, Amherst County may identify and regulate new local flood hazard or ponding areas. These areas may be delineated on a "Local Flood Hazard Map" using the best available topographic data and locally derived information such as flood of record, historic high water marks or approximate study methodologies.

1. The Floodway District (FW) is delineated for purpose of this Section 714, using the criteria that a certain area within the flood plain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. These areas included in this district are specifically defined in the FIS and shown on the flood boundary and floodway map.
2. The Special Floodplain District (SFD) shall be those areas identified as an AE Zone on the maps accompanying the FIS for which one (1) percent annual chance flood elevations have been provided and the floodway has not been delineated.
3. The Approximated Flood Plain District (AFP) shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one hundred (100) year floodplain boundary has been approximated on the FIRMs. Such areas are shown as Zone A on the maps accompanying the FIS. For these areas, the one (1) percent annual chance flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100) year elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers, Flood Plain Information Reports and U.S. Geological Survey Flood Prone Quadrangles, then the application for the proposed use, development or activity shall determine this elevation in accordance with hydrologic and engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications who shall certify that the technical methods used, correctly reflect currently accepted technical concepts. Studies, analyses and computations shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

714.10. District boundary changes . The County may revise the boundaries of any of the flood plain districts in cases where base flood elevations may have increased or decreased resulting from physical changes affecting flooding conditions. As soon as practicable, but no later than six (6) months after the date such information becomes available, the County shall notify FEMA of the changes by submitting supporting technical or scientific data. Upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements may be adjusted.

Standards Applicable to Development

714.11. General Standards . The following standards shall apply to all development undertaken pursuant to the requirements of this Section 714:

1. New construction and substantial improvements shall be constructed in accordance with the USBC and this ordinance, including being properly anchored to prevent flotation, collapse or lateral movement of the structure.
2. Standards for residential construction: New construction or substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated one (1) foot above base-flood elevation.
3. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State anchoring requirements for resisting wind forces.

4. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
5. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
6. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
7. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
8. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
9. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
10. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined here in shall comply with all requirements of this Section 714 that do not preclude the structure's continued designation as a historic structure. Documentation that a specific requirement of County Code will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from the requirements of County Code will be the minimum necessary to preserve the historic character and design of the structure.

714.12. *Specific Standards.* In all special flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional, the following provisions shall apply:

1. Standards for existing structures: The substantial damage or improvement of any structure shall require full compliance with the following provisions:
 - a. Existing structures or uses located in the Floodway District shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed expansion would not result in any increase in the base flood elevation.
 - b. Any modification, alteration, repair, reconstruction or improvement of any kind to a structure or use, regardless of its location in a flood plain district, to an extent or amount of less than fifty (50) percent of its market value shall be elevated or flood-proofed to the greatest extent possible and shall conform to the Virginia USBC.
 - c. The modification, alteration, repair, reconstruction or improvement of any kind to a structure or use, regardless of its location within the Flood Hazard Overlay District, to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of this Section 714, and the entire structure shall conform to the requirements of the USBC.
2. Standards for non-residential construction: New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated one (1) foot above base-flood elevation. Buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one (1) foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation in relation to mean sea level to which such structures are flood-proofed, shall be maintained by the Floodplain Administrator.

3. Fully enclosed areas of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:
 - a. Not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
 - b. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
 - c. Include, in Zones A and AE measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
 - i. Provide a minimum of two (2) openings on different sides of each enclosed area subject to flooding.
 - ii. The total net area of all openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding.
 - iii. If a building has more than one (1) enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.
 - iv. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade.
 - v. Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions.
 - vi. Foundation enclosures made of flexible skirting are not considered enclosures for purposes of this Section 714, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.
4. Standards for Manufactured Homes and Recreational Vehicles:
 - a. All manufactured homes placed, or substantially improved: (i) on individual lots or parcels, (ii) in expansions to existing manufactured home parks or subdivisions, and (iii) in a new or existing manufactured home park or subdivision, in which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including all applicable elevation and anchoring requirements established by the USBC and this ordinance.
 - b. All recreational vehicles placed on sites must:
 - i. Be on the site for fewer than one hundred eighty (180) consecutive days;
 - ii. Be fully licensed and ready for highway use such that it is on its wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - iii. Meet all the applicable building code requirements for manufactured homes.
5. Standards for utilities and facilities:
 - a. Sanitary sewer facilities. All new replacement sanitary sewer facilities and private package sewage treatment plants, including all pumping stations of flood waters into the systems and discharges from the systems into the flood waters, shall be located and constructed to minimize or eliminate flood damage and impairments.

- b. Water facilities. All new or replacement facilities shall be designed to minimize or eliminate flood damages.
- c. Drainage facilities. All storm drainage facilities shall be designed to convey the flow of surface water without damage to persons or property. The system shall be structured to direct drainage away from buildings and on-site waste disposal sites. The Floodplain Administrator may require a primarily underground system to accommodate larger, less frequent floods.
- d. Utilities. All utilities such as gas lines, electrical and telephone systems shall be located, elevated (if possible), and constructed to minimize the chance of impairment during a flooding occurrence.
- e. Streets and sidewalks. Streets and sidewalks shall be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be designed to sufficiently discharge flood flows without unduly increasing flood heights.

714.14. Elevation and Construction Standards.

In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional, the following provisions shall apply:

Residential Construction

New construction or substantial improvement of any residential structure (including manufactured homes) in Zones A1-30, AE, AH and A with detailed base flood elevations shall have the lowest floor, including basement, elevated at least one (1) foot above the base flood level.

Non-Residential Construction

New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated at least one (1) foot above the base flood elevation. Buildings located in all A1-30, AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus one (1) foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood-proofed, shall be maintained by the Floodplain Administrator.

714.15. Standards for Subdivision Proposals.

1. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
2. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and
3. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty (50) lots or five (5) acres, whichever is the lesser.

Development Activities by District

714.16 Floodway District activities. The following provisions shall apply within the Floodway District:

1. Within any floodway area, no encroachments including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated

through hydrologic and hydraulic analysis performed in accordance with standard engineering practice, that the proposed encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. All studies, analyses, computations, and other supporting documentation shall be submitted in sufficient detail to allow a thorough review by the Floodplain Administrator.

2. Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies, with Amherst County's endorsement, for a conditional Flood Insurance Rate Map and floodway revision, and receives FEMA approval.
3. The placement of manufactured homes is prohibited, except in an existing manufactured home park. A replacement manufactured home may be placed on a lot provided anchoring, elevation, and encroachment standards are met.

714.17. *Prohibited uses in the Floodway District* . The following structures and uses are hereby prohibited in the Floodway District:

1. Structures designed or used for human habitation.
2. The storage or processing of materials that are pollutants, buoyant, flammable, poisonous, or explosive, or which otherwise could be injurious to human, animal or plant life in time of flooding or that has high flood damage potential.
3. Garbage and waste disposal facilities including any further encroachment upon the floodway at existing sites.
4. Placement of fill material.
5. Permanent structures.

714.18. *Approximated Floodplain District Activities*. The following provisions shall apply within the Approximated Floodplain District:

1. The lowest floor shall be elevated to or above the base flood level of one (1) foot above base-flood elevation. During the permitting process, the Floodplain Administrator shall obtain:
 - a. The elevation of the lowest floor, including the basement, of all new and substantially improved structures;
 - b. The hydrologic and hydraulic study; and
 - c. If the structure has been flood-proofed in accordance with the requirements of this Section 714, the elevation in relation to mean sea level to which the structure has been flood-proofed.
2. Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a Flood Insurance Study for subdivision proposals and other proposed development proposals, including manufactured home parks and subdivisions, that exceed fifty (50) lots or five (5) acres, whichever is the lesser.

714.19. *Special exceptions within the Approximated Flood Plain District* . The following uses may be permitted as special exceptions:

1. Single-family dwelling, two-family dwelling and multi-family dwelling consisting of no more than four (4) units which are constructed, altered or moved so that the elevation of the lowest floor, including the basement, shall be at least one (1) foot above base flood elevation. Such structures shall have a means of ingress and egress to land outside the floodplain which is above the regulatory base flood elevation. The means of pedestrian ingress and egress shall be a minimum of fifteen (15) feet wide, or five (5) feet wide if equipped with handrails or other

safety features. Such structures will also have a means of ingress and egress to land outside the floodplain for emergency vehicles.

