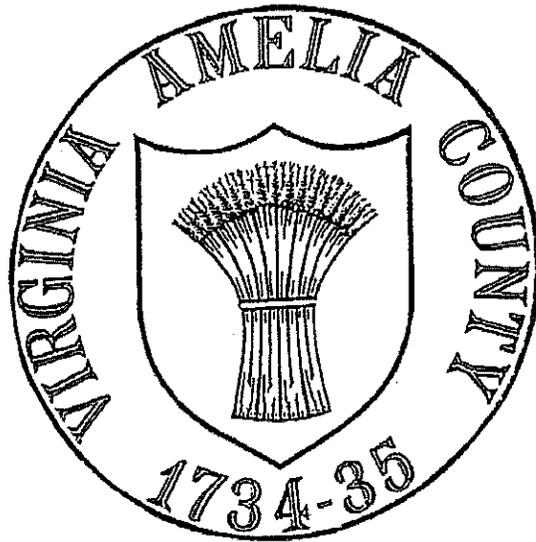


ZONING ORDINANCE



AMELIA COUNTY
VIRGINIA

ZONING ORDINANCE
OF
AMELIA COUNTY, VIRGINIA

ADOPTED DECEMBER 1, 1971
and amendments thereto

Overall Revision July 1, 1980
and amendments thereto

Overall Revision December 30, 1991
and amendments thereto

Overall Revision July 27, 1995
and amendments thereto

Amended November 15, 1995
Amended December 18, 1996
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AUTHORIZATION

WHEREAS, by Act of the General Assembly of Virginia, as provided in Chapter 11, Article 8, Section 15.1-486 through 15.1-503, Code of Virginia, 1950, and amendments thereto, the governing body of any county may, by ordinance, divide the territory under its jurisdiction into districts of such number, shape and area as it may deem best suited to carry out the purposes of this Article, and in each district it may regulate, restrict, permit, prohibit and determine the following:

- A. The use of land, buildings, structures and other premises for agricultural, commercial, industrial, residential, flood plain and other specific uses.
- B. The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures.
- C. The area and dimensions of land, water and air space to be occupied by buildings, structures and uses, and of courts, yards and other open spaces of lots based on whether a public or community water supply or sewer system is available and used.
- D. The excavation or mining of soil or other natural resources.

THEREFORE, BE IT ORDAINED by the governing body of Amelia County, Virginia, for the purpose of promoting the health, safety and general welfare of the public and of further accomplishing the objectives of Section 15.1-427 of the Code of Virginia, 1950, as amended, that the following be adopted as the Zoning Ordinance of Amelia County, Virginia, together with the accompanying maps. This Ordinance has been designed (a) to provide for adequate light, air, convenience of access and safety from fire, flood and other dangers; (b) to reduce or prevent congestion in the public streets; (c) to facilitate the creation of a convenient, attractive and harmonious community; (d) to expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewer, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements; (e) to protect against destruction of or encroachment upon historic areas; (f) to protect against one (1) or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation or loss of life, health, or property from fire, flood, panic or other dangers; (g) to encourage economic development activities that provide desirable employment and enlarge the tax base; (h) to provide for the preservation of agricultural and forestal land and other lands of significance for the protection of the natural environment; (i) to protect approach slopes and other safety areas of licensed airports including United States government and military air facilities; and (j) to promote affordable housing.

**ARTICLE I
IN GENERAL**

1.1 ADMINISTRATION

This Ordinance shall be enforced by the Zoning Administrator who shall be appointed by the governing body. The Administrator shall serve at the pleasure of that body. Compensation shall be fixed by the governing body. In his/her interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and general welfare.

Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this Ordinance. However, such construction permit must commence within thirty (30) days after this Ordinance becomes effective. If construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provisions of this Ordinance for the district in which the operation is located.

Where the conditions imposed by any provisions of this Article upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Article, the regulations which are more restrictive or which impose higher standards or requirements shall govern.

This Article is not intended to abrogate any easement, restriction, covenant or any other private agreement provided that where the regulations of this Article are more restrictive or impose higher standards or requirements than such easement, covenants or other private agreements, the requirements of this Article shall govern.

No building, structure or use which was not lawfully existing on December 1, 1971, shall become or be made lawful solely by reason of the adoption of this Ordinance; and to the extent that, and in any manner that such unlawful building, structure or use is in conflict with the requirements of this Ordinance, such building, structure or use remains unlawful hereunder.
(See Article V)

1.2 INTERPRETATION

Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts, as shown on the zoning maps, the following rules shall apply:

Where district boundaries are indicated as approximately following or being at right angles to the center line of streets, highways, alleys or railroad main tracks, such center line or lines at right angles to such center line shall be construed to be such boundaries, as the case may be.

Where a district boundary is indicated to follow a river, creek or branch or other body of water, said boundary shall be construed to follow the center line at low water or at limit of the jurisdiction, and in the event of change in the shoreline such boundary shall be construed as moving with the actual shoreline.

If no distance, angle, curvature description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on said zoning map. In case of subsequent dispute, the matter shall be referred to the Board of Zoning Appeals which shall determine the boundary.

1.3 SEVERABILITY

Should any article or provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

1.4 CONFLICTING ORDINANCES

All conflicting ordinances or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed.

1.5 EFFECTIVE DATE

The effective date of this Ordinance shall be from and after its passage and legal application, and its provisions shall be in force thereafter until repealed. This Zoning Ordinance of Amelia County, Virginia, shall be effective at and after December 1, 1971, and subsequent amendments thereto.

1.6 FEES AND CHARGES (Amended 6/29/04)

After holding public hearings as required by the Code of Virginia of 1950, as amended, the Board of Supervisors may adopt (and thereafter amend as necessary) a fee schedule to cover the cost of making inspections, issuing permits, advertising of notices, processing or rezoning applications and other expenses incident to the administration of this Ordinance or to the filing or processing of any appeal or amendment thereto. A copy of the fee schedule shall be maintained in the Zoning Administrator's office.

**ARTICLE II
DEFINITIONS**

2.1 DEFINITIONS

ABATTOIR: A place where livestock is slaughtered and prepared for distribution to butcher shops and food markets.

ACCESSORY BUILDING: A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. (Amended 5/16/01)

ACCESSORY USE OR STRUCTURE: A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building. (Amended 5/16/01)

ACID MANUFACTURING: The manufacturing and/or processing of caustic substances or materials such as acid.

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

ADDITION: Any construction which increases the area or cubic content of a building or structure.

ADJACENT: Nearby, but not necessarily touching or contiguous.

ADJOINING: Touching; abutting; contiguous.

ADMINISTRATOR: The official charged with the enforcement of the Zoning Ordinance.

ADULT ANIMAL: An animal that is of mature breeding age according to species in gender.

ADULT CARE FACILITY: A Facility where four or more individuals are cared for by another individual.

AGRICULTURAL, GENERAL: The tilling of the soil, the raising of crops, horticulture, forestry and livestock, not including packaging plants, processing plants, mills, wholesale or retail sales of goods produced off-site, or intensive agriculture. The raising of livestock shall be permitted only on a farm. (Amended 3/19/97)

AGRICULTURE, INTENSIVE: Those agricultural operations where concentrated numbers of agricultural animals are confined to a relatively small space including such operations as swine, veal, sheep and poultry houses or pens, feed lots for beef, sheep and other animals, dairy farming operations, and livestock markets. For the purpose of this section, any enclosed field, range, pen or building where more than 300 animal units are confined or housed for more than forty-five (45) days in any twelve month period shall constitute intensive agriculture.

AGRICULTURE, LIMITED: Agricultural activities in which there is no more than one (1) animal unit per acre excluding swine and poultry, and no more than one (1) animal unit per five (5) acres for swine and poultry.

AGRICULTURAL, SPECIAL: See Agricultural, Intensive

AIRPORT, HELIPORT, AIR STRIP: Any place where aircraft may take off or land and discharge or receive cargoes and/or passengers; may include repair, fueling or storage of aircraft.

ALLEY: A public way which affords only a secondary means of access to property abutting thereon.

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

AMUSEMENT PARK/COMMERCIAL RECREATIONAL FACILITY: An outdoor commercial recreational area of a permanent nature offering amusements, diversions and entertainments, whether operated seasonally or continually.

ANIMAL MANURE/WASTE BROKER: A person or corporation who possesses or controls animal manure/waste that is not generated on an animal feeding operation under their control and who transfers or hauls the animal manure/waste to other persons for lawful uses such as land application for the fertilization of crops or other lawful disposition. Such brokers are required to comply with applicable state regulations and have a business license to locate such business within the county. (Amended 10/20/10)

ANTIQUUE SHOP: A place in which older furniture and artifacts are sold on-site; may include furniture refinishing for on-site sales.

APARTMENT: A part of a building containing cooking and housekeeping facilities consisting of a room or suite of rooms intended, designed or used for residence by an individual or a single family.

APARTMENT HOUSE: A building used or intended to be used as the residence of three (3) or more families living independently of each other.

APICULTURE: The raising of bees, and their by-products, for commercial purposes.

