



Amherst County Board of Supervisors  
County Ordinance No. 2013-0012

**AN ORDINANCE, NO. 2013-0012**

Amending §§ 302 and 702 of Appendix A of the Amherst County Code to add several definitions, to amend the definitions of accessory structures and restaurants, and to eliminate numbers for each definition, and to make conforming changes to the Code provisions governing use requirements for zoning districts.

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Approved as to form and legality by the County Attorney

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**FIRST READING: Planning Commission, September 5, 2013**  
**PUBLIC HEARING: Planning Commission, September 19, 2013**  
**FIRST READING: Board of Supervisors, October 1, 2013**  
**PUBLIC HEARING: Board of Supervisors, October 15, 2013**

**THE COUNTY OF AMHERST HEREBY ORDAINS:**

§ 1. That sections 302 and 707, specifically subsections 707.02 and 707.03, and sections 803 and 1301, specifically subsections 803.02 and 1301.04, of Appendix A of the Code of the County of Amherst be and hereby are amended, as follows:

**Sec. 302. Specific definitions.**

~~302.01. 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 ~~satellite dish antennas~~, 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.

~~302.02. 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.

~~302.02.1. 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 matte matter depicting, describing or related to "specified sexual activities" or "specified anatomical areas".

~~302.02.2. Adult entertainment establishment.~~ Any regulated use such as an adult book/video store, adult motion picture theater, massage parlor, strip lounges.

~~302.02.3. 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.

~~302.03. 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.

~~302.03.1. 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.

~~302.04. 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.

~~302.04.1. Animal livestock unit.~~ One animal livestock unit equals one thousand (1,000) pounds of live weight for any animal or group of animals.

~~302.04.2.~~ *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.

~~302.05.~~ *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.

~~302.06.~~ *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.

~~302.06.01.~~ *Arena.* An enclosed or partially enclosed area used for public entertainment, of permanent construction having permanent electrical and plumbing improvements and adequate parking.

~~302.06.02.~~ *Auction house.* A structure or enclosure where goods are sold by auction.

~~302.06.02.~~ *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 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.

~~302.08.~~ *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.

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.

~~302.09.~~ *Base map.* A document on which property lines are depicted to the most accurate scale available.

~~302.09.01.~~ *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.

~~302.09.2.~~ *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 VA Department of Conservation and Recreation, the Robert E. Lee Soil & 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.

~~302.10.~~ *Board of appeals.* The Amherst County Board of Zoning Appeals as established under this ordinance.

~~302.11.~~ *Board of Supervisors.* The board of supervisors of Amherst County, Virginia; the governing body.

~~302.11.1.~~ *Boat.* Any vehicle designed for travel on water, not exceeding thirty-five (35) feet in body length and nine (9) feet in width.



~~302.12. 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.

~~302.13. Buildable area.~~ The area of a lot remaining after required yards, open spaces, parking, loading and access areas have been provided.

~~302.14. Building.~~ Any structure designed or intended for support, enclosure, shelter, or protection of persons, animals, chattels or property.

~~302.15. 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.

~~302.16. 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.

~~302.17. 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.

~~302.18. 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.

~~302.19. 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.

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.

~~302.19.1.~~ 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.

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.

~~302.20.~~ 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.

~~302.21.~~ 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.

Clinics and medical offices. A facility operated by one or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

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.

~~302.22.~~ 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.

~~302.23.~~ Commercial. A wholesale, retail, or service business activity established to carry on trade for a profit.

~~302.24. 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.

~~302.25. 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.

~~302.25.1. 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.

~~302.25.2. 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.

~~302.26. 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.

~~302.27. County.~~ Amherst County, Virginia.

~~302.28. County administrator.~~ The county administrator of Amherst County, Virginia.

~~302.29. County building code.~~ The Virginia Uniform Statewide Building Code adopted by the Board of Supervisors on August 30, 1973, and any amendments thereto.

~~302.30.~~ *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.

~~302.31.~~ *Cul-de-sac.* A street with only one outlet terminating in a circular turning area.

~~302.32.~~ *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.

~~302.33.~~ *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.

~~302.34.~~ *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.

~~302.34.1.~~ *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 in this article 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.

~~302.35.~~ *District.* A section of Amherst County within which the zoning regulations are uniform.

~~302.36.~~ *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.

~~302.37.~~ *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.

~~302.38.~~ *Dwelling.* Any building or portion thereof which is designed for or used for residential purposes.

~~302.39.~~ *Dwelling, multifamily.* 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.