2. Commercial uses: New construction of, and substantial improvements to, commercial structures which are elevated to a point above the one hundred (100) year flood level. Accessory land uses such as yards, parking areas, and railroad tracks may be placed at lower elevations.
3. Manufacturing and industrial uses: New construction and substantial improvement of manufacturing and industrial structures which are situated one (1) foot above the base flood elevation, or adequately flood-proof in accordance with the requirements of this Section 714. Accessory land uses such as yards and parking areas may be at lower elevations. In considering permit applications, the County shall give due consideration to needs of industry whose business requires that it be located in flood plain areas, or which presently exist in floodplain area and for whom failure to make improvements to their industrial processes would cause major employment and economic hardships for employees and the community.
4. Utilities, railroads, streets, bridges, public utility facilities, roads, railroad tracks, and bridges which are constructed so as not to increase the regulatory flood stage more than one (1) foot in any one (1) reach or for the cumulative effect of several reaches and will be compatible with local comprehensive floodplain development plans.
5. Storage of materials: Storage of materials that are pollutants, buoyant, flammable, explosive, or which otherwise could be injurious to human, animal or plant life in time of flooding or that have high flood damage potential shall be stored one (1) foot above the flood protection elevation, flood-proofed, or protected by structural measures consistent with the standards set forth herein.
6. Sanitary waste treatment and disposal: No new construction, addition or substantial improvements to existing sanitary sewer facilities will be allowed unless emergency plans and procedures for action to be taken in the event of flooding are prepared, filed with, and approved by the State Board of Health. These emergency plans and procedures must show in detail steps taken against the possible introduction of any pollutants or toxins into the flood waters. There shall be no disposal of garbage or solid waste material within the Approximated Flood Plain District.
7. All manufactured homes placed, or substantially improved: (i) on individual lots or parcels, (ii) in expansions to existing manufactured home parks or subdivisions, and (iii) in a new or existing manufactured home park or subdivision, in which a manufactured home has incurred substantial damage as the result of a flood, must meet all the requirements for new construction, including all applicable elevation and anchoring requirements established by the USBC.
8. All manufactured homes placed, or substantially improved, in an existing manufactured home park or subdivision where no manufactured home has incurred substantial damage as a result of flooding must be elevated so that:
 - a. The lowest floor of the manufactured home is elevated no lower than one (1) foot above the base flood elevation; or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than one (1) foot above base flood elevation; and
 - c. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.

714.20. *Special Floodplain District.* The following provisions shall apply within the Special Floodplain District:

1. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special flood hazard, designated as Zones A1-30 and AE on the Flood Insurance Rate Map.
2. Development activities in Zones A1-30, AE, and AH, on Amherst County's Flood Insurance Rate Map which increase the water surface elevation of the base flood by more than one (1) foot may be allowed, provided that the applicant first applies, with Amherst County's endorsement, for a conditional Flood Insurance Rate Map revision, and receives the approval of the Federal Emergency Management Agency.

714.21. *Penalty for violations.* Any person who fails to comply with any of the requirements or provisions of this Section 714, shall be subject to the provisions of Section 1002 of Appendix A to the Amherst County Code.

In addition, all other actions are hereby reserved, including an action in equity for the proper enforcement of this article. The imposition of a fine or penalty for any violation or noncompliance with this article shall not excuse the violation or noncompliance, or permit it to continue. All persons in conflict with Section 714 shall be required to correct or remedy such violations or noncompliances within a reasonable time. Any structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with this section may be declared to be a public nuisance by the Building Official and shall be abatable as such.

(Ord. No. 2017-0002, § 1, 4-18-17)

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302. - Specific definitions.

Accessory building, use or structure . A building, use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Examples of accessory uses are private garages, storage sheds, playhouses, swimming pools, detached decks, amateur radio towers per Section 919.02(B), wireless broadband facilities having towers or support structures sixty (60) or fewer feet in height in the A-1 Agricultural Residential District, and forty (40) or fewer feet in height in all other districts in which accessory structures are permitted, and in the A-1 zoning district only, living quarters of persons employed on the premises.

The term "accessory building, use or structure" shall not include fences, dog pens, satellite dish antennas, clotheslines, heat pumps, or other similar structures.

Administrator, zoning. An official charged with the enforcement of the zoning ordinance. He may be an appointed or elected official who is designated for the position by formal resolution of the board of supervisors.

Adult book store. An establishment having as more than twenty (20) percent of the items of its stock-in-trade: books, magazine, other periodicals, videotapes, computer disks, CD-ROMs, DVD-ROMs, virtual reality devices or similar media, which are distinguished or characterized by their emphasis on matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas."

Adult entertainment establishment. Any regulated use such as an adult book/video store, adult motion picture theater, massage parlor, strip lounges.

Adult motion picture theater. Any commercial establishment used on a regular basis for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to "specified sexual activities or specified anatomical areas" for observation by patrons.

Agricultural animals. All livestock and poultry.

Agriculture. The tilling of the soil, the raising of crops, horticulture, and gardening, including the keeping of animals and fowl, and including agricultural industry or business, such as dairies and similar uses.

Agriculture products. Those products used for planting and harvesting crops or plant growth of any kind in the open, pasture, horticulture, dairying, floriculture, or raising poultry and/or livestock.

Agritourism. Any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy farming or ranching activities, including wine-making and harvesting, without regard for whether the participant paid to participate in the activity.

Alley. A passage or way open to the public or for private travel, generally affording a secondary vehicular access to abutting lots or upon which service entrances or buildings abut, and not intended for general traffic.

Amusement enterprise. Any indoor or outdoor place that is primarily maintained or operated for the amusement, patronage, or recreation of the public to include any coin-controlled amusement device of any description, such as video arcades, pinball amusements, pool tables, miniature golf courses and/or driving ranges; bowling alleys, and other incidental activities such as darts.

Animal livestock unit. One (1) animal livestock unit equals one thousand (1,000) pounds of live weight for any animal or group of animals.

Animal shelter. A facility, other than a private residential dwelling and its surrounding grounds, that is used to house or contain animals and that is owned, operated, or maintained by a non-governmental entity including, but not limited to, a humane society, animal welfare organization, Society for the Prevention of Cruelty to Animals, or any other organization operating for the purpose of finding permanent adoptive homes for animals, whether or not supported, in whole or in part, by Amherst County.

Antique and gift shops. A commercial establishment which is used primarily for the indoor display and retail sale of merchandise, primarily furniture, silverware, glassware and other curios and collectibles, the value of which is derived from age, rarity and materials of such items and/or the workmanship of a particular historic period; flea markets and furniture stores shall not be included.

Apartment. A unit in multi-family dwellings providing a dwelling for a single-family in which separate access to the outside is usually not provided, and in which the major orientation of the unit is horizontal rather than vertical; or any condominium unit of similar physical character, appearance and structure.

Arena. An enclosed or partially enclosed area used for public entertainment, of permanent construction having permanent electrical and plumbing improvements and adequate parking.

Auction house. A structure or enclosure where goods are sold by auction.

Auditorium. A room, hall, or building used for public gatherings, of permanent construction having permanent electrical and plumbing improvements and adequate parking.

Automobile rental/leasing establishment. 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 sales, used. Storage and display for sale of more than two (2) previously owned motor vehicles or any type of unoccupied trailer, and where repair on body work is incidental to the operation of the new or used vehicle sales.

Automobile service station. Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but excluding painting, major repair, or automatic washing.

Automotive parts stores. Stores selling new automotive parts, tires and accessories. Does not include tire recapping establishments.

Automotive repair garage. A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair and overall painting.

Aviation facilities, private. Any area of land used or intended for the arrival and departure of aircraft for personal use of the tenant, guest, or owner of the site, not available for public use or commercial operations. "Aircraft" includes helicopters, all fixed-wing planes, and gliders. "Aircraft" does not include hang gliders.

Bakery. A place for preparing, cooking, baking and selling of products on the premises.

Banks. A financial institute that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments and fiduciary activities, with or without a drive up window.

Base map. A document on which property lines are depicted to the most accurate scale available.

Bed and breakfast lodging. A single-family dwelling containing sleeping and breakfast accommodations as an accessory use to the principal use. Such lodging shall have no more than five (5) room accommodations for transient persons and wherein a charge is normally paid for such accommodations.

Best management practice (BMP). Best management practices are an approved practice or combination of practices, that is determined by a state and/or designated area wide planning agency to be the most effective, practicable means of preventing or reducing the amount of pollution generated by nonpoint sources of pollution to a level compatible with water quality goals. Such agencies shall include the Natural Resources Conservation Service, the Virginia Department of Conservation and Recreation, the Robert E. Lee Soil and Water Conservation District and the Virginia Division of Forestry.