AUCTION BARN: See Livestock Market

AUCTION HOUSE: An establishment, not including community centers and publicly owned buildings, within which objects of art, furniture and other goods, not including livestock, are offered for sale to persons who bid on the object in competition with each other.

AUTOMOBILE GRAVEYARD, COMMERCIAL: See junk yard.

AUTOMOBILE GRAVEYARD, NONCOMMERCIAL: Any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, without current state inspection stickers, county stickers or state vehicle tags, are placed, located or found.

AUTOMOBILE REPAIR SERVICES AND GARAGES: Establishments primarily engaged in furnishing automotive repair of an intensive nature such as general repairs, paint, or body shops, machine shops, vulcanizing shops, radiator repair shops, and engine and transmission repair shops.

AUTOMOBILE SERVICE STATION WITH MINOR REPAIR UNDER COVER: Any place of business with pumps and underground storage tanks having as its purpose the dispensing of motor vehicle fuels and lubricants and/or the servicing of motor vehicles, including minor repairs and inspections incidental thereto but not including a general repair shop, paint or body shop, machine shop, vulcanizing shop, or any operation requiring the removal or installation of radiators, engines, cylinder heads, crankcases, transmissions, differentials, fenders, doors, bumpers, grills, glass or other body parts or any body repairing or painting. The term shall not include truck stops.

BASE FLOOD/ONE-HUNDRED YEAR FLOOD: A flood that, on the average, is likely to occur once every one hundred (100) years (i.e. that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

BASE FLOOD ELEVATION (BFE): The Federal Emergency Management Agency designated one hundred (100) year water surface elevation.

BASEMENT: A story having more than one-half (1/2) of its height below grade.

BED AND BREAKFAST INN: (also see Country Inn)

A dwelling unit occupied by its owners where no more than seven (7) rooms are rented out to travelers for compensation without a provision for cooking in the rooms and where meals may be served to those guests who are renting rooms.

BOARD OF ZONING APPEALS: The board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of the Zoning Ordinance.

BOARDING HOUSE: A building where, for compensation, lodging and meals are provided for at least five (5) and up to fourteen (14) persons.

BOILERS: A closed vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum for use externally to itself by the direct application of heat from the combustion of fuels or from electricity. The term "boiler" shall include fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves.

BUFFER: A strip of land with existing vegetation retained and supplemented as required with trees/shrubs and maintained as undeveloped space along a stream bank, shoreline, or other environmental feature for protection purposes or along the perimeter of a parcel to provide transition and separation, to reduce noise and glare and to partially obstruct the view between adjacent land uses or properties. Buffers may be included within required yards. (Amended 9/15/04)

BUILDING: Any structure having a roof supported by columns or walls, built for the support, shelter or enclosure of persons, animals, chattels or property of any kind, except a tent, travel trailer, or motor home.

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

BUILDING, MAIN: A building in which is conducted the principal use of the lot on which it is located.

BULK ANIMAL MANURE/WASTE STORAGE: When a parcel of land is used for the storage of bulk animal manure/waste prior to land application or other lawful disposition of such waste on another property (i.e. a site used by an animal manure/waste broker for off-site storage of animal manure/waste generated from an Intensive Animal Confinement Facility or other agricultural production,). Land used as an Intensive Animal Confinement Facility is not an animal manure/waste storage site for the purposes of this ordinance, and shall be governed by Article XXIII, or other applicable provisions contained herein. Such sites shall be compliant with all applicable local, state and federal laws and regulations.

"Bulk Animal Manure/Waste Storage" shall only include sites where 10 or more tons of transferred (generated off site) waste is stored in any consecutive 365 day period. (Amended 10/20/10)

CABIN: See tourist court.

CAMPER: Any individual who occupies a campsite or otherwise assumes charge of or is placed in charge of a campsite.

CAMPGROUND: A plot of land on which two (2) or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.

CAMPING UNIT: Any tent, travel trailer, cabin, lean-to, or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes.

CAMPSITE: Any plot of ground in a campground intended for the exclusive occupancy by a camping unit or units under the control of a camper.

CELLAR: A story having more than one-half (½) of its height below grade and which may not be occupied for dwelling purposes.

CEMENT, GYPSUM, FERTILIZER AND LIME MANUFACTURING: The processing and/or refinement of materials to produce such products as cement, gypsum, plaster, plaster of paris, fertilizer and lime.

CEMETERY: Land used for the burial of the dead, and dedicated for cemetery purposes, including columbariums and mausoleums when operated in conjunction and within the boundary of such cemetery.

CERTIFICATE OF OCCUPANCY: Official notification that a structure conforms to the provisions of the Zoning Ordinance and Building Code and may be occupied or used for the purpose(s) permitted by the applicable provisions of this Ordinance.

CHANGE OF USE: Any use which substantially differs from the previous use of building or land.

CHILD CARE CENTER: A structure either wholly or partially used for the temporary care and lodging, for compensation, of young children. Three (3) types of child care centers are:

HOME CARE: Use of the residential structure or part thereof for the temporary lodging and care of not more than four (4) children for compensation.

DAY CARE CENTER: A structure utilized for the temporary care of children or senior adults for compensation. This use must meet State licensing requirements.

NURSERY: A structure utilized for the reception, board and care for compensation of children. This use must meet State licensing requirements.

CHURCH (OR OTHER HOUSE OF WORSHIP): A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to conduct public worship.

CHURCH CAMPGROUND: A plot of land on which two (2) or more camping units are located, established or maintained for occupancy as temporary living quarters for recreation, education, or vacation purposes. May include a building with one (1) or more accessory structures or uses where persons may assemble for religious worship. Such land, buildings and/or accessory structures shall be owned, maintained and controlled by a recognized non-profit religious body organized to conduct public worship.

CLINIC: An office building or a group of offices for one (1) or more physicians, dentists, or similar medical practitioners engaged in treating the sick or injured, but not including rooms for abiding patients.

CLUB: A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

CLUBS AND LODGES: Buildings and facilities owned or operated by a charitable chartered non-profit corporation, fraternal organization or civic services' associations primarily for social, educational or recreational purposes and which may not be operated primarily for a profit.

CLUBHOUSE: A building or portion thereof, used by a club.

CLUSTER DEVELOPMENT: A development pattern in which residential uses are grouped together, leaving portions of the land undeveloped. Except as specifically noted, the density provisions remain the same while the area regulations may be reduced to permit residential land to be used as common open and undeveloped land.

COMMERCIAL RECREATIONAL FACILITY: See Amusement Park.

COMMISSION, THE: The Planning Commission of Amelia County, Virginia.

COMMON AREA: All land within a subdivision or townhouse development excluding public streets and rights-of-way and private lots held either by the owner/developer or an individual non-profit corporate owner whose members shall be all property owners within the subdivision or townhouse development.

CONCEPTUAL PLAN, CONCEPT DEVELOPMENT PLAN: A general plan for the development of a tract, submitted as part of a zoning map amendment application ("rezoning"), and binding for the general future development of the property upon approval of the zoning amendment application.

CONDITIONAL USE: See Special Exception

CONDITIONAL ZONING: A rezoning procedure authorized by Section 15.1-491.1, Code of Virginia, 1950, as amended, which allows the applicant to voluntarily propose (proffer) conditions that limit or qualify how their property may be used.

CONGREGATE LIVING FACILITY: A building, or part thereof that contains sleeping units where residents (12 maximum) share bathroom and/or kitchen facilities.

CONSERVATION EASEMENT: The recorded grant of property rights establishing limitations that run with the land that prohibit subdivision or non-farm development on the tract other than one single family dwelling. Such easements shall be held jointly by at least two of the following entities: the County, a homeowners association, by the Commonwealth of Virginia, or by a designated conservation organization approved by the County and authorized to hold easements by state law, Title 10.1 Virginia Conservation Easement Act, Code of Virginia. (Amended 9/15/04)

CONTIGUOUS: Touching, abutting, adjoining.

COUNTRY GENERAL STORE/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, paper and magazines, and general hardware articles. Gasoline may also be offered for sale and living quarters for owner or manager may be allowed but only as a secondary activity of the country general store.

COUNTRY INN: (also see Bed and Breakfast Inn and Hotel)

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

CUL-DE-SAC: A dead-end street with an appropriate turn-a-round that affords safe and convenient movement of traffic.

CUSTOM MEAT CUTTING: A service provided to area residents where game and livestock meat is killed, cut, dressed and packaged. The meat is not sold commercially from the custom meat cutting facility and the animals staged to be cut, dressed and packaged cannot be held for more than three (3) days prior to slaughter. (Amended 9/28/00)

DAIRY: A commercial establishment for the manufacture and sale of dairy products.

DAY CARE CENTER: See child care center.

DENSITY: The number of families, individuals, dwelling units or housing units per unit of land.

DEVELOPMENT: Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of mobile or manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

DEVELOPMENT STANDARD: Regulations which limit the size, bulk or siting conditions of particular types of buildings or uses located within any designated district or permitted as conditional uses.

DISTRICT: Districts as referred to in the Section 15.1-486, Code of Virginia, 1950, as amended.