~~302.39.1~~ *Dwelling, short-term tourist rental of.* The rental for compensation of a dwelling for periods of less than thirty (30) consecutive days.

~~302.40.~~ *Dwelling, single-family.* A building designed for and, when occupied, occupied exclusively by one (1) family in a single dwelling unit.

~~302.41.~~ *Dwelling, two-family (duplex).* A building designed for occupancy exclusively by two (2) families living independently of each other in two (2) dwelling units.

~~302.42.~~ *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.

~~302.43.~~ *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.

~~302.44. Emergency service.~~ Emergency services include fire, police, rescue squads and other similar activities.

~~302.45. Engineer.~~ An engineer registered by the Commonwealth of Virginia.

~~302.45.1. 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.

~~302.45.2. FAA.~~ The Federal Aviation Administration.

~~302.46. 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.

~~302.46.1 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.

~~302.46.2. Farm winery.~~ An establishment licensed as a farm winery under Virginia Code § 4.1-207.

~~302.46.3 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.



~~302.46.4. 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.

~~302.47.~~ *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.

~~302.47.1.~~ *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.

~~302.48.~~ *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.

~~302.49.~~ *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.

~~302.50.~~ *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.

~~302.51.~~ *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.

~~302.52.~~ *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.



~~302.53.~~ *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.

~~302.54.~~ *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 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.

~~302.54.1~~ *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 of this ordinance.

*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.

~~302.55.~~ *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.

~~302.56.~~ *Garage, public.* A building or portion thereof, other than a private garage, designed or used for storing motor driven vehicles.

~~302.57.~~ *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.

~~302.58.~~ *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.

~~302.59.~~ *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 paragraphs 902.04 and 902.05.

~~302.60.~~ *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.

~~302.61.~~ *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.

~~302.61.1.~~ *Governmental facility.* A building or structure owned, operated, or occupied by a governmental agency to provide a governmental service to the public.

~~302.62.~~ *Greenhouse.* A structure for the raising of plants or flowers indoors for private or retail purposes.

~~302.62.~~ *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.

~~302.63.~~ *Hazardous waste.* 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.

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.

~~302.64.~~ *Health department.* The Amherst County Health Department or its designated agent or representative.

~~302.64.1.~~ *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.

~~302.65.~~ *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.

~~302.66.~~ *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.

~~302.67.~~ *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 #) of Code of Virginia, 1950, as amended.

~~302.68.~~ *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.

~~302.69.~~ *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.

~~302.69.1.~~ *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.

~~302.69.2.~~ *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.

~~302.69.3. 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.

~~302.70. 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.

~~302.71. 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.

~~302.72. Kennel.~~ Any location where raising, grooming, caring for or boarding of dogs, cats or other small animals for commercial purposes is carried on.

Laundromats. 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.

Livestock. All domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in § 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.

~~302.72.1. Lodging.~~ Space or room furnished any transient.

~~302.72.2. 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.

~~302.73.~~ *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.

~~302.74.~~ *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 ordinance.

~~302.75.~~ *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.

~~302.76.~~ *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.

~~302.77.~~ *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.

~~302.78.~~ *Lot, interior.* A lot other than a corner lot with only one (1) frontage on a street.

~~302.79.~~ *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.

~~302.80.~~ *Lot line (property line).* The boundary of a lot.

~~302.81.~~ *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.

~~302.82.~~ *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.

~~302.83.~~ *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.

~~302.83.01.~~ *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.

~~302.83.1.~~ *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.

~~302.83.1.01.~~ *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 § 63.2-2200 of the Code of Virginia (1950), as amended, during more than half of the year.

~~302.83.1.1 Mineral extraction.~~ Mineral The extraction is the process of obtaining through excavation or extraction earth products or natural mineral deposits. The following earth products or natural mineral products permitted to be extracted are: sand, gravel, rock or clay, except where such excavation is for the purpose of grading for a building site or roadway, where sod is removed for landscaping, or where materials are excavated from that site for ultimate use on the same site by the owner of the property.

*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.

~~302.83.2.~~ *Modular building*, means, but shall not be limited to, single and multifamily 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 (§ 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 § 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 U.S.C. § 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 or more industrialized building units, and not designed for ready removal to or installation or erection on another site.

~~302.84.~~ *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.

~~302.84.1.~~ *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.

~~302.85.~~ *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.

~~302.86.~~ *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.

~~302.87.~~ *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.

~~302.88.~~ *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.

~~302.88.1.~~ *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.

~~302.89.~~ *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.

~~302.90.~~ *Normal pool elevation.* The height, above sea level, of the water held in any reservoir as it begins to overflow its spillway structure.