Biosolids. Sewage sludge that has received an established treatment for required pathogen control and is treated or managed to reduce vector attraction to a satisfactory level and contains acceptable

levels of pollutants, such that it is acceptable for use for land application, marketing or distribution in accordance with state law and regulations.

Biosolids, storage. Any facility designed to store biosolids for a period of time. Such facilities include, but are not limited to: above ground or underground storage tanks, silos, ponds, lagoons and other holding devices.

Board of appeals. The Amherst County Board of Zoning Appeals as established under this ordinance.

Board of supervisors. The Board of Supervisors of Amherst County, Virginia; the governing body.

Boat. Any vehicle designed for travel on water, not exceeding thirty-five (35) feet in body length and nine (9) feet in width.

Brewery . A facility for the production and packaging of beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise. The development may include other uses such as a restaurant as otherwise allowed in the zoning district.

Buffering or screening. Any device or natural growth, or a combination thereof, which shall serve as a barrier to vision or noise between adjoining properties wherever required by this ordinance. Whenever used for screening or buffering purposes "natural growth" shall be taken to mean evergreen trees, bushes and shrubbery.

Buildable area. The area of a lot remaining after required yards, open spaces, parking, loading and access areas have been provided.

Building. Any structure designed or intended for support, enclosure, shelter, or protection of persons, animals, chattels or property.

Building, height of. The vertical distance measured from the level of approved street grade opposite the middle of the front of the building to the highest point of roof surface of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; in the case of a building set back from the street line thirty-five (35) feet or more, the building height is measured from the average elevation of finished ground surface along the front of the building; and on corner lots exceeding twenty thousand (20,000) square feet in area, the height of the building may be measured from either adjoining curb grade.

Building inspector. The building official appointed by the board of supervisors to administer and enforce the provisions of the county building code, or his designated representative or agent.

Building, main. A building in which is conducted the main or principal use of the lot on which said building is situated.

Building materials dealer. A business that provides goods and materials for the building of structures such as dwellings and commercial buildings for contractors and trade people, to include storage and potential delivery of items.

Building permit. A permit which is issued by the building inspector before a building or structure is started, improved, enlarged or altered as proof that such action is in compliance with the county building code.

Bulk storage. Above-ground storage of liquid in excess of one thousand five hundred (1,500) gallons.

Cabinet making shop. A place where various woodworking skills are used to create cabinets, shelving, and furniture for sale and wholesale.

Call center. A structure in which mail-order catalog companies, telemarketing companies, computer product help desks, and other entities that provide sales or services by telephone screen, forward, and log a high volume of customer and other telephone calls simultaneously, usually with the aid of computer automation.

Car wash. Any area of land including structures thereon that is used or designed to be used for the washing, cleaning or waxing of automobile or other vehicles which may utilize a chain or other conveyor

and blower or steam-cleaning device; provided, that such washing or cleaning is performed within a complete enclosed structure, and there shall be no maintenance or repair of vehicles.

Caregiver. An adult who provides care for a mentally or physically impaired person within the commonwealth. A caregiver shall be either related by blood, marriage, or adoption to, or be the legally appointed guardian of, the mentally or physically impaired person for whom he is caring.

Carport. An accessory structure constructed on movable framing for the shelter of private passenger vehicles.

Catering establishments. An establishment in which the principle use is the preparation of food and meals on the premises, and where food and meals are delivered to another location for consumption.

Cemetery. A privately or church owned and/or operated place for burial of the dead where lots may be sold and perpetual care of the graves is furnished.

Church. A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with uses customarily associated with such a primary use.

Circuit court. The Circuit Court of Amherst County, Virginia.

Civic organization meeting facility. A centralized meeting facility for the pursuit of civic activities and community functions.

Clinic, substance abuse treatment. Structures and land at which one (1) or more licensed practitioners render examination and treatment of patients for alcohol or drug abuse solely on an outpatient basis.

Club, health. A facility at which people use equipment or space for the purpose of physical exercise.

Club, hunt. Buildings, facilities, and property owned or leased and operated by a business or club for the purposes of hunter education, hunting, or harvesting game. The club may offer overnight accommodation. Such clubs shall not be operated primarily for a profit.

Clubs and lodges. An organization and its premises catering exclusively to members and their guests for social, intellectual, recreational or athletic purposes that are conducted for profit.

Club, private. An establishment operated for the social, education, or recreation benefit of the members thereof in which no enterprise is conducted, except for the convenience of the members thereof and their guests.

Cold storage plants. A place where good and products are processed in a cold environment to be stored, shipped, or sold wholesale.

College. An institution other than a trade school that provides full-time or part-time education beyond primary and secondary education programs and schools.

Combined access drive. A privately constructed driveway, owned and maintained in accordance with Section 1301.07(3) herein, which provides a means of vehicular access to more than one (1) parcel of land having frontage on a U.S. Highway or primary highway.

Commercial. A wholesale, retail, or service business activity established to carry on trade for a profit.

Commission. The planning commission of Amherst County, Virginia.

Community center. A place, structure, area, or other facility used for and providing religious, fraternal, social, or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Companion animals. Any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person, or that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals are not companion animals.

Condominium. A single unit in a multiple unit residential or commercial structure that is offered for sale and shall be part of a condominium project with general common elements as defined in Section 55-79.41, Code of Virginia, 1950 as amended.

Confined livestock facility (CLF). A feed lot in which more than one hundred (100) animal livestock units are confined and fed. A CLF includes the waste storage facility.

Container, liquefied petroleum gas. A vessel, such as a tank, cylinder or drum used for storage of liquefied petroleum gas composed predominately of propane, propylene, butanes or butylenes, or mixtures thereof that are gaseous under normal conditions, but are capable of being liquefied under moderate pressure at normal temperatures.

Contractor facility. An establishment, including an office building, used for the outdoor repair, maintenance, or storage of contractor's vehicles, equipment, or materials.

Corporate office. One (1) or more structures housing a company's internal office administration services and not supplying direct customer service, such as a corporation's headquarters or regional office.

Country club. Any partnership, corporation, limited liability company, or other entity whether or not operated for profit, organized and operated to provide facilities for dining, golf, tennis and swimming to its private self-perpetuating membership.

County. Amherst County, Virginia.

County administrator. The county administrator of Amherst County, Virginia.

County building code. The Virginia Uniform Statewide Building Code adopted by the board of supervisors on August 30, 1973, and any amendments thereto.

County comprehensive plan. A document prepared and adopted in accordance with Sections 15.1-446.1 through 15.1-457, Code of Virginia, 1950, as amended, for the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the county.

Cul-de-sac. A street with only one (1) outlet terminating in a circular turning area.

Dam break inundation zone. The area downstream of a dam that would be inundated or would sustain other damages as a result of the dam's failure.

Dance hall. A building open to the general public for purpose of providing a place for dancing and where an admission is charged for the purpose of making a profit, except when sponsored by civic, charitable or non-profit groups.

Data center. A structure housing computer systems and associated components such as telecommunications and storage systems, including redundant or backup power supplies, redundant data communications connections, environmental controls such as air conditioning or fire suppression, and security devices.

Day care center. A facility operated for the purpose of providing care, protection and guidance to a group of children separated from their parents or guardians during part of the day only, and meeting the licensing requirements for child care centers of Section 63.1-196 of the Code of Virginia, 1950, as amended.

Development. A tract of land developed or to be developed as a unit under single ownership of unified control which is to be used for any business or industrial purpose, or is to contain five (5) or more residential dwelling units. The term "development" shall not be construed to include any property which will be principally devoted to agricultural production.

Development review committee. A committee appointed by the board of supervisors comprised of personnel from the Amherst County planning department, building inspections, service authority, health department, Virginia Department of Transportation and other local, state and federal regulatory agencies as required by law or whose membership is deemed advisable by the board of supervisors whose purpose is to review development proposals in Amherst County. The development review committee shall meet on a regular basis, once a month, at a time set by the zoning administrator or planning director.

Except as provided in section 1207 all development proposals shall be submitted to the development review committee for review prior to approval of the proposal by any local, state or federal agency required by law to approve any part of that proposal. The development review committee as a body shall not have the authority to approve or disapprove proposals.

District. A section of Amherst County within which the zoning regulations are uniform.

Domestic use. Normal family or household use of water, including drinking, laundering, bathing, cooking, heating, cleaning and flushing toilets.