DRIVE-IN ESTABLISHMENT: A drive-in establishment is a place of business being operated for the sale and purchase, as retail, of food and other goods, services or entertainment, which is laid out and equipped so as to allow its patrons to be served or accommodated while remaining in their motor vehicles, or which allows the consumption of any food or beverages in motor vehicles on the premises or elsewhere on the premises outside of any completely enclosed structure. If, in addition to the consumption of food and beverages in motor vehicles or elsewhere on the premises outside of any completely enclosed structure, an establishment also allows for the consumption of such products within a completely enclosed structure, it shall be considered a drive-in establishment. The term "drive-in establishment" shall include, but is not limited to, drive-in restaurants, diners, grills, luncheonettes, sandwich stands, short-order cafes, theaters, service stations and motor vehicle laundries.

DRIVEWAY: A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

DWELLING OR DWELLING UNIT: Any building, or portion thereof, providing complete independent permanent facilities for living, sleeping, eating and sanitation, designated for or used exclusively as living quarters by one (1) family, but not including a tent, cabin, travel trailer, motor home or a room in a hotel or motel.

DWELLING, MULTIPLE-FAMILY: A building containing three (3) or more dwelling units (an apartment house) with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING, SINGLE-FAMILY: A permanent structure arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.

DWELLING, TOWNHOUSE: One of a series of three (3) or more attached dwelling units separated from one another by continuous vertical walls without openings from basement floor to roof.

DWELLING, TWO-FAMILY: A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

DUMP HEAP (TRASH PILE): A disposal site or other repository for solid waste for more than thirty (30) days that is greater than one hundred (100) square feet in area, which is unregulated and unlicensed by the Commonwealth of Virginia and/or operated without daily compaction or cover of the solid waste. "Dump Heap" shall not apply to a junk yard.

END USER ANIMAL MANURE/WASTE STORAGE: When a parcel of land is used for the storage of animal manure/waste, not for the purposes of brokerage of such waste, but for the purposes of land application or other lawful disposition of such waste on property owned, operated or leased by the person temporarily storing such waste. Such storage shall not be considered "end user" if it occurs more than 120 days in any consecutive 12 month period on any single parcel, and in such instance shall be subject to the regulations applicable to Bulk Animal Manure/Waste Storage. Such sites shall be compliant with all applicable local, state and federal laws and regulations. (Amended 10/20/10)

EXISTING USE: The use of a lot or structure at the time of enactment of the applicable provisions of this article.

EXPANSION: Any construction or land disturbance which either increases the area or cubic content of a building or structure or which increases the land area which is disturbed, cleared, graded, paved or otherwise improved for broader or more intensive use.

FAMILY: One or more individuals occupying a premises and living in a single dwelling unit as distinguished from an unrelated group occupying a boarding house, lodging house, tourist home or hotel. The term shall include unrelated persons occupying a single dwelling unit, if the number of such unrelated persons does not exceed four (4).

FAMILY DIVISION (FAMILY EXEMPTION): An exemption from the minimum lot size requirements on parent tracts permitted in order to provide a residential building site for an immediate family member(s), in accord with Section 6.5 of the Amelia County Subdivision Ordinance. (Amended 12/17/03)

FARM: A parcel, or contiguous parcels, of land, containing 10 acres or more, used for agriculture. (Amended 3/19/97)

FARM STRUCTURES: Any building or structure used for agricultural purposes.

FEED LOT: A relatively small confined land area for fattening cattle or holding temporarily for shipment.

FINANCIAL INSTITUTION: Any building used primarily by State regulated businesses such as banks, savings and loans, credit unions, loan companies and investment companies.

FLEA MARKET: A temporary market made up of individual sellers of crafts, produce, used merchandise, antiques and/or other collectable items.

FLOOD: (A) A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; (2) the unusual and rapid accumulation or runoff of surface water from any source; (3) mud slides (i.e. mud flows) which are proximately caused by flooding as defined in (2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (B) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined in (A) (1) of this definition.

FLOOD PLAIN: (A) A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation; (B) an area subject to the unusual and rapid accumulation or runoff of surface water from any source.

FLOOD-PRONE AREA: Any land area susceptible to being inundated by water from any source.

FLOODWAY: The designated area of the flood plain required to carry and discharge flood waters of a given magnitude. For the purpose of this Ordinance, the floodway shall be capable of accommodating a flood of the one hundred (100)-year magnitude.

FORESTRY: The operation of timber tracts, tree farms, forest nurseries, or the gathering of forest products.

FRONTAGE: The minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the building setback line as defined and required herein.

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

GARAGE, PUBLIC: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor vehicles.

GOLF COURSE: Any tract of land, publicly or privately owned, on which the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as defined herein.

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.

GOVERNING BODY: The Board of Supervisors of Amelia County, Virginia.

GRADE: Grade or grade elevation shall be determined by averaging the elevations of the finished ground adjacent to all the corners and/or other principal parts in the perimeter wall of the building.

GREENBELT: A strip of land planted with evergreen trees, established to protect one type of land use from another with which it may be incompatible.

GREENHOUSE/NURSERY: Any building or structure that is used to grow plants, flowers or shrubs on a year-round basis for retail, commercial production or sale.

GROUP HOME: A special care human services facility that provides for the special care/residential needs of the physically challenged, mentally ill, mentally retarded or other developmentally disabled person not related by blood or marriage. Group homes for up to eight (8) mentally or developmentally disabled persons, with staff, shall be considered as a single-family dwelling.

HISTORIC STRUCTURE: Any structure that is: (A) listed individually on the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (B) certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary of Interior to qualify as a registered historic district; (C) individually listed on the Virginia Register of Historic Places (a listing maintained by the Virginia Department of Historic Resources).

HOME CARE: See child care center.

HOME OCCUPATION: An occupation conducted in a dwelling unit, provided that:

1. In the R-1, R-2, MHP, MHS, and ER-1 Districts, no person other than members of the family residing on the premises shall be engaged in such occupation at the site. In A-5, RP-5 and RR-3, one (1) outside employee may be engaged in the occupation at the site.
2. In the R-1, R-2, MHP, MHS and ER-1 Districts, the use of the dwelling unit, or accessory building, or both for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit, or of the accessory building, or of the dwelling unit and accessory building combined, shall be used in the conduct of the home occupation provided that, when the combined floor area of the dwelling unit and accessory building is used as the basis of computation, no more than twenty-five (25) percent of the dwelling unit floor area may be used for the home occupation, but up to one hundred (100) percent of the accessory floor area may be so used.

In the A-5, RP-5 and RR-3 Districts, the home occupation may be conducted in an accessory building that is up to fifteen hundred (1500) square feet in size.

3. There shall be no change to the outside appearance of the dwelling unit or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding four (4) square feet in area, non-illuminated and mounted flat against the wall of the dwelling unit.

4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood.

5. Any needed parking generated by a home occupation shall be met by off-street parking and other than in the required front yard.

6. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable by the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuation in line voltage off the premises.

7. Auto, motorcycles, trucks, etc., repair shops are prohibited.

8. Roadside vegetable or fruit stands for sale of vegetables or fruits produced by the roadside stand operator will be allowed in Agricultural District zones provided off-street parking is provided. Road side parking is prohibited. (Amended 4/20/05)

HOMEOWNERS ASSOCIATION: A non-profit organization operating under recorded land agreements through which: (a) each lot and/or homeowner in a development is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization activities, such as maintaining a common property, and (c) the charge if unpaid becomes a lien against the property. (Amended 9/15/04)

HOSPITAL: An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, home for the aged and sanitariums, but in all cases excluding institutions primarily for mental or feebleminded patients, epileptics, alcoholics or drug addicts. (Certain nursing homes and homes for the aged may be home occupations if they comply with the definitions herein.)

HOSPITAL, SPECIAL CARE: A special care hospital shall mean an institution rendering care primarily for mental or feebleminded patients, epileptics, alcoholics or drug addicted patients.

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

HUMAN SERVICES FACILITY: Those residential and other auxiliary services provided to the physically challenged, mentally ill or mentally retarded, and other developmentally disabled persons which enable them to live in the community.

HYDROPONIC GARDENING: The science of growing plants without soil, also called soil-less agriculture, nutriculture or chemical-culture. Operations of this type can range in size from small pots for individual plants to huge tanks for large scale growing while small hydroponic gardening operations would not pose a problem in residential areas, large ones would require sizeable electrical generator capacity, hence the possibility of a noise factor. Additionally, larger operations would require a lagoon, sewage discharge facility for disposal of refuse/waste materials and other types of pollutants.

JUNK YARD: The use of more than two hundred (200) square feet of the open area of any lot or parcel of land for the depositing, keeping or storage of junk, including, but not limited to, scrap metals or other scrap material, discarded household appliances, furnishing and fixtures, dismantled or demolished motor vehicles or other machinery or parts thereof, or one (1) or more motor vehicles that are inoperable and without a current state inspection sticker, county sticker or state vehicle tags. The term "junk yard" shall not include any of the items recited herein which are incidental and necessary to any agricultural or industrial use.