~~302.91.~~ *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.

~~302.92.~~ *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.

~~302.93.~~ *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.

~~302.94.~~ *Open space.* A yard area which is not used for or occupied by a driveway, off-street parking, loading space, refuse storage space.

~~302.95.~~ *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 houses.* A dwelling where a member of the church community can stay for an extended time.

*Parks.* 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.

~~302.95.1.~~ *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.

~~302.95.2.~~ *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.

~~302.96.~~ *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.

~~302.97.~~ *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.

~~302.97.1. 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 contained development or subdivision.

~~302.98. Plat.~~ The schematic representation of land divided or to be divided.

Poultry. All domestic fowl and game birds raised in captivity

~~302.98.1. 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.

~~302.99. 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.

~~302.100. 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.

~~302.101. Proffer.~~ An offer or proposal which the property owner, or his agents, commits himself as additional requirements or restrictions on his property.

~~302.102. 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.

~~302.102.01. 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.

~~302-103. 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.

~~302-104. 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.

~~302-105. Public water supply agency.~~ The administrative organization, department or agency which manages the daily and long term activities of a public water system.

~~302-106. 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

~~302-107. Ramada.~~ A structure erected over a mobile home for the purpose of providing shade or shelter.

~~302-107.1. 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.

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.

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

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

~~302.108.~~ *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.

~~302.109.~~ *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.

~~302.110.~~ *Resident engineer.* The resident engineer for Amherst County, Virginia, employed by the Virginia Department of Transportation, or his designated agent.

~~302.111.~~ *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.

~~302.112.~~ *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, ~~refreshment stands~~, or drive-in facilities. This term shall not include mobile food vendors or mobile food units.

~~302.112.1~~ *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 cafés and coffee shops.

~~302.113.~~ *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 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.

~~302-112.2.~~ *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.

~~302-114.~~ *Right-of-way.* Access over or across particularly described property for a specific purpose or purposes.

~~302-115.~~ *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.

~~302-116.~~ *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. 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.

~~302-117.~~ *Sanitary district.* The Madison Heights (Virginia) Sanitary District created by the board of supervisors.

~~302-118.~~ *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.



~~302.119.~~ *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.

~~302.120.~~ *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.

~~302.121.~~ *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.

~~302.122.~~ *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.

~~302.123.~~ *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.

~~302.123.1.~~ *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.

~~302.124.~~ *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.

~~302.124.1.~~ *Sexual implements.* Any device used to imitate in appearance or function human genitals or ~~public~~ public regions, or any device designed to be inserted in or attached to specified anatomical areas for the purposes of enhancing a sexual act.

~~302.125.~~ *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.

~~302.126.~~ *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.

~~302.127.~~ *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.

~~302.128.~~ *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).

~~302.129.~~ *Sign, attached.* Any sign supported by a wall, roof or other portion of a building.

~~302.130.~~ *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.

~~302.130.1.~~ *Sign face.* The material upon which an advertisement is affixed.

~~302.130.2.~~ *Sign frame.* A structure that encloses or otherwise supports the sign face and is attached to a sign structure.

~~302.131.~~ *Sign, freestanding.* A non-movable sign supported by structures or supports in or upon the ground and not attached to a building.

~~302.132.~~ *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.

~~302.132.1~~ *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.

~~302.133.~~ *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.

~~302.134.~~ *Sign, portable.* A sign that is not permanently affixed to the ground or another structure and is designed to be moved for reuse.

~~302.134.01.~~ *Sign refacing.* The replacement of a sign face of equal size as the original, without altering the sign frame or the sign structure.

~~302.134.02.~~ *Sign structure.* An assembly of material used to support a sign face(s) and/or sign frame(s).

~~302.134.1.~~ *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.

~~302.135.~~ *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.

~~302.135.1.~~ *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.

~~302.135.2.~~ *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.

~~302.136.~~ *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.

~~302.137.~~ *Street centerline.* A line generally parallel to the right-of-way lines that equally divide the street right-of-way.

~~302-138.~~ *Street, half.* A street that does not meet the minimum right-of-way width requirements set forth or referenced in this ordinance.

~~302-138.1.~~ *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 of this ordinance.

~~302-138.2.~~ *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.

~~302-138.3.~~ *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".

~~302-139.~~ *Structure.* ~~Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.~~

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

~~302-140.~~ *Subdivider.* Any person owning a tract or parcel of land to be subdivided.

~~302-141.~~ *Subdivision.* Any division of a piece of land.