Dormitories. A structure specifically designed for a long-term stay by students of a college, university, or nonprofit organization for the purpose of providing rooms for sleeping purposes. A common kitchen and some common gathering rooms for social purposes may also be provided.

Drain-field space. An area set aside and dedicated for use in the absorption and evaporation of fluid from an initial and/or existing on-site sewerage system.

Drug store. An establishment engaged in retail sale of prescription drugs, nonprescription medicines, cosmetics, and related supplies.

Dry cleaning plant. A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the chlorinated hydrocarbon type, and the process incidental thereto.

Dwelling. Any building or portion thereof which is designed for or used for residential purposes.

Dwelling, multi-family. A building designed for occupancy exclusively by three (3) or more families living independently of each other in three (3) or more dwelling units; the term includes condominiums of similar physical appearance, character and structure.

Dwelling, short-term tourist rental of. The rental for compensation of a dwelling for periods of less than thirty (30) consecutive days.

Dwelling, single-family. A building designed for and, when occupied, occupied exclusively by one (1) family in a single dwelling unit.

Dwelling, two-family (duplex). A building designed for occupancy exclusively by two (2) families living independently of each other in two (2) dwelling units.

Dwelling unit. One (1) or more rooms in a residential building or in a mixed building which are arranged, designed, used or intended for use by one (1) family, and which include lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

Easement. A grant by a property owner of the use of land for a specific purpose or purposes by the general public, a corporation, or a certain person or persons.

Electric game center. A place where electronic games can be played for amusement.

Emergency service. Emergency services include fire, police, rescue squads and other similar activities.

Engineer. An engineer registered by the Commonwealth of Virginia.

Equipment facility. Equipment shelter or cabinet is a room, cabinet, or building used to house equipment for utility or service providers.

Excavation contractor. A licensed contractor who participates in the process of altering the natural (grade) elevation by cutting or filling the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced or relocated.

FAA. The Federal Aviation Administration.

Family. One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage no such family shall contain more than five (5) persons, but further

provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families.

Family day home. A child day program offered in the residence of the provider or the home of any of the children in care for one (1) through twelve (12) children under the age of thirteen (13), exclusive of the provider's own children and any children who reside in the home, where at least one (1) child receives care for compensation. A family day home serving one (1) to five (5) children exclusive of the provider's own children and any children who reside in the home is deemed a residential occupancy by a single family.

Farm machinery display. A display of products used for planting and harvesting crops or plant growth of any kind in the open.

Farm winery. An establishment licensed as a farm winery under Virginia Code, § 4.1-207.

Farm winery event. An event conducted at a farm winery that constitutes agritourism or promotes wine sales, including wine fairs; receptions where wine is sold or served; wine club meetings and activities; wine tasting educational seminars; wine tasting luncheons; business meetings and corporate luncheons with a focus on selling wines; gatherings with the purpose of promoting wine sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; winemakers' dinners where wine is paired with food; agritourism promotions; and fundraisers and charity events.

Farmers' market. See *Flea market*.

FCC. The Federal Communications Commission.

Feed and seed store. An establishment engaged in retail sale of supplies directly related to the day-to-day activities of agricultural production.

Feed lot. An enclosure used for the concentrated confinement and housing of animals and poultry; a place for feeding and fattening animals; a coop, or fenced area where the surface of the ground has become generally denuded of grass or other ground cover due to animal activity. Pasture lands, consisting of densely vegetated fields or hillsides, shall not be interpreted to meet the definition of a feed lot.

Feed mill. A facility where grains and animal products are processed to make food for livestock and other animals. This does not include the slaughter house or livestock retaining facility.

Flea market. A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique, and may include the selling of new or used goods at retail by businesses or individuals who are generally engaged in retail trade.

Flag lot. An individual lot which has a fee simple driveway strip ("pole") providing the primary entrance from a street to the buildable area ("flag"). Flag lots are only permitted in the A-1 Agricultural Residential District.

Flood. A general temporary inundation of lands not normally covered by water that are used or usable by man. Concurrent mud slides shall be deemed to be included in this definition.

Flood hazard areas. The maximum area of the flood plain which is likely to be flooded once every one hundred (100) years or for which mud slides can be reasonably anticipated.

Flood, one hundred year. A flood that, on the average, is likely to occur once every one hundred (100) years; that has one (1) percent chance of occurring each year, although the flood may occur in any year.

Flood plain. An area, usually a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; or an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

Flood proofing. A combination of structural provisions, changes or adjustments to properties and structures subject to flooding required for new construction in the floodway by the county building code.

Floodway. The channel of a river or other watercourse and the adjacent land areas required to carry and discharge the waters of the one hundred (100) year flood.

Floor area. The sum of the gross areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the center lines of walls separating two (2) buildings. In particular, floor area includes:

1. Basement space, except such space in a basement which has at least one-third ($1/3$) of its height below curb level, and which is located in a residential building with not more than two (2) stories entirely above curb level;
2. Elevator shafts or stairwells at each floor;
3. Floor space in penthouses;
4. Attic space (whether or not a floor has been laid) providing structural headroom of eight (8) feet or more;
5. Floor space in interior balconies or mezzanines;
6. Floor space in open or roofed terraces, exterior balconies, breezeways, or porches, if more than fifty (50) percent of the perimeter of such terrace, balcony, breezeway, or porch is enclosed;
7. Any other floor space used for dwelling purposes, no matter where located within a building, when not specifically excluded;
8. Floor space in accessory building except for floor space used for accessory off-street parking.

Floor area of a building shall not include:

1. Cellar space, except that cellar space used by retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths;
2. Elevator or stair bulkheads, accessory water tanks, or cooling towers;
3. Uncovered steps;
4. Attic space, whether or not a floor actually has been laid, providing structural headroom of less than eight (8) feet;
5. Floor space in open or roofed terraces, exterior balconies, breezeways, or porches, provided that not more than fifty (50) percent of the perimeter of such terrace, balcony, breezeway, or porch is enclosed;
6. Unenclosed floor space used for permitted or required accessory off-street parking spaces;
7. Floor space used for accessory off-street loading berths;
8. Floor space used for mechanical equipment.

Street, forest (service road). Those roads that are maintained and owned by the federal government to access remote undeveloped areas. Forest service roads must comply with section 1301.07.

Food store. A retail establishment primarily selling prepackaged and perishable food as well as other convenience and household goods.

Frozen food lockers. Any place or building and structure in connection therewith where facilities for the cold storage and preservation of food in separate and individual compartments.

Funeral homes. Establishment engaged in undertaking services such as preparing the dead for burial and arranging and managing funerals, includes mortuaries.

Furniture store. A retail store where furniture and home goods are sold to the public.

Garage, private. An accessory structure, or a portion of the main building, designed for the storage of automobiles owned and used by the occupants of the main building.

Garage, public. A building or portion thereof, other than a private garage, designed or used for storing motor driven vehicles.

Gardening. Any use of land unenclosed except for fencing for the raising of grass, flowers, vegetables, crops, trees, or other botanical objects of natural growth, but not including accessory structures used for the same purpose.

Gas. Natural gas formed beneath the surface of the earth, including any gas or vapor, or both gas and vapor, indigenous to an oil stratum and produced from such stratum with oil, obtained from gas or combination wells regardless of its chemical analysis.

General convenience store. A single store, the ground floor area of which is four thousand (4,000) square feet or less and which offers for sale primarily most of the following articles; bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a country general store and no more than four (4) gasoline and/or diesel fuel pumps shall be permitted, subject to the restrictions in sections 902.04 and 902.05.

Golf courses. Any golf course, publicly or privately owned, on which the game golf is played including accessory uses and buildings customary thereto but excluding golf driving ranges.

Golf driving range. A limited area on which golf players do not walk, but onto which they drive golf balls from a central driving tee, such area to include the driving tee and other incidental activities pertaining to this activity.

Governmental facility. A building or structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public.

Greenhouse. A structure for the raising of plants or flowers indoors for private or retail purposes.

Group home. A residential facility licensed by the department of behavioral health and developmental services in which no more than eight (8) mentally ill, mentally retarded or developmentally disabled persons reside with one (1) or more resident counselors or other staff persons. For purposes of this definition, the current illegal use of or addiction to a controlled substance as defined in Virginia Code, § 54.1-3401 is neither a mental illness nor a developmental disability. A group home is deemed a residential occupancy by a single family. The zoning administrator may impose conditions on group homes to ensure their compatibility with other permitted uses; however, such conditions shall not be more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption.