KENNEL: A place designed to house, board, breed, handle or otherwise keep or care for dogs, four (4) months old or older, for sale or in return for compensation and which requires a business license to be obtained from the Commissioner of the Revenue. (Amended 3/19/97)

KILN DRYING: The drying of wood products in a kiln by use of fans.

LABOR, FARM: One (1) or more individuals who provide services on a farm as an employee or hired out as a member of a crew.

LANDFILL: A sanitary landfill, an industrial waste landfill, a construction/demolition/debris landfill, or combination of the same, having all federal and state permits necessary for operation in compliance with law, and which is located, designed, constructed and operated to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment and which is operated by means of compacting and covering solid waste at least once each operating day.

- a. Sanitary Landfill means an engineered land burial facility for the disposal of solid waste.
- b. Industrial Waste Landfill means a solid waste landfill engineered, constructed and operated primarily for the disposal of a specific industrial waste or wastes which are by-product of a production facility.
- c. Construction/Demolition/Debris Landfill means a land burial facility engineered, constructed and operated to contain and isolate construction waste, demolition waste, debris waste, inert waste or combinations of such solid wastes.

LARGE LOT DIVISION (LARGE LOT DEVELOPMENT): All divisions of land resulting in one or more lots of forty (40) acres or more shall be considered a large lot development. (Amended 12/17/03)

LAUNDROMAT: An establishment providing washing, drying or dry cleaning machines on the premises for rent to or use by the general public for family laundering or dry cleaning purposes.

LIBRARY: A place where books, manuscripts, magazines, musical scores, and other literary and artistic materials are kept for use and borrowing and only incidentally for sale.

LIVESTOCK: Domesticated animals kept for use on a farm or raised for sale or profit. Livestock shall include, but not be limited to, pigs, sheep, cattle, veal calves, goats, chickens and horses.

LIVESTOCK MARKET: A commercial establishment wherein livestock is collected for sale or auction.

LODGE; A small shelter, or habitation, used as a temporary abode, as in the hunting season.

LOT: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon.

LOT AREA: The total area within the lot lines of a lot, excluding any street right-of-way. In the R-1 and R-2 districts, the total area within the lot lines of the lot also excludes any area located within the FEMA 100-year floodplain.

LOT, CORNER: A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on a street.

LOT, DEPTH OF: The average horizontal distance between the front and rear lot lines.

LOT, INTERIOR: Any lot other than a corner lot.

LOT, NONCONFORMING: 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 on the effective date of this Ordinance or as a result of subsequent amendments to this Ordinance.

LOT, WIDTH OF: The average horizontal distance between side lot lines.

LOT OF RECORD: A lot which has been recorded in the Clerk's Office of the Circuit Court of Amelia County.

MAIN USE: See Principal Use.

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 different purpose.

MANUFACTURED HOME: A structure subject to Federal Regulations, which is transportable in one or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in traveling mode, or three hundred twenty (320) or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single family dwelling, with or without a permanent foundation when connected to the required facilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Manufactured homes shall be permitted only when used as dwelling units.

MANUFACTURING, LIGHT: The processing, assembling or converting of raw, unfinished materials or products into articles or substances of different character, or for use for a different purpose, without intensive or large scale use of toxic chemicals, blast furnaces or other facilities that create large amounts of noise, odor, effluent or other substances or potential impacts.

MINI-WAREHOUSE STORAGE: A grouping or cluster of individual storage units, of less than three hundred sixty (360) square feet in area per unit, on a single lot.

MOBILE HOME: See manufactured home.

MOBILE HOME PARK: Any parcel designed to accommodate two (2) or more mobile homes intended for residential use where residence is in mobile homes exclusively.

MOBILE HOME STAND: The area within a mobile home park on which an individual mobile home may be located.

MOBILE HOME SUBDIVISION: Any division of land, as defined by the Amelia County Subdivision Ordinance, for the intended purpose of occupation of the resultant lots by mobile homes. Each lot shall be separately owned and shall not be occupied by more than one (1) mobile home at any one time.

MODULAR OR PREFABRICATED HOUSING UNITS: An industrial building assembly consisting of two (2) or more standardized subassemblies including the necessary electrical, plumbing, heating, ventilating and other service systems which are built to the Virginia Uniform Building Code standards, manufactured off-site and transported to the point of use for installation or erection, to a permanent foundation, as a finished building and not designed for removal to or installation, erection, or assembly or another site. Modular or prefabricated housing units are allowed in any zoning district that permits conventional dwellings.

MOTEL: See tourist court.

MOTOR LODGE: See tourist court.

NEW CONSTRUCTION: For the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial Federal Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For flood plain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of a flood plain management regulation adopted by Amelia County and includes any subsequent improvements to such structures.

NONCONFORMING ACTIVITY: An otherwise legal use of a building structure or of a tract of land, that does not conform to the use regulations of this Ordinance for the district in which it is located, either on the effective date of this Ordinance or as a result of subsequent amendments to this Ordinance.

NONCONFORMING STRUCTURE: An otherwise legal building or structure that does not conform with the area, yard, height, coverage, or other lot regulations of this Ordinance for the district in which it is located, either on the effective date of this Ordinance or as a result of subsequent amendments to this Ordinance.

NURSERY: See child care center.

NURSING HOME/REST HOME: An establishment used as a dwelling place by the aged, infirm, chronically ill or incurable afflicted persons, in which three (3) or more persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals, and similar institutions devoted to the diagnosis, treatment and care of the sick or injured. This use shall meet State licensing requirements.

OFF-STREET PARKING AREA: Space provided for vehicular parking outside of the dedicated street or road right-of-way.

OPEN SPACE: Any parcel or area of land or water set aside, dedicated, designated or reserved for public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

PARKING SPACE: An area for the parking of a single motor vehicle.

PARKS/PLAYGROUNDS: An open space designed for the use of residents of a neighborhood or community for passive or active recreation or for conservation purposes which is not be designed or used for commercial or business purposes.

PEN, LIVESTOCK AND POULTRY: A small enclosure used for the concentrated confinement and/or housing of livestock including dogs and/or fowl wherein more than ten (10) animals or one hundred (100) fowl are confined or housed. Enclosed pasture or range within excess of one hundred fifty (150) square feet for each animal shall not be regulated as a livestock pen.

PERMIT: Written governmental permission issued by an authorized official empowering the holder thereof to do some act not forbidden by law but not allowed without such authorization.

PERMITTED USE: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PETROLEUM BY-PRODUCTS: Products that are derivatives of petroleum such as gasoline, fuel oil, heating oil, kerosene, natural gas, diesel fuel and propane (LP) gas.

PLANNED UNIT DEVELOPMENT (PUD): A form of development which permits a variety of housing types, density, common open space and, in specific situations, land uses based on a development plan. The PUD permits the planning of a project and the calculations of densities for the entire development rather than on an individual lot-by-lot basis.

PRINCIPAL USE: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

PROFFER: A condition voluntarily offered by a developer that limits or qualifies how the property in question will be used or developed. Proffers are made under the terms of conditional zoning to lessen the possible negative effects of an unrestricted rezoning. The conditions proffered shall relate to the rezoning itself and shall be in accordance with the Comprehensive Plan of Amelia County. Terms of any proffer must be submitted in writing by the developer prior to a public hearing before the governing body.

PUBLIC UTILITY SYSTEMS: A public utility system is one that is owned and operated by a municipality or county, or owned and operated by a private individual or a corporation approved by the governing body and properly licensed by the State Corporation Commission and other applicable state agencies, and subject to special regulations as herein set forth.

PULPWOOD YARD: A facility for the receiving, storing and shipping of pulpwood.

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

RESOURCE RECOVERY FACILITY: A facility for the preparation for reuse of any recyclable material including the sorting, processing, assembling, packaging, baling, and storage of materials made from previously prepared basic materials such as paper, plastic, metals and aluminum, cloth, rubber, oils, and grease, glass, wood and similar materials. (Amended 5/16/12)

REQUIRED OPEN SPACE: Any space required in any front, side or rear yard that shall remain without buildings

RESTAURANT: Any building in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tea rooms, confectionery shops or refreshments stands.

RETAIL STORES AND SHOPS: A building 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 illustrations; drug stores, newsstands, food stores, candy shops, milk dispensaries, household appliance stores, furniture stores, florists, opticians, music and radio stores, tailor shops, farm supplies, beauty shops, barber shops and department stores.

ROAD: See street.

SALVAGE YARD: See junk yard.

SAWMILL, PORTABLE: A portable sawmill, including chippers and debarkers, located on private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.

SCREENING: A vertical barrier located so that it separates and protects one type of land use from another. Natural or man-made materials may be used. Examples include, but are not limited to, masonry walls, six (6) feet evergreen hedge, and uniformly solid board fence. (Amended 9/15/04)

SEMI-PUBLIC FACILITY: A facility that is privately owned, but utilized by the public, such as a church, cemetery, etc.

SETBACK: The minimum distance by which any building or structure must be separated from the front lot line.