~~302-141.1.~~ *Substance abuse treatment facility.* Structures and land used for the treatment of alcohol or other drug abuse where one (1) or more patients are provided with care, meals, and lodging.

~~302-141.2.~~ *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).

~~302-142.~~ *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.

~~302.142.1.~~ *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 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.

~~302.143.~~ *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.

~~302.144.~~ *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.

~~302.145.~~ *Timber harvesting.* The commercial cutting of timber.

Time –Share. Time-share means either a time-share estate or a time-share use plus its incidental benefits.;

Time-share estate means a right to occupy a unit or any of several units during five (5) or more separated time periods over a period of least five (5) years, 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 means 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 means 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 according to a fixed or floating time schedule on a periodic basis occurring over any period of time in excess of five (5) years.;

Time-share project means 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 means 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 means a right to occupy a time-share unit or any of several time-share units during five (5) or more separated time periods over a period of at least five (5) years, 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.

~~302.145.1.~~ 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.

~~302.146.~~ Town. The governmental entity of the Town of Amherst, Virginia.

~~302.147.~~ 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.

~~302.148.~~ Townhouse lot. A lot upon which a townhouse is or is to be erected.

~~302.148.1.~~ 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.

~~302.149.~~ 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.



~~302-150.~~ *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.

~~302-150.1.~~ *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.

~~302-151.~~ *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 Offices.* 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.

~~302-152.~~ *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.

~~302-152.1.~~ *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.



~~302.153.~~ *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.

~~302.154.~~ *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 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

~~302.155.~~ *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.

~~302.155.04.~~ *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).

~~302.155.02. 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 50kW, which will be used primarily to reduce on-site consumption of utility power.

~~302.155.03. Wind energy system, tower.~~ With regard to wind energy system, the structure on which the wind system is mounted.

~~302.155.04. 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.

~~302.155.05. 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.

~~302.156. 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.

~~302.157. 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.

~~302.158. 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.

~~302.159. 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.

~~302.160. Zoning map.~~ The official zoning district map for Amherst County, Virginia.

**707. General Commercial District B-2.**

*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. Newsstands;
10. Oil and gas exploration, extraction and production, provided the provisions of Sections 45.1-361.1 through 45.1-361.144, Code of Virginia, 1950, as amended, and the oil and gas rules and regulations promulgated by the Virginia Department of Labor and Industry are adhered to;
11. Professional office buildings;
12. Public utilities such as poles, lines, transformers, pipes, meters and related or similar facilities; water sewer distribution lines;
13. Retail nurseries and greenhouses;
14. 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;
15. Signs as provided in Section 907;
16. U.S. Post Offices;
17. Wearing apparel stores;
18. Antique and gift shops;
19. Automobile service stations as provided in Section 902;

20. Cemeteries;
21. Churches, manses, parish houses and adjacent cemeteries;
22. Day care centers;
23. Garages, public;
24. Hardware stores;
25. Motels, motor hotels and motor inns;
26. Restaurants;
27. Schools;
28. School support facilities;
29. Shopping center, subject to restrictions of Section 909;
30. Shopping complex;
31. Single-family dwelling and a retail sales and/or service store within the same main structure, provided the single-family dwelling unit occupies fifty (50) percent or more of the structure;
32. Telephone repeater substations, with no external antennas;
33. ~~Automobile laundry or car~~ 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;
34. Bakeries employing not more than ten (10) persons other than clerks and vehicle drivers;
35. Cabinet making shops;
36. Catering establishments;
37. Cold storage plants and frozen food lockers not including lard rendering and abattoirs;
38. Dry cleaning plants;
39. Funeral homes;
40. Furniture stores;
41. Printing plants and newspaper offices;
42. Radio and TV offices and studios;

43. Retail automotive parts stores;
44. Satellite dish antenna sales and service establishments;
45. Theaters, indoor;
46. Videotape sales and rental establishments;
47. Wholesale and jobbing establishments;
48. 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;
49. Colleges;
50. Community centers;
51. 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 with walls or fences, supplemented by plantings as may be prescribed by the board of supervisors;
52. Dormitories;
53. Excavation contractor's facilities and yards for storage of equipment intended for off-site use;
54. Feed and seed stores;
55. Golf driving range;
56. Kennels;
57. Light manufacturing, processing or packaging of products (including machine shops without punch presses) 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 a school district; shall not store or otherwise maintain any parts or waste material outside such building; 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;
58. Pest exterminating businesses;
59. 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;

60. 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;