Hair-cutting shop. A place where hair is cut, trimmed, dyed, or styled for a client for profit.

Hardware store. Retail store where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.

Hazardous waste.

- (1) Solid, liquid or gaseous waste materials, which because of concentration, quantity, radioactivity, flammability, physical, chemical or infectious characteristics may:
 - (a) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or
 - (b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- (2) Any waste, constituents or materials listed in the Commonwealth of Virginia Department of Environmental Quality, Waste Management Hazardous Waste Regulations, January 1, 1989, latest revision.

Health department. The Amherst County Health Department or its designated agent or representative.

Height. When referring to a tower or other structure, other than a building the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lightning rod.

Highway, primary. All state highways in the "state highway system" so designated by the state highway and transportation commission [board] under requirements of Section (33.1-25 old number) of Code of Virginia, 1950, as amended.

Highway, secondary. All roads of the Commonwealth of Virginia not currently in the primary systems of state highways as provided for in Section 33.1-67, Code of Virginia, 1950, as amended.

~~*Home for the aged.* A building or place in which the establishment is providing housing, board, lodging and maintenance for four (4) or more aged persons who are not infirmed, chronically ill or incapacitated, with such established having separate sleeping quarters and common areas for dining, recreation and other similar facilities.~~

Home occupation. An accessory use of a dwelling unit, located either in the main building or an accessory building, for financial gain or support involving the manufacture, provision, or sale of goods and/or services which is clearly incidental to or secondary to the residential use of a dwelling unit.

Homeowners' Association Agreement or HOA. An agreement, in such form as the County has approved, identified as a restrictive covenant on a subdivision plat, and recorded among the land records of Amherst County, that either (i) imposes on a homeowners' association the responsibility for maintenance of private streets in the subdivision governed by the HOA, or (ii) creates the authority in said association to impose on the owners or occupants of such lots requirements for the mandatory payment of fees to support the maintenance of said private streets.

Hospital. Hospital includes sanatorium, preventorium, clinic or rest home, and is deemed to mean a place for the treatment of human disorders and ailments; an institution providing health services for in-patient medical or surgical care, care of sick or injured, and related laboratories, offices, and outpatient facilities and services.

Hotel. Any public or private hotel, inn, hostelry, tourist home or house, motel, rooming house, dwelling, or other lodging place within the county offering lodging for compensation to any transient.

Ice skating rinks. An establishment that provides facilities for participant ice skating.

Industry. Storage, repair, manufacture, preparation or treatment of any article, substance, or commodity.

Industrial park. A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or governmental organizations.

Jail. A building designated by law, or regularly used, for the confinement of persons held in lawful custody.

Jobbing. To buy in large products quantities, as from wholesalers or manufacturers, and sell to dealers in smaller quantities.

Junk. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste; or junked, dismantled or wrecked automobiles, or parts thereof; iron, steel and other old or scrap ferrous material.

Junkyard. An establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling junk; or for the maintenance or operation of a motor vehicle graveyard; the term shall include garbage dumps and sanitary fills.

Kennel. Any location where raising, grooming, caring for or boarding of dogs, cats or other small animals for commercial purposes is carried on.

Landfill. An engineered land burial facility for the legal disposal of construction and demolition waste consisting of lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metals and plastic associated with construction and waste from land clearing operations consisting of stumps, wood,

brush, and leaves; inert waste that is physically, chemically and biologically stable from further degradation and considered to be non-reactive, including rubble, concrete, broken bricks, and block; and municipal solid waste derived from households, businesses and institutional establishments, including garbage, trash, and rubbish, and from industrial establishments, other than hazardous waste as described by the Virginia hazardous waste regulations. Its purpose is to contain and isolate solid waste so that it does not pose a substantial present or potential hazard to human health or the environment.

Laundromat. A building where clothes or other household articles are washed in self-service machines and where such washed clothes and articles may also be dried or ironed but where no delivery service is provided.

Libraries. A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

Limited assisted living facility. A building or place in which the establishment is providing housing, board, lodging and maintenance for four (4) or more aged persons who are not infirmed, chronically ill or incapacitated, with such established having separate sleeping quarters and common areas for dining, recreation and other similar facilities.

Limited brewery . A brewery operating under a limited brewery license issued pursuant to Code of Virginia, § 4.1-208, as amended.

Limited distillery. A distillery operating under a limited distiller's license issued pursuant to Code of Virginia, § 4.1-206, as amended.

Livestock. All domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; capradae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in section 3.2-2600 of the Code of Virginia, 1950 as amended; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

Lodging. Space or room furnished any transient.

Lot. A measured portion or parcel of land separated from other portions or parcels by description in a site plan or a recorded plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, of transfer of ownership or of development or separate use. The term applies to units of land whether in a subdivision or a development.

Lot, corner. A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

Lot coverage. The ratio of the horizontally projected area of the main and accessory buildings on a lot to the total area of the lot, except where otherwise defined herein.

Lot frontage width. The distance between side property lot lines measured at the front lot line. In the case of lot frontage that serves exclusively as the beginning of an access point from a road or street to the buildable portion of the lot, the minimum standards for this width shall not apply.

Lot, interior. A lot other than a corner lot with only one (1) frontage on a street.

Lot line (property line). The boundary of a lot.

Lot of record. A lot or parcel of land whose existence, location and dimensions have been recorded in the office of the clerk of the circuit court at the time of the adoption of this.

Lot, through. A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

Lot width. The average horizontal distance between side property lot lines.

Machine shop. A shop where lathes, presses, grinders, shapers, and other wood- and metal-working machines are used such as blacksmith, tinsmith, welding, and sheet metal shops, plumbing, heating, and electrical repair shops; and overhaul shops.

Machinery sales and service. A place of service in which metal parts are cut to the size required and/or put together to form mechanical units or machines or sold.

Manse. The house and land occupied by a minister or parson.

Manufacture and/or manufacturing. The processing and/or converting of raw, unfinished materials or products or either of them into articles or substances of different character or for use for a different purpose.

Manufactured home. A structure designed to be used as a single-family dwelling, built in the controlled environment of a manufacturing plant to the Manufactured Home Construction and Safety Standards (HUD Code), transportable in one (1) or more sections on a permanent chassis with a red certificate label on the exterior of each transportable section.

Manufacturing, light. The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental stage, sales, and distribution of such products but excluding basic industrial processing and custom manufacturing.

Manufacturing, sign. A facility to produce commercial signs as well as keep all materials for installation and creation of the sign.

Marine sales and service. A marine retail sales and service use where boats are repaired, sold, and goods are sold primarily for use on boats. Examples of goods sold include navigational instruments, marine hardware and paints, marine engine fluids, nautical publications, nautical clothing, marine engines, parts, and other retail sales closely associated with boating activities.

Massage parlor. Any place where manipulation of body tissues for any purpose is conducted and the owners and employees are not a physician, chiropractor, osteopath, naturopath or physical therapist duly licensed by the commonwealth, nor a massage therapist certified by the state board of nursing.

Mausoleum. See *Cemetery*.

Medical clinic or office. Structures and land at which one (1) or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts render examination and treatment of patients solely on an outpatient basis. This term does not mean or refer to "substance abuse treatment clinic" or "substance abuse treatment facility," both of which are separately defined in this section.

Mentally or physically impaired person. A person who is a resident of Virginia and who requires assistance with two (2) or more activities of daily living, as defined in section 63.2-2200 of the Code of Virginia (1950), as amended, during more than half of the year.

Mineral extraction. The extraction of metallic and nonmetallic minerals or materials, including rock crushing and screening, and the accessory storage of explosives.

Mobile home park. A site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.

Modular building. The term "modular building" means, but shall not be limited to, single and multi-family houses, apartment units, commercial buildings, and permanent additions thereof, comprised of one (1) or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, built to comply with the Virginia Industrialized Building Safety Law (section 36-70 et seq.) as regulated by the Virginia Department of Housing and Community Development, and shipped with most permanent components in place to the site of final assembly. For purposes of this chapter, a modular building shall not include a mobile office as defined in section 58.1-2401 or any manufactured building subject to and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.).

Modular home. An industrialized building assembly or system of building subassemblies, including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building or as a part of a finished building comprising two (2) or more industrialized building units, and not designed for ready removal to or installation or erection on another site.

Motel. A building or group of buildings containing sleeping accommodations for rental primarily to automobile transients and in which ingress and egress to and from each sleeping room is generally to the outside of the building.