SHOPPING CENTER: A group of stores, shops and other commercial establishments within a single architectural unit sharing access, parking and other common areas.

SIGN: Any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known, whether such display be made on, attached to, or as a part of a structure, surface or any other things, including, but not limited to the ground, any rock, tree, or other natural object, which displays visible beyond the boundaries, of the parcel of land on which the same is made. A display of less than one (1) square foot in area is excluded from this definition.

SIGN, ANIMATED: Television quality animation shall not be allowed. (Amended 12/18/13)

SIGN, AREA: The surface area of a sign which shall be computed to including the entire area within a circle, semi-circle, triangle, rectangle, parallelogram, or trapezoid enclosing all elements of the matter displayed, excluding frames and columns or uprights on which the sign is placed. Only one side of a double-faced sign, whose sign faces are parallel and are at no point more than two feet from one another, shall be included in the computation of total sign area; for all other signs with more than one face, each side shall be included in the computation of total sign area.

SIGN, ABANDONED: Any sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity located, conducted, or sold on the premises upon which such sign is located.

SIGN, BANNER: Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, or fabric of any kind. National flags, flags of political subdivisions and symbolic flags or any institution or business flags shall not be considered banners for the purpose of this Ordinance.

SIGN, BUSINESS: A sign which directs attention to a product, commodity or service available on the premises.

SIGN, CONSTRUCTION: Any sign giving the name or names of principal contractors, architects, engineers and landscape architects and lending institutions responsible for construction on the site where the sign is placed.

SIGN, DIRECTIONAL: A directional sign is one (one end of which may be pointed, or on which an arrow may be pointed) indicating the direction to which attention is called, is nine (9) square feet or less in area, and gives the name only of the farm or business responsible for the erection of same.

SIGN, FLASHING: no strobe type lights are allowed; flashing lights will not increase in intensity or brightness. Electronic Messages are not considered flashing. (Amended 12/18/13)

SIGN, FREESTANDING: Any sign which is supported by structures or supports in or upon ground and independent of support from any building.

SIGN, GENERAL ADVERTISING: A sign which directs attention to a product, commodity, or service, not necessarily available on the premises.

SIGN, HEIGHT: The vertical distance from the street grade or from the average lot grade at the required minimum front setback line for signs, whichever allows for the greater height, to the highest point of the sign.

SIGN, HOME OCCUPATION: A sign, not exceeding four (4) square feet in area, non-illuminated and mounted flat against the wall of the dwelling unit directing attention to a product, commodity or service available on the premises, but which product, commodity or service is clearly a secondary use of the dwelling.

SIGN, IDENTIFICATION: A sign identifying only name and address of the dwelling, farm, subdivision, or planned development and/or dwelling owner or manager.

SIGN, INTERMITTENT ILLUMINATION: Message changes shall be no more frequent than every five seconds.(Amended 12/18/13)

SIGN, OUTDOOR ADVERTISING: A structure including billboards and painted walls, used as an outdoor display for the purpose of making anything known, the matter advertised or displayed not exclusively related to the premises where such sign is located or to which it is offered.

SIGN, POLITICAL: Any sign used to advertise or promote the candidacy of an individual for public office or express a personal belief or statement of the property owner(s). Such signs shall not exceed six (6) square feet in sign area in residential districts and thirty-two (32) square feet in agricultural, commercial and industrial districts.

SIGN, PORTABLE: Any sign not permanently attached to the ground, a structure or any other sign. Such signs are allowed for a temporary period (not to exceed thirty (30) days and a separation of at least two hundred (200) feet must be maintained between portable signs.

SIGN, PROJECTING: Any sign which extends in excess of eighteen (18) inches beyond any vertical surface of the building which supports it.

SIGN, REAL ESTATE: Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed. Such signs shall be removed within ten (10) days after the property is sold.

SIGN, ROOF: Any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure. A roof sign is further defined to be above the ridge line of the roof of the building.

SIGN, STRUCTURE: Includes the supports, uprights, bracing and frame work of any structure, be it single-faced, double-faced, v-type or otherwise, exhibiting a sign.

SIGN, TEMPORARY: A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions or sale of land.

SIGN, WALL: Any sign attached to and supported by the exterior surface of the wall of a buildings or structure in a place substantially parallel to that of the supporting wall. No such business sign shall extend or be mounted above or beyond the wall of the building.

SIGN, YARD SALE: Any sign advertising a special sale by property owner(s). Such signs shall not exceed six (6) square feet in sign area and must be removed within one week after the yard sale has been conducted.

SINGLE CUT SUBDIVISION: A subdivision in which a single lot is divided from a parent tract, and which thus qualifies for special administrative procedures under the provisions of Section 6.2 of the Amelia County Subdivision Ordinance. (Amended 12/17/03)

SITE PLAN: The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, flood plains, marshes and waterways, open spaces, walkways, means of ingress and egress, utility services, landscaping, building structures and signs, lighting and screening devices, and any other information required by the terms of this Ordinance.

SPECIAL EXCEPTION: Sometimes called a conditional use permit or special use permit. A use category wherein the governing body, on a case-by-case basis and subject to certain conditions, allows land uses that may have some characteristics which are incompatible with adjacent land uses.

SOLID WASTE: Garbage, refuse, litter, junk and other discarded solid materials, including, but not limited to, solid waste materials resulting from household, industrial, commercial or agricultural operations. community activities, yard wastes such as leaves, grass and shrubbery clippings, tree limbs and stumps, discarded organic materials, all "garbage," Waste Management Regulations of the Commonwealth of Virginia's Department of Environmental Quality, and any other materials defined or treated as solid waste under any federal, state or local law, rule regulation or ordinance; provided, however, that solid waste shall not include solid or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows, or other common water pollutants. (Amended 12/18/96)

START OF CONSTRUCTION: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or

foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

STORE: See retail stores and shops.

STORY: That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, the space between the floor and the ceiling next above it.

STORY, HALF: A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor is finished off for use.

STREET, ROAD: A public thoroughfare which affords principal means of access to abutting property.

STREET, ROAD, PRIVATE: A street or road which is not dedicated to public use or maintenance and is not a component of the State primary or secondary road system, and which affords principal means of access to property, but not including a driveway, farm lane or logging trail located on property under single ownership and not used or intended for access to existing or future development.

STREET, CENTER LINE: The center line of a street shall mean the center line thereof as shown in any of the official records of the County, or as established by the Virginia Department of Transportation. If no such center line has been established, the center line of a street shall be a line lying midway between the side lines of the right-of-way thereof.

STREET LINE: The line between a lot, tract, or parcel of land and a continuous street.

STRUCTURE: Anything, other than a fence, constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. This includes, among other things dwellings, buildings, signs, etc.

STRUCTURAL ALTERATION: Any change in the supporting members of a building, including, but not limited to, bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

STRUCTURE, UNOCCUPIED INDUSTRIAL: any structure that is part of an industrial business or operation, which not designed, constructed, or intended for human habitation or occupation. (Amended 3-16-11)

SUBDIVIDE: The partition or division of land into two (2) or more lots, tracts, parcels, plots, sites, areas, units, interest or other divisions of land for the purpose, whether immediate or future, of offer, sale, lease, transfer of ownership, building construction, development, or any land use. Subdivision applies to all forms of development including residential, commercial and industrial, and includes the division of land whether by deed, contract of sale, metes and bounds description, devise, intestacy, lease, map, plat or other instrument, or by act of construction or land use. Subdivision includes re-subdivision and, when appropriate to the context, shall relate to the land subdivided.

All subdivisions shall be classified as either a MINOR subdivision or a MAJOR subdivision.

The term "to subdivide" shall **not** include:

1. The sale or gift of a lot or parcel of land to a member of the immediate family of the owner(s) for the purpose of providing a residential building site for such family member. A member of the immediate family is limited to grandparents, parents, spouse, siblings, children and grandchildren, natural or legal, of the owner; or

2. The formation of individual lots, provided the deed to such lots states that the property is to be merged with adjoining land for the exclusive purpose of increasing land area and adjusting shape. Properties so merged may not be considered as separate parcels and may not be used or sold individually, unless in agreement with prevailing county land development laws; or

3. The formation of cemetery lots.

4. Partitions of land by tenants in common, joint tenants, executors with the power to sell, and coparceners, whether by suit or by act of the owners. However, partitions of land must comply with the minimum lot size required by the parcel's zoning classification.

5. Any and all divisions of a parent tract which result in all lots being equal to or in excess of forty (40) acres. (Amended 12/17/03)

SUBDIVISION, MAJOR: The division of a parent tract into parcels which do not qualify for subdivision exemptions. This designation shall also apply to all subdivisions of property not considered to be minor subdivisions. (Amended 12/17/03)

SUBDIVISION, MINOR: Any and all divisions of a parent tract which result in all lots equal to or in excess of fifteen (15) acres are considered minor subdivisions, regardless of the number of divisions. (Amended 12/17/03)

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure."

SWIMMING POOL: A water-filled enclosure permanently constructed or portable having a depth of more than eighteen (18) inches below the level of the surrounding land or an above-surface pool having a depth of more than thirty (30) inches designed, used and maintained for swimming.