61. Radio and TV transmitters;

62. Sign manufacturing;

63. Truck stop;

64. Veterinary hospitals and clinics;

65. Libraries;

66. Public utilities;

67. Public streets;

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

69. Short-term tourist rental of dwelling.

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

1. Bulk storage and sale of sand, gravel and rock;

2. Automobile sales, used;

3. Building and excavating contractor facilities with outside storage;

4. ~~Automobile laundry or car~~ Car wash, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process;

5. Building materials dealer, not including handling of bulk materials such as sand and gravel;

6. Farm machinery display, sales and services;

7. Machinery sales and services;

8. Arenas, auditoriums or stadiums;

9. Automotive repair garage, mechanical and body, provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or public lands district and which shall not store or otherwise maintain any parts or waste material outside such building;



10. Tire recapping, provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or school district and which shall not store or otherwise maintain any parts or waste material outside such building;
11. Adult entertainment establishments in accordance with Section 915;
12. Tattoo establishments;
13. Auction house;
14. Self-service mini-storage and warehouse facilities;
15. Travel trailer sales;
16. Display of and sale of wholesale and retail modular homes;
17. Small wind energy systems as provided in Section 918;
18. Substance abuse treatment facility;
19. Above ground liquefied petroleum gas containers between one hundred twenty-five (125) gallons water capacity and two thousand (2,000) gallons water capacity, provided there is a distance of three (3) feet between other liquefied petroleum gas containers. Liquefied petroleum gas containers shall be set back twenty-five (25) feet from roads and lot lines of adjoining properties and fifty (50) feet from all structures and installed in a manner to reduce exposure and proximity to vehicular traffic. The board of supervisors may impose greater setbacks if above ground liquefied petroleum gas containers are located in close proximity to the following non-exhaustive list of land uses: dwellings, schools, churches, government facilities, or other uses in which higher densities of people gather. The board of supervisors may provide for a reduction in setbacks if engineered provisions are made for blast containment. All requirements shall be in accordance with Chapter 4, Article II, Section 4-27 of the Amherst County Code, as amended.
20. Off-site directional signs compliant with the requirements of Section 907.04.
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.
23. 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.
24. Personal wireless service facilities as provided in Section 919.

**803. Maximum height restrictions.**

No building shall hereafter be erected, constructed or altered so as to exceed the height limit specified in the regulations herein for the district in which it is located.

803.02. The method determining the height of a building or sign is described in Section ~~302.14~~ 302 of this ordinance.

### **1301. Design requirements.**


#### *1301.04. Lot design requirements.*

1. Lot areas and dimensions and yard areas shall conform to applicable requirements [of] Articles VII and VIII, or, if applicable, Section 1301.03 herein.
2. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area or street footage which would be unusable for normal purposes.
3. In the case of lots for residential purposes, the lot area shall conform to the requirements of Article VIII. The lot area may be greater than the minimum specified if the commission finds that condition of health and/or safety so require, based on recommendations of the health department, or other appropriate agencies.
4. Double frontage lots should be avoided except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the ~~lien~~ line of lots abutting such a traffic artery or other disadvantageous use.
5. Drain fields and reserve drain fields must be located within the main body of the lot they serve. Peculiar lot configurations to accommodate drain fields located remotely from the main building site shall not be permitted.
6. The following regulations shall apply to flag lots, as defined in Section ~~302.047.1~~ 302 of the County Zoning Ordinance:
  - a. Must have twenty-five (25) feet of frontage at the front lot line on a public or private street and shall contain the minimum area required by the zoning district without utilizing the area within the elongated portion ("pole") of the lot in such computation of the lot area.
  - b. No two (2) elongated portions ("poles") providing access to the street shall abut or adjoin.
  - c. Flag lots may be used; however, no more than fifteen (15) percent of the total number of lots within a subdivision shall be flag lots. The commission may increase the total percentage of flag lots due to topographic conditions; however, the total percentage of flag lots cannot exceed twenty (20) percent.
  - d. The minimum lot width, as measured at the top of the elongated strip of land ("pole") opposite the front lot line, must meet the requirements for the district.

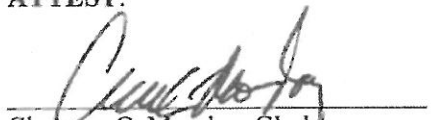
e. Front yard setbacks shall be applied at the enlarged area of the lot ("flag") where the lot meets the minimum lot width requirement for the district.

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

Adopted this 15<sup>th</sup> day of October, 2013.

  
Robert M. Curd, Chairman  
Amherst County Board of Supervisors

**ATTEST:**

  
Clarence C. Monday, Clerk  
Amherst County Board of Supervisors

Ayes 4

Nays 0

Abstentions 0