Motor vehicle graveyard. Any lot, or place or part thereof, which is exposed to the weather and upon which more than three (3) used unlicensed motor vehicles are located. A business that sells retail used motor vehicles and meets the requirements of all county and state laws shall not be considered a motor vehicle graveyard.

Museum. A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

Natural resource. Includes soil, sand, gravel, stone or other mineral (other than oil and gas) naturally formed on or beneath the surface of the earth.

Newspaper offices. Where recent events are put into a report for a newspaper, but not printed on site.

Newsstands. A temporary structure, manned by a vendor that sells newspapers, magazines, and other periodicals.

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

Nonconforming structure. An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance, for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments of the ordinance.

Nonconforming use. The otherwise legal use of a building or of a tract of land that does not conform to the use regulation of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to this ordinance.

Nonpoint source of pollution. Pollution that enters a water body from diffuse origins on the watershed and does not result from discernible, confined, or discrete conveyances.

Non-public water system. A water system which, as a general rule, does not provide water to the public for drinking or does not meet the requirements for a public water system; or a well used for obtaining water for drinking or domestic use located on an individual lot for the purpose of serving the main dwelling on said lot, with any new well to be at least a Class III-A drilled well as approved by the health department.

Normal pool elevation. The height, above sea level, of the water held in any reservoir as it begins to overflow its spillway structure.

Nursing home. Includes rest homes and convalescent homes and shall mean a place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases, deformities, or injuries not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital.

Oil. A liquid substance known as crude petroleum oil or petroleum.

Oil and gas exploration. The search for hydrocarbons beneath the earth's surface such as oil and natural gas by methods such as sub-surface geology surveys and exploration wells, but not permanent wells.

On-site sewerage system. A sewerage system designed not to result in a point source discharge, including individual septic tanks used by the main dwelling on an individual lot, and approved by the health department.

Open space. A yard area which is not used for or occupied by a driveway, off-street parking, loading space, refuse storage space.

Owner. Any person, agent, firm or corporation having a legal or equitable interest in the property.

Pallet manufacturing. The production of flat structures used to stabilize and help move products made from wood, plastic, or recycled materials.

Paper mill. The manufacture of paper and paperboard, from both raw and recycled materials, and their conversion into products including paper bags, boxes, envelopes and wallpaper.

Parish house. A dwelling where a member of the church community can stay for an extended time.

Park. A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

Parks and recreational facilities. Facilities to increase enjoyment of parks and places of recreation such as restrooms, picnic tables, storage or support buildings, and parking lots.

Pavement. A hardening ground cover, other than non-surface treated gravel, that is used to make travel lanes and parking areas suitable for vehicular traffic. Examples of pavement shall include asphalt, concrete, bricks, pervious pavers and pervious asphalt/concrete.

Pawnbroker. Any person or business who lends or advances money or other things for profit on the pledge and possession of tangible personal property, or other valuable things, other than securities or written or printed evidences of indebtedness or title, or who makes purchases from another contingent on an agreement to sell the purchased item back to the seller at a stipulated price.

Permanent tributary. Any perennial, intermittent stream, including lakes or ponds, which provides natural drainage to a larger body of water, as officially indicated on U.S. Geological Survey topographic maps.

Permitted use. A use of the land which is allowed by right in the zoning district in which the land is situated.

Pest exterminating business. A business that specializes in eradicating a plant or animal that is detrimental to humans or their crops.

Pesticides. Synthetic organic chemicals used to inhibit the growth of undesirable animal or plant life, such as but not limited to, insecticides, herbicides and fungicides.

Planned unit development. A designed grouping of varied and compatible land uses, such as housing, recreation, commercial centers, and industrial parks, all within one (1) contained development or subdivision.

Plat. The schematic representation of land divided or to be divided.

Poultry. All domestic fowl and game birds raised in captivity.

Pound. A facility operated by the commonwealth or Amherst County for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with Amherst County or an Incorporated Society for the Prevention of Cruelty to Animals.

Prescriptive easement. An easement granted the Virginia Department of Transportation for the construction and maintenance of public roads owned by said department.

Printing plant, establishments. A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images, and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing.

Professional office. An office for the conduct of a professional use by persons generally engaged in rendering personal, executive, sales or administrative services or activities, including law, medicine, theology, architecture, accounting, engineering, insurance, real estate, stock brokers, and administrative agencies considered professional in character. The term, however, does not include repairs on sales or

tangible personal property stored or located within the structure nor any use which would create any loud noises or noxious odors.

Proffer. An offer or proposal which the property owner, or his agents, commits himself as additional requirements or restrictions on his property.

Public building. A building owned or leased and occupied and used by an agency or political subdivision of the United States of America, the Commonwealth of Virginia, or Amherst County.

Public entertainment. Activities open to the general public which are intended to attract, amuse, engage and/or stimulate persons attending the event. The term shall include but not be limited to carnivals, fairs, festivals and plays.

Public sewerage system. A sewerage system owned and operated by Amherst County, the Amherst County Service Authority or the Town of Amherst, or any sewerage system resulting in a point source discharge and approved by the health department.

Public utilities. Public service structures such as power plant substations; water lines, treatment plants or pumping stations, sewage disposal systems and treatment plants; or such similar operations publicly or privately owned furnishing electricity, gas rail transport, communication or related services to the general public.

Public water supply agency. The administrative organization, department or agency which manages the daily and long term activities of a public water system.

Public water system. A water system owned and operated by Amherst County, the Amherst County Service Authority or the Town of Amherst, or any water system for drinking or domestic use, approved by the health department, that generally has at least fifteen (15) connections or an average of twenty-five (25) individuals for at least sixty (60) days out of the year.

Quarry. A place where stone, sand, gravel, or minerals are extracted.

Radio offices and studios. Establishments primarily engaged in the provision of broadcasting and other information relay services through the use of electronic and telephonic mechanisms. Excluded are facilities classified as major utility services or broadcasting or communication towers.

Ramada. A structure erected over a mobile home for the purpose of providing shade or shelter.

Reconfiguration. Any property that is altered in shape or size due to the addition or subtraction of land or the exchange of contiguous property, but does not have the effect of a net increase in the number of lots or parcels involved and does not as a result create any lot in violation of this ordinance shall be deemed reconfigured. A reconfiguration is a form of subdivision.

Recycling processing facility. A building used for the collection or processing of recyclable material. "Processing" shall mean the preparation of material for efficient shipment by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting, and/or cleaning.

Research and development facility. One (1) or more structures which a company uses (i) to conduct research and development activities into, or make controlled production of, electronic, industrial, or scientific products or commodities, or (ii) as laboratories for purposes of conducting educational or medical research or testing.

Retail nursery and greenhouses. The retail handling in small quantities to a customer of any article, substance or commodity related to the planting, maintenance, or harvest of garden plants, shrubs, trees, or other nursery goods, including packaged fertilizers, soils, and chemicals.

Retail service store. Any establishment wherein the primary use is the sale of merchandise for use or consumption by the immediate purchaser.

Retail stores and shops. Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards) including but not limited to a department or clothing store, electronic sales and repair stores, drug store, food store, candy shop, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop, and beauty salon or day spa.

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

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, play-ground, cemetery.

Reserve drain field space. An area set aside and dedicated for future use in the absorption and evaporation of fluid from an on-site sewerage system.

Reservoir. Any impoundment of water, owned, operated or controlled by a public water supply agency to provide drinking water to citizens of their community at the present or in the future.

Resident engineer. The resident engineer for Amherst County, Virginia, employed by the Virginia Department of Transportation, or his designated agent.

Residential use. A building or a part of a building containing dwelling units or rooming units, including single-family or two-family houses, multiple family dwellings, mobile homes, boarding or rooming houses, dormitories, fraternity or sorority houses or apartment hotels; but not including monasteries, convents, transient accommodations, such as hotels, motels, tourist cabins, dwellings rented for periods of less than thirty (30) consecutive days, or travel trailer parks, or that part of a mixed building used for any non-residential use, except as accessory to residential uses.

Restaurant. Any immobile building in which, for compensation, food or beverages are dispensed to persons not residing on the premises including, among other establishments, cafes, delicatessens, or drive-in facilities. This term shall not include mobile food vendors or mobile food units.

Restaurant, small. An establishment of no more than two thousand (2,000) square feet in size engaged in the preparation of food and beverages characterized primarily by table service to customers in nondisposable containers. Examples include cafes and coffee shops.

Retail stores and shops. Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards) such as the following which will serve as illustration only and are not to be considered exclusive: drug store, 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, barber shop, and beauty shop.