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 occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in § 63.2-2200, as certified in writing by a physician licensed in the Commonwealth; (iii) has no more than 300 gross square feet; and (iv) complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq.) and the Uniform Statewide Building Code (§ 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

TOURIST COURT, AUTO COURT, MOTEL, CABIN OR MOTOR LODGE: One (1) or more buildings containing individual sleeping rooms, designed for or used temporarily by tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

TOURIST HOME: A dwelling unit where only lodging is provided for accommodation for up to fourteen (14) persons (in contrast to hotels and boarding houses) and open to transients.

TRAVEL TRAILER/RECREATIONAL VEHICLE: A vehicular unit mounted on wheels for use on roads propelled or drawn by its own or other motor power, and designed and constructed to provide for temporary living and/or sleeping quarters for one or more persons.

TRUCK STOP: Any building, premises, or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, and the sale of accessories or equipment for trucks or similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews.

TURKEY SHOOT: A shooting match or similar activity conducted by a nonprofit organization involving the discharge of firearms at a target or targets with the object of such activity being to determine a winner of a prize such as a turkey or pork ham or other food stuff or other prize.

USE, ACCESSORY: A subordinate use, customarily incidental to and located upon the same lot occupied by the main house.

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

WAREHOUSE: A building used primarily for the storage of goods and materials.

WAYSIDE STAND, ROADSIDE STAND: Any structure or land used for sale of agricultural or horticultural produce, livestock, or merchandise produced by the owner or his/her family on their farm.

YARD: An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

YARD, FRONT: An open, unoccupied space on the same lot as a building, between the front line of the building (excluding steps) and the front lot or street line and extending across the full width of the lot.

YARD, REAR: An open, unoccupied space on the same lot as a building, between the rear line of the lot and the rear line of the building and extending the full width of the lot.

YARD, SIDE: An open, unoccupied space on the same lot as a building, between the side line of the lot and the side line of the building and extending from the front yard line to the rear yard line.

2.2 GENERAL RULES OF CONSTRUCTION

The following general rules of construction shall apply to the regulations of this Ordinance:

- A. The singular number includes the plural, and the plural the singular unless the context clearly indicates otherwise.
- B. Words used in the present tense include the past and future tenses, and the future tense includes the present.
- C. The word "shall" is always mandatory. The word "may" is permissive.
- D. The word "building" or "structure" includes any part thereof and the word "building" includes the word "structure".

- E. Words and terms not defined herein shall be interpreted in accordance with their normal dictionary meaning and customary usage.
- F. The terms "main" and "principal" as used herein are synonymous.

**ARTICLE III
MISCELLANEOUS PROVISIONS**

3.1 DISTRICTS ENUMERATED (Amended 6/23/05)

For the purpose of this Ordinance, the area of Amelia County, Virginia, is hereby divided into the following districts:

A-5	Agricultural
RP-5	Rural Preservation
RR-3	Rural Residential
R-10	Rural Preservation
R-5	Residential
R-3	Residential
ER-1	Existing Residential
R-1	Residential
R-2	Residential
R-MHP	Mobile Home Park
MHS	Mobile Home Subdivision
B-1	Business
B-2	Shopping Center
M-1	Industrial
M-2	Industrial
FP	Flood Plain

3.2 ZONING PERMITS

Buildings or structures shall be started, reconstructed, enlarged or altered only after a zoning permit has been obtained from the Zoning Administrator. Each application for a zoning permit shall be accompanied by two (2) copies of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, and the location of such building or use with respect to the property lines of said parcel of land and to the right-of-way of any street or highway adjoining said parcel of land. Any other information which the Zoning Administrator may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this Ordinance, a permit shall be issued to the applicant by the Administrator. One (1) copy of the drawing shall be returned to the applicant with the permit.

3.3 CERTIFICATE OF OCCUPANCY (Amended 5/20/98)

Buildings structurally altered or erected may be occupied or changed in use only after a certificate of occupancy has been issued by the Building Official/Building Inspector. Such a permit shall state that the building, or the proposed use, complies with the provisions of this Ordinance. A similar certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. A certificate of occupancy, either for the whole or a part of a building, shall be applied for simultaneously with the application for a zoning permit. The permit shall be issued within ten (10) days after the erection or structural alteration of such building or part has conformed with the provisions of this Ordinance.

3.4 USES NOT PROVIDED FOR

If, in any district established under this Ordinance, a use is not specifically permitted and an application is made by a property owner or owners to the Zoning Administrator for such use, the Administrator shall refer the application to the Planning Commission which shall make its recommendation to the governing body within ninety (90) days. If the recommendation of the Planning Commission is approved by the governing body, this Ordinance shall be amended to list the use as a permitted use in the district, henceforth. Both the Planning Commission and the governing body shall hold a public hearing after advertising in accordance with Section 15.1-431, Code of Virginia, 1950, as amended.

3.5 WIDENING OF HIGHWAYS AND STREETS

Wherever there shall be plans in existence, approved by either the Virginia Department of Transportation or by the governing body, for the widening of any street or highway, the Planning Commission may recommend additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way in order to preserve and protect the right-of-way for such proposed street or highway widening.

3.6 MINIMUM OFF STREET PARKING

There shall be provided at the time of erection of any main building or at the time any main building is enlarged or structurally altered and converted to another use, adequate minimum off-street parking spaces as follows:

USE	NUMBER OF SPACES
1. Dwellings:	
a. One-family	1 per dwelling unit
b. Two-family	1.5 per dwelling unit
c. Multi-family	1 per dwelling unit
d. Mobile homes in mobile home parks	1 per dwelling unit
e. Mobile homes on lots in subdivisions or in agricultural zoned areas	1 per dwelling unit
2. Tourist court, motel, motor hotel, motor lodge or hotel	1 per employee, plus 1 per sleeping room or suite
3. Rooming, boarding or lodging house or bed and breakfast	1 per sleeping room
4. Theatres, churches, auditorium and other places of public assembly	1 per 5 seats or bench seating spaces (seats in main auditorium)
5. Hospital	1 per patient bed
6. Sanitarium, convalescent home, home for the aged, or similar institution	1 per 5 patient beds
7. Funeral home	1 per 50 square feet of floor area excluding storage and work areas - 30 minimum
8. Medical offices or clinics	1 per 200 square feet floor area; 3 spaces minimum
9. Bowling alley	3 spaces per lane
10. Nursing, preschool, kindergarten, day care	3 per classroom
11. Public library, museum, art gallery or other public building	1 space per 300 sq. ft.
12. Furniture or appliance store	1 space per 300 sq. ft. 2 spaces minimum

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| 13. | Auto or boat sales & service | 1 space per 300 sq ft.
5 spaces minimum |
| 14. | Office or office building | 1 per 300 square feet of
floor area; 5 spaces minimum |
| 15. | Restaurants | 1 per 100 square feet of dining area |
| 16. | Retail store or personal service
establishment and banks | 1 per 200 square feet of floor area |
| 17. | Country club, golf club or private
club | 1 per 5 members or 1 for each
400 square feet of floor
area whichever is greater |
| 18. | Amusement place, dance hall, skating
rink, swimming pool or similar
entertainment facility | 1 per 100 square feet of floor area |
| 19. | General service or repair establishment | 2 per employee on the premises |
| 20. | Automobile repair | 1 per employee and 2 per bay
(working station) |
| 21. | Animal hospital | 1 per 400 square feet of floor area |
| 22. | Laundromat | 1 per washing machine |
| 23. | Barber and beauty shop | 2 plus 1 space per station |
| 24. | Shopping center | 1 per 200 square feet of rental
floor area for shopping centers
with less than 25,000 square feet

1 per 250 square feet of rental
floor area for shopping centers
with 25,000 or more square feet |
| 25. | Manufacturing or industrial
establishment, research or testing
laboratory, creamery, bottling plant
wholesale warehouse or similar
establishment | 1 per each employee on
maximum working shift plus
space for storage of trucks or other
vehicles used in connection with
business or industry. |
| 26. | Any other commercial building not specifically listed above hereafter erected, converted or structurally altered shall provide one parking space for each 200 square feet of business floor space in the building. | |

3.7 PARKING LOT REGULATIONS

Parking spaces, as required in the foregoing, shall be on the same lot with the main building, except that in the case of buildings other than dwellings, spaces may be located as far away as six hundred (600) feet, unless this presents a safety hazard. Every parcel of land hereafter used as a public parking area shall be surfaced with gravel, stone, asphalt or concrete. It shall have appropriate guards where needed as determined by the Zoning Administrator. Any lights used to illuminate said parking area shall be so arranged as to reflect the light away from adjoining premises. The Zoning Administrator shall require certification of safe operation where the location of such parking results in the crossing of major roads or highways by persons seeking access.

Parking spaces shall be at least one hundred eighty (180) square feet with dimensions of either 9' X 20' or 10' X 18'. Handicapped parking spaces shall conform to the BOCA Code requirements, as amended, of 13' X 19'. In parking lots, there shall be a minimum of one (1) handicapped parking space for every fifty (50) parking spaces. Distances between lanes of parking spaces shall be a minimum of thirty (30) feet.

3.9 FINDING OF ADVERSE IMPACT

Should review of any proposal submitted for any zoning district create reasonable doubt as to its compatibility with the general area for which it is proposed or should review clearly demonstrate adverse impact on the general area for which it is proposed, additional zoning requirements may be imposed. Additional requirements must be based as findings of adverse impact.

3.10 DWELLING UNITS PER PARCEL

Unless otherwise provided for in a specific section of the Zoning Ordinance, only one (1) dwelling unit shall be permitted on any single parcel of land.

3.11 RESERVE DRAINFIELD

Prior to a building permit being issued for a residential, commercial or industrial use not serviced by the Amelia County Sanitary System, the Health Department must locate a perk site and design a septic system with a 100% reserve drainfield to minimize future problems due to septic system failures.

3.12 SPECIAL PROVISIONS FOR CORNER LOTS IN ALL DISTRICTS EXCEPT BUSINESS AND INDUSTRIAL DISTRICT

Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets.

The minimum side yard on the side facing the side street shall be twenty-five (25) feet or more for both main and accessory buildings.

3.13 PARKING, STORAGE OR USE OF MAJOR RECREATIONAL EQUIPMENT

For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting equipment, whether occupied by such equipment or not. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot.

3.14 SPECIAL EXCEPTION PERMIT REQUIRED FOR MORE THAN TWO (2) PERMITTED USES (Amended 12/17/03)

In the A-5, RP-5, RR-3, R-5, R-3, R-2, R-1, R-MHP and MHS Districts a Special Exception Permit shall be required for any permitted use that exceeds two (2) permitted uses per parcel. School, churches, and libraries are exempt from this requirement.

**ARTICLE IV
SPECIAL EXCEPTION PERMITS**

4.1 PURPOSE OF SPECIAL EXCEPTION PERMITS

Special exceptions are authorized by the terms of this Ordinance. The purpose of the special exception procedure is to provide for certain uses which cannot be well adjusted to their environment in particular locations by rigid application of the district regulations. These uses are generally essential or desirable at many locations in the County, but may have unusual characteristics or have characteristics which are different enough from those of their immediate surroundings that they require the exercise of planning judgement as to the location and plan of development.

4.2 GENERAL GUIDELINES AND STANDARDS (Amended 12/19/07)

A special exception may be approved by the governing body only if it is permitted as a special exception in the district regulations of the zoning district in which it is located or otherwise provided in this article, and only if: (a) it is found that the location is appropriate and not in conflict with the Comprehensive Plan and the statement of intent for the district in which it is located; (b) that the public health, safety, and general welfare will not be adversely affected; (c) that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values, and (d) that the additional standards, as set by the governing body, have been complied with. A violation of imposed conditions shall constitute a violation of this Ordinance.

In approving a special exception permit, the governing body may impose such reasonable conditions as it believes necessary to accomplish the objectives of this Ordinance with respect to use, screening, lighting, hours of operation, noise control, maintenance, operation, or other requirements; otherwise, the special exception permit will be denied.

Any special exception permit may be authorized and issued for either a limited or indefinite period of time. Special exception permits shall be subject to revocation at any time by the governing body for (1) failure of the permit holder to adhere to or maintain the applicable stated conditions; (2) if the actual conditions generated by the use granted are found to have a deleterious effect on the specific neighborhood. A violation of imposed conditions shall constitute a violation of this Ordinance.

Unless otherwise specified in this Ordinance, or specified as a condition of approval, the height limits, yard spaces, lot area, and sign requirements shall be the same as for other uses in the district in which the proposed special exception permit is located.

A special exception permit goes with the property. If a special exception permit is not used, or ceases to be used, for more than twenty-four (24) months, then the permit shall be considered null and void and a new special exception permit shall be required to renew the operation. All work must be completed within sixty (60) months; however, the Board of Supervisors may impose more stringent time limits, if it deems necessary.

It shall be a condition of all such permits that the permit holder and landowner consent to reasonable administrative inspections by the Zoning Administrator to determine compliance with the permit.

4.3 PROCEDURES, DEVELOPMENT PLAN REQUIRED

Applications for special exception permits shall be filed with the Zoning Administrator on a form provided therefore and shall be accompanied by the appropriate fee, as determined by the governing body, and sketch plan of development and other information sufficient to enable a full determination of the facts of the case and the impact of the proposal on surrounding properties. The Zoning Administrator shall establish minimum standards for sketch plans and shall assist the applicant with the use of available County maps to insure the accuracy of facts presented in the application. The Zoning Administrator or his/her agent shall make a field inspection of the property and shall be prepared to report to the governing body thereon. A request for a special exception permit shall be advertised as required by the Code of Virginia, 1950, as amended, prior to a hearing on the matter before the governing body.

The owners of all abutting property and property across the street or road from the property affected shall be notified of the request by first class mail at least five (5) days prior to the hearing.

4.4 EXISTING SPECIAL EXCEPTIONS

Except as otherwise provided in this Ordinance, any use listed as requiring approval as a special exception permit and which use legally exists at the effective date of the regulations of this Ordinance shall be considered a nonconforming use unless it has been approved as a special exception by the governing body.

4.5 SPECIAL EXCEPTIONS, SPECIFIC GUIDELINES AND STANDARDS

In addition to the general guidelines and standards set forth in this Article, certain specific guidelines and standards are established by the terms of this Ordinance to assist the governing body in arriving at a decision on particular applications for special exceptions. It is the intent that all of the applicable factors be weighed in order to reach a decision which best accomplishes the overall purpose of the special exception procedure, particularly in seeking compatibility between uses of different kinds.

4.6 ESTABLISHMENT OR ENLARGEMENT OF AN INTENSIVE AGRICULTURAL USE IN A NON-AGRICULTURAL DISTRICT

In reviewing an application for an special exception permit to establish or enlarge an intensive agricultural use in certain non-agricultural zoning districts under the terms of this Ordinance, the following factors shall be taken into account. It is not the intent of this Ordinance to establish numerical minimum or maximum values for specific aspects of the operation, there being many opportunities for variation depending on the facts of a particular location; provided, however, the governing body may establish specific values if it finds them to be reasonable in a particular case and may seek expert advise to assist with determinations. The factors to be considered shall include:

- A. The distance of the confinement site from property lines. A minimum distance and site area may be required to accommodate a particular operation.
- B. The type of operation.
- C. The proposed intensity of use, size of operation, number of animals or poultry, structures, machinery, noise, flies, rats, dust, odor, traffic, parking and loading areas, areas to be paved, and areas to be kept in grass.
- D. The type of waste and the waste disposal plan.
- E. Location with respect to streams or bodies of water.
- F. Conditions of surrounding land use, location of existing dwellings, businesses, public uses, and other special agricultural uses.
- G. The view of the site from surrounding properties.
- H. Significance of the direction of prevailing winds.
- I. Natural features, topography, the slope of the confinement site, intervening wooded areas, proposed grading and landscaping.
- J. Location of lands planned or zoned for residential or commercial use.
- K. Any other factor(s) deemed by the governing body to be necessary to the safety, health and welfare in establishing or enlarging a special agricultural use.

4.7 LOCATION OF A LANDFILL

Because of the necessity for extensive supervision and regulation of landfills in order to adequately protect the health and safety of the citizens of Amelia County, the governing body shall not approve any landfill, whether public or private, unless it finds that a clear public purpose, related to Amelia County, will be served by such landfill. In no event shall any landfill be approved which (a) does not exclude "hazardous waste," "infectious waste," "polychlorinated biphenyls (PCB's)" and "radioactive waste" such terms are defined by federal and state statutes and regulations, (b) is on a parcel of land less than two hundred fifty (250) acres, (c) fails to enter into an agreement with Amelia County providing the County access to inspect the site, operations and records of the landfill as the County deems necessary, (d) provides less than a double-lined facility (with each liner meeting not less than the minimum state and federal standards for liners) or (e) fails to agree to comply with all federal and state statutes and regulations applicable at the time the special exception permit is granted and as subsequently amended (provided such amendments are no less stringent than the regulations in effect at the time the special exception permit was granted). The governing body may require the following in connection with the application for a special exception permit for the landfill:

A. Studies, acceptable to the governing body, of the anticipated impact of the landfill on drainage, water quality, wildlife, wetlands, archaeological and historical resources traffic and the County's fiscal well being, together with adequate measures for remediation of any adverse impacts thereon and studies, acceptable to the governing body, of the topographic, soil and groundwater conditions of the site, as well as then current uses of adjoining properties;

B. Plans for tree protection (for buffer trees), landscaping and screening, control of all vectors, site and road dust control, methane response, parking, staging, lighting, all in a form acceptable to the governing body;

C. Buffers which are adequate to screen the landfill operations and assist in controlling noise, dust and litter, but in any event:

1. extend into the landfill site not less than two hundred (200) feet from the property lines;
2. extend not less than five hundred (500) feet from residences, churches, schools, recreation areas, active drinking water wells or springs, existing as of the date of the issuance of the special exception permit; and
3. extend not less than two hundred (200) feet from any regularly flowing channel of water;

D. Height limitations which are appropriate to the topography but in no event greater than one hundred (100) feet from ground level;

E. Remediation funds, in addition to amounts required by the Commonwealth of Virginia and in amounts acceptable to the governing body, in accounts, bonds or letters of credit available to the county, and in a form acceptable to the governing body, for response to any contamination;

F. Full reports on the fiscal resources of the applicant, the criminal and regulatory history of the applicant, and partners, corporate parent, officer or director thereof;

G. Boundary markers and/or signs identifying the property lines of the site and giving notice of the landfill use; and

H. Such other requirements and conditions as the governing body may deem appropriate.

Additionally, no accessory uses, including, but not limited to, maintenance garages, cogeneration facilities, incinerators, or any uses other than landfill use shall be approved unless specifically described in the special exception permit.

No special exception permit for landfill use shall be transferred or assigned. In the event no landfill (serving the public purpose related to Amelia County found by the governing body in connection with the issuance

of the special exception permit) is constructed within three (3) years of the issuance of the special exception permit, the special exception permit shall expire; provided, however, that the special exception may be extended for up to two (2) additional years upon application of the site owner and approval by the governing body. Additionally, the special exception permit shall expire if the landfill ceases operation for three (3) years or more.

4.8 LOCATION OF RADIO, TELEVISION OR COMMUNICATION STATIONS AND/OR TOWERS
(Amended 2/19/97)

The following conditions will be imposed on applications for the location of radio, television or communication stations and/or towers which exceed fifty (50) feet in height on property zoned A-5, RP-5 and RR-3.

1. A buffer of evergreen screening (trees or hedging) shall be provided around the entire facility with the exception of any associated office building. A section of fence at least six (6) feet in height shall be provided completely around the base of the tower and any associated equipment.
2. A site plan of the proposed facility must be submitted to and approved by the zoning administrator. As part of the site plan submittal, the applicant must provide Amelia County with detailed information regarding the proposed facility's location, latitude and longitude, and service area.
3. The facility shall not interfere with the radio, television or communications reception of nearby property owners in residence at the time of construction. The applicant shall take steps to successfully eliminate any such interference.
4. All towers and other structures shall meet all safety requirements of all applicable building codes.
5. All towers shall set back from any property line a distance equal to one hundred twenty percent (120%) of the tower height, and in no event shall any such tower be constructed or erected nearer than one hundred twenty percent (120%) of the tower height to a residential dwelling unit located on the same property as the tower, or one hundred twenty percent (120%) of the tower height or five hundred (500) feet, whichever is greater, from any residential dwelling off premises from the tower structure.

This section does not apply to adjacent property owners' construction of a residential dwelling subsequent to erection of the tower.

6. Verifiable evidence of the lack of antenna space on existing towers, buildings, or other structures suitable for antenna location, or evidence of the unsuitability of existing tower locations for co-location must be provided by the applicant.
7. An engineering report, certifying that the proposed tower is compatible for a minimum of four (4) users, must be submitted by the applicant.
8. Documentary evidence of compliance with all Federal Aviation Administration and Federal Communication Commission requirements shall be submitted by the applicant.
9. All structures shall have a galvanized steel finish. Towers shall only be painted if required by the Federal Aviation Administration, and documentary evidence from the FAA requiring such painting must be provided to the County by the applicant.
10. All applicants must provide documentary evidence that the facility will not exceed applicable health standards established by the Federal Government and/or American National Standards Institute.
11. No advertising of any type may be placed on the tower or accompanying facility.
12. All tower structures must be dismantled by the owner of the structure if not properly maintained for a period exceeding twenty-four (24) consecutive months. The Board of Supervisors may require the posting

of surety by the applicant in an amount sufficient to cover the costs of dismantling, and the surety shall be submitted to the County prior to the issuance of the conditional use permit.

13. The applicant shall notify adjoining property owners and other residents of the community to discuss specific proposals prior to public hearing before the Planning Commission and Board of Supervisors, and evidence shall be submitted as part of the special exception permit application that such notice was given.

The following conditions will be imposed on applications for the location of radio, television or communication stations and/or towers which exceed fifty (50) feet in height on property zoned B-1, M-1, and M-2.

1. A buffer of evergreen screening (trees or hedging) shall be provided around the entire facility with the exception of any associated office building. A section of fence at least six (6) feet in height shall be provided completely around the base of the tower and any associated equipment.
2. A site plan of the proposed facility must be submitted to and approved by the zoning administrator. As part of the site plan submittal, the applicant must provide Amelia County with detailed information regarding the proposed facility's location, latitude and longitude, and service area.
3. The facility shall not interfere with the radio, television or communications reception of nearby property owners in residence at the time of construction. The applicant shall take steps to successfully eliminate any such interference.
4. All towers and other structures shall meet all safety requirements of all applicable building codes.
5. In no event shall any such tower be constructed or erected nearer than one hundred twenty percent (120%) of the tower height or five hundred, whichever is greater, to a residential dwelling unit.
6. If a property line abuts an agricultural or residential zoning district, all towers shall be set back from said property line a distance equal to one hundred twenty percent (120%) of the tower height.

This section does not apply to adjacent property owners' construction of a residential dwelling subsequent to erection of the tower.

7. Verifiable evidence of the lack of antenna space on existing towers, buildings, or other structures suitable for antenna location, or evidence of the unsuitability of existing tower locations for co-location must be provided by the applicant.
8. An engineering report, certifying that the proposed tower is compatible for a minimum of four (4) users, must be submitted by the applicant.
9. Documentary evidence of compliance with all Federal Aviation Administration and Federal Communication Commission requirements shall be submitted by the applicant.
10. All structures shall have a galvanized steel finish. Towers shall only be painted if required by the Federal Aviation Administration, and documentary evidence from the FAA requiring such painting must be provided to the County by the applicant.
11. All applicants must provide documentary evidence that the facility will not exceed applicable health standards established by the Federal Government and/or American National Standards Institute.
12. No advertising of any type may be placed on the tower or accompanying facility.
13. All tower structures must be dismantled by the owner of the structure if not properly maintained for a period exceeding twenty-four (24) consecutive months. The Board of Supervisors may require the posting

of surety by the applicant in an amount sufficient to cover the costs of dismantling, and the surety shall be submitted to the County prior to the issuance of the conditional use permit.

14. The applicant shall provide evidence that the adjoining property owners and other residents of the community have been contacted to discuss specific proposals prior to public hearings before the Planning Commission and Board of Supervisors.

4.9 DETACHED DWELLING UNIT (Amended 5/16/01)

The following conditions will be imposed on applications for the location of a detached dwelling in the A-5, RP-5, and RR-3 Zoning Districts.

1. Applications for renewal shall be made every three (3) years to the Zoning Administrator.
2. Placement is subject to approval by the Health Officer.
3. Singlewide manufactured homes used as detached dwelling units are only permitted in zoning districts where singlewides are allowed by permitted use.
4. A detached dwelling unit shall be located at least sixteen (16) feet from the primary structure.
5. Any accessory dwelling unit, excluding dependent dwelling units, shall have to meet the density requirements of the zoning district.

4.10 BUILDING/STRUCTURE HEIGHT RESTRICTIONS (Amended 3-16-11)

The following conditions will be imposed on applications for increasing building/structure heights beyond the limits listed in each zoning district. The limits listed in each zoning district do not apply to County buildings/structures.

1. All district setbacks shall be applied or adjusted to 120% of the proposed building/structure height, whichever is greater.
2. No unoccupied building/structure constructed of combustible material shall exceed 35 feet without approved internal fire support equipment. Any building/structure housing combustible, flammable and/or hazardous materials shall have appropriate environmental and fire protection equipment/systems installed.
3. Unoccupied industrial structures taller than 35 feet may only be entered or occupied as required for routine maintenance.
4. Unoccupied industrial structures must be dismantled by the owner of the structure if not properly maintained for a period exceeding twenty-four (24) consecutive months.

**ARTICLE V
NONCONFORMING USES**

5.1 CONTINUATION

If, at the time of enactment of this Ordinance, any legal activity which is being pursued, or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this Ordinance, such manner of use or purpose may be continued as herein provided, except that advertising structures that become nonconforming because of rezoning have twenty-four (24) months with which to relocate in a permitted area.

5.2 ENLARGEMENT, EXTENSION, ETC.

A. A nonconforming structure to be extended or enlarged shall conform to the provisions of this Ordinance.

B. A nonconforming activity may be extended throughout any part of a structure which was arranged or designed for such activity at the time of enactment of this Ordinance.

C. If any nonconforming use (structure or activity) is discontinued for a period exceeding two (2) years, after the enactment of this Ordinance, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this Ordinance.

D. If no structural alterations are made, a nonconforming use of land or of a building may be changed to another nonconforming use of the same or of a more restricted classification. Wherever a nonconforming use of land or of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

E. The casual, temporary or illegal use of land or of a building shall not