Retirement community. A facility consisting of three (3) or more dwelling units, the occupancy of which is limited to senior citizens. The facility may include medical facilities or provide medical care. The facility typically shall consist of multiple-household attached dwellings, but may include detached dwelling units as part of a wholly owned and managed senior housing project.

Resurvey. The practice of surveying all or a portion of any boundary of real property for which a survey has previously been approved under this ordinance or former ordinances or where the survey has been placed to record where the effect of such second survey is to reestablish any previously existing boundary line.

Right-of-way. Access over or across particularly described property for a specific purpose or purposes.

Right-of-way line. The dividing line between a lot, tract, or parcel of land and a contiguous street, railroad, or public utility right-of-way.

Right-of-way, state owned. The right-of-way owned outright by the Virginia Department of Transportation on which public roads are constructed and maintained.

Roller skating rink. An establishment that provides facilities for skating on wheels.

Salvage yard. A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment.

Sanitary district. The Madison Heights (Virginia) Sanitary District created by the board of supervisors.

Sanitary landfill. A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the refuse to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary.

Satellite dish antenna. An accessory use that is a combination of (1) antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites or other extraterrestrial sources; (2) a low noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and (3) a coaxial cable whose purpose is to carry the signals to the exterior of the building.

Sawmill, permanent. A sawmill permanently located for the purpose of processing timber from the property on which it is located, from adjoining property or from other properties removed from the sawmill or its environs without regard to point of origination.

Sawmill, temporary. A sawmill located on private property for a period not to exceed six (6) months for the sole purpose of processing timber cut only from that property or from property immediately contiguous and adjacent thereto, or incidental processing of timber transported from other property.

Schools. An institution providing full-time instruction and including accessory facilities traditionally associated with a program of study which meets the requirements of the laws of the State of Virginia. School support facilities shall not be included.

School support facilities. Facilities which are required to maintain efficient operation of a school or school system but which are not directly related to the academic program of study and which may be characterized by potential nuisance factors such as fuel storage, noise, or vibration. Such supportive facilities include school system administrative offices, maintenance shops, storage warehouses, vehicle storage lots and the like.

Scrap or discarded material. The term "scrap or discarded material" includes but is not limited to metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment, and appliances. The term includes facilities for separating trash and debris from recoverable resources, such as paper products, glass, metal cans, and other products that can be returned to a condition in which they may again be used for production.

Self-service storage facility. A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include climate controlled facilities.

Setback line. A line parallel to a street and extending the full width of the lot for a specified distance at all points from the street right-of-way line, and thus defining an area in which no building or structures or portions thereof may be constructed.

Sexual implement. Any device used to imitate in appearance or function human genitals or pubic regions, or any device designed to be inserted in or attached to specified anatomical areas for the purposes of enhancing a sexual act.

Shooting range, outdoor. The use of land for archery or the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions such as turkey shoots. This definition does not encompass general hunting and unstructured and non-recurring discharging of firearms on private property with the property owner's permission.

Shopping center. A group of commercial establishments, planned and developed as a unit, with common off-street parking provided on the property, located on a parcel of land ten (10) or more acres in size.

Shopping complex. Two (2) or more commercial establishments, planned and developed as a unit, with common off-street parking provided on the property, located on less than a ten-acre parcel of land.

Sign. Any display(s) used for the purpose of advertising, which is visible beyond the boundaries of the parcel of land on which the same is located. Multiple sign faces attached to the same support structure are considered to be one (1) sign.

Sign area. The area enclosed by an imaginary continuous line, connecting the extreme points or edges of a sign. The structural support of the sign is included in the area calculation when it borders or is situated within the advertisement(s).

Sign, attached. Any sign supported by a wall, roof or other portion of a building.

Sign, directional. A display used for the purpose of directing traffic. Said sign shall be limited a single word, such as "enter" or "exit" or to a directional symbol such as an arrow.

Sign face. The material upon which an advertisement is affixed.

Sign frame. A structure that encloses or otherwise supports the sign face and is attached to a sign structure.

Sign, freestanding. A non-movable sign supported by structures or supports in or upon the ground and not attached to a building.

Sign, monument. A sign affixed to and made an integral part of a structure built on-grade, that does not involve the use of poles as its major sign support and is less than six (6) feet in height.

Sign, multitenant. A sign that serves as a common or collective identification for two (2) or more uses on the same premises.

Sign, neighborhood entrance. A sign which denotes the name of a residential subdivision, condominium, or apartment complex.

Sign, off-site. An off-premises sign; a sign 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. The term shall include billboard signs.

Sign, portable. A sign that is not permanently affixed to the ground or another structure and is designed to be moved for reuse.

Sign refacing. The replacement of a sign face of equal size as the original, without altering the sign frame or the sign structure.

Sign structure. An assembly of material used to support a sign face(s) and/or sign frame(s).

Sign, two-faced. Any sign having two (2) sides or faces, which may be used for advertising. This includes "V" shaped signs with an angle of separation less than forty-five (45) degrees.

Special exception. A use of the land which may be allowed in a zoning district in which the land is situated subject to the approval of either the board of supervisors or the board of appeals, after a public hearing thereon.

Specified anatomical areas. Such areas include less than completely and opaquely covered human genitals, pubic region, buttocks, female breast below a point immediately above the top of the areola, and human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities. Such activities include human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, and fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

Stadium. A large building with tiers of seats for spectators at sporting or other recreational events.

Street. A strip of land comprising the entire area within the right-of-way intended for possible use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot. The word street includes road, thoroughfare, parkway, avenue, lane, boulevard, expressway, highway (except as herein defined), place, throughway, square, alley, or however designated with the above-mentioned right-of-way.

Street centerline. A line generally parallel to the right-of-way lines that equally divide the street right-of-way.

Street, half. A street that does not meet the minimum right-of-way width requirements set forth or referenced in this ordinance.

Street, private. Any road or other means of vehicular access to more than one (1) parcel of land not maintained by the Virginia Department of Transportation. Private streets must comply with section 1301.07.

Street, public. A strip of land comprising the entire area within the right-of-way intended for public use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot and which is presently a portion of the Virginia Department of Transportation's street and road system, or is a proposed addition to the Virginia Department of Transportation's street and road system in which case the improvement of which shall meet the construction standards of the Virginia Department of Transportation.

Strip lounge. An adult club, lounge, restaurant, or similar place which features topless dancers, go-go dancers, exotic dancers, strippers or similar entertainers exhibiting "specified anatomical areas" or performing "specified sexual activities".

Structure, permanent. A structure designed, constructed, and intended for more than temporary use on the property.

Subdivider. Any person owning a tract or parcel of land to be subdivided.

Subdivision. Any division of a piece of land.

Substance abuse treatment facility. Structures and land at which one (1) or more licensed practitioners render examination and treatment of patients for alcohol or drug abuse on an inpatient basis that includes the provision of meals and lodging.

Surface treatment. A thin protective wearing surface that is applied to a pavement or base course/aggregate that waterproofs the surface. The most common example of surface treatment is bituminous surface treatment (BST).

Surveyor. A land surveyor certified by the Commonwealth of Virginia.

Tattoo establishments. A room or space where tattooing, which may include piercing, is done for compensation. Tattooing means a placement in human tissue of any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or any design, letter, scroll, figure, symbol done by scarring upon or under the skin.

Telephone repeater substation. A remote site to provide additional telephone lines for a development, to include cabinets and pedestals.

Temporary family health care structure. A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one (1) occupant who shall be the mentally or physically impaired person, (iii) has no more than three hundred (300) gross square feet, and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq. of the Code of Virginia (1950), as amended) and the Uniform Statewide Building Code (§ 36-97 et seq. of the Code of Virginia (1950), as amended). Any temporary family health care structures (i) for use by a caregiver in providing care for a mentally or physically impaired person and (ii) on property owned or occupied by the caregiver as his residence shall be deemed a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings.

Tent. Any temporary structure or enclosure, the roof or which or one-half (½) or more of the sides are constructed of silk, cotton, canvas, fabric, or a similar pliable material, which is supported by poles or another structural apparatus.

Theater, indoor. A building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of displays, acts, dramas by actors and/or actresses.

Theater, outdoor. An area not to exceed five (5) acres containing a screen, projection booth, refreshment stand, parking spaces and sound transmission devices to individual parking spaces only for the purpose of commercial exhibition of motion pictures.

Timber harvesting. The commercial cutting of timber.

Time-share. Either a time-share estate or a time-share use, plus its incidental benefits.

Time-share estate. A right to occupy a unit or any of several units including renewal options, coupled with a freehold estate or an estate for years in a time-share project or a specified portion thereof.

Time-share instrument. Any document, however denominated, which creates the time-share project and program, and which may contain restrictions or covenants regulating the use, occupancy, or disposition of time-shares in a project.

Time-share program or program. Any arrangement of time-shares in one (1) or more time-share projects whereby the use, occupancy, or possession of real property has been made subject to either a time-share estate or time-share use in which such use, occupancy, or possession circulates among owners of the time-shares.

Time-share project. All of the real property subject to a time-share program created by the execution of a time-share instrument.

Time-share unit or unit. The real property or real property improvement in a project which is divided into time-shares and designated for separate occupancy and use.

Time-share use. A right to occupy a time-share unit or any of several time-share units including renewal options, not coupled with a freehold estate or an estate for years in a time-share project or a specified portion thereof. "Time-share use" shall not mean a right to use which is subject to a first-come, first-served, space available basis as might exist in a country club, motel, hotel, health spa, campground, or membership or resort facility.

Tire recapping. To recondition a worn automobile tire by cementing on a strip of prepared rubber and vulcanizing by subjecting to heat and pressure in a mold.

Tower or support structure. Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

Town. The governmental entity of the Town of Amherst, Virginia.

Townhouse. A residential unit in a series of from three (3) to twelve (12) single-family attached dwellings separated from one another by common vertical walls with no openings.

Townhouse lot. A lot upon which a townhouse is or is to be erected.

Transient. Any person who for a period of less than thirty (30) consecutive days, either at his own expense or at the expense of another, obtains lodging at any hotel.

Travel trailer. A vehicular, portable structure designed as a temporary dwelling for travel, recreational and vacation uses which is not eight (8) feet or more in body width and is not forty (40) feet or more in body length.

Travel trailer parks. Facilities for travel trailers, pick-up coaches, motor homes, camping trailers, other vehicular accommodations and tents suitable for temporary habitation and used for travel, vacation and recreation purposes.

The term "travel trailer" does not include mobile homes.

Truck business. An operation using large trucks, such as tractor trailers, to haul and store goods, which also may provide maintenance and parking for the trucks. This term shall not include a single owner-operator truck home occupation that does not involve the storage of materials or goods of any kind at the residence.

Truck and freight facility. A facility whose primary use is for the receipt, transfer, storage and dispatching of goods transported by trucks. Such facility may include the parking and repair of trucks used in the business.

Truck stop. Any area of land, with adequate parking, maneuvering and access for at least three (3) combination tractor-trailer vehicles, that may provide for retail sale of diesel fuel and gasoline, restaurant facilities, sleeping quarters and minor repair facilities.

TV offices and studios. Establishments primarily engaged in the provision of broadcasting and other information relay services through the use of electronic and telephonic mechanisms. Excluded are facilities classified as major utility services or broadcasting or communication towers.

U.S. post office. A facility owned or operated by the federal government that contains service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

Use. The principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained.

Use, temporary. A use, not associated with a special event that has been approved by the governing body, established for a limited fixed period of time as determined by the zoning administrator on a business zoned property, with the intent and expectation to discontinue such use upon expiration of such time, and that does not involve the construction or alteration of any permanent structure. Mobile food vendors, mobile food units and sales, mobile retail sales, fireworks stands, peddlers, itinerant merchants, and Christmas tree and pumpkin stands that do not meet the definition of a wayside stand, shall be considered a temporary use.

Used unlicensed motor vehicles. Any used motor vehicle that does not have all of the following items affixed to it: a current pair of state license plates, a current inspection sticker and a current county sticker. The provisions of this article shall not apply to any motor vehicle exempted from licensure and registration in Title 46.2 of the Code of Virginia.

Variance. A reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure when the strict application of the provisions of this ordinance would result in unnecessary or unreasonable hardship to the property owner, and such need for a variance would not be shared generally by other properties and provided such variance is not contrary to the intended spirit and purpose of this ordinance, and would result in substantial justice being done.

Veterinary hospital. A structure or series of structures used for the treatment of diseases and injuries of animals by a veterinarian licensed by the Commonwealth of Virginia.

Videotape sales and rental. An establishment primarily engaged in the retail rental or lease of video tapes, films, CD-ROMs, laser discs, electronic games, cassettes, or other electronic media. Sales of film, video tapes, laser discs, CD-ROMs, and electronic merchandise associated with VCRs, video cameras, and electronic games are permitted accessory uses. This term shall not include "adult book store".

Warehousing and distribution facility. A structure or outdoor lot used for storage, warehousing, or dispatching of goods, including warehouses for wholesale distributors, storage warehouses, and moving or storage companies.

Warehousing operations. A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

Water/sewer utilities. All property involved in water utility, including land, water sources, collection systems, dams and hydraulic structures, distribution systems, and other appurtenances, pumping stations, treatment works, and general properties, or any parts thereof

Watershed. Any area drained by a stream and its tributaries upstream from a public water supply intake structure.

Wayside stand, roadside stand, wayside market. In accordance with section 407.04, any structure or land used for the sale of agricultural or horticultural produce, livestock, or merchandise grown, produced, or acquired by the owner of the property on which the stand or market is located.

Wearing apparel store. A business which sells apparel and accessories to be worn on the body for a profit.

Wholesaler. An establishment or place of business primarily engaged in selling or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as buying agents or brokers and buying merchandise for or selling merchandise to, such individuals or companies.

Wind energy system, hybrid system. An energy system that uses more than one (1) technology to produce energy or work (for example a wind-solar system).

Wind energy system, small. A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a maximum power of at most fifty (50) kW, which will be used primarily to reduce on-site consumption of utility power.

Wind energy system, tower. With regard to wind energy system, the structure on which the wind system is mounted.

Wind energy system, tower height. With regard to wind energy system, the height above grade of the fixed portion of the tower, excluding the wind turbine itself.

Wind energy system, turbine. The parts of the wind system including the blades, generator and tail.

Wood yard. A parcel of land or portion thereof, used for the commercial storing and marketing of logs.

Woodworking shop. A facility for building, making, repairing or carving and finishing wood goods.

Yard. A space on the same lot with a main building, such space being open, unoccupied, and unobstructed by buildings from ground to sky except where encroachments are expressly permitted.

Yard, front. An open, unoccupied space on the same lot with the main structure extending the full width of the lot and situated between the right-of-way line and the front line of the structure projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the structure and the right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main structure and shall not project into a required front yard. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, rear. An open space on the same lot with the main structure, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main structure projected to the side lines of the lot. On all corner lots the rear yard shall be at the opposite end of the front yard.

Yard, side. An open, unoccupied space on the same lot with a main structure, situated between the side line of the structure and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. On the corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension.

Zoning map. The official zoning district map for Amherst County, Virginia.

(Ord. of 8-20-02; Ord. of 8-20-02(2); Ord. of 4-19-05(4); Ord. of 9-20-05(2); Ord. of 8-15-06(2); Ord. of 10-17-06(4); Ord. of 6-19-07(2); Ord. of 7-17-07(3); Ord. of 11-20-07(2); Ord. of 7-15-08(1); Ord. of 7-15-08(4); Ord. of 10-21-08(2); Ord. of 7-21-09(1); Ord. of 12-1-09; Ord. of 1-19-10; Ord. of 3-16-10(3); Ord. of 3-16-10(4); Ord. of 12-21-10, § 1; Ord. No. 2011-0007, § 1, 1-17-12; Ord. No. 2012-0001, § 3, 3-20-12; Ord. No. 2012-0003, §§ 1, 2, 7-17-12; Ord. No.

2012-0004, § 1, 7-17-12; Ord. No. 2012-0005, §§ 1, 2, 7-17-12; Ord. No. 2012-0006, § 1, 7-17-12; Ord. No. 2013-0012, § 1, 10-15-13; Ord. No. 2013-0005, § 1, 12-3-13; Ord. No. 2013-0016, § 1, 1-27-14; Ord. No. 2014-0007, § 1, 5-20-14; Ord. No. 2014-0009, §§ 1, 2, 5-20-14; Ord. No. 2015-0011, § 2, 11-17-15; Ord. No. 2016-0004, § 1, 4-19-2016; Ord. No. 2016-0003, § 1, 4-19-16; Ord. No. 2016-0012, § 1, 8-16-16; Ord. No. 2016-0014, § 1, 11-15-16; Ord. No. 2017-0001, § 1, 1-17-17)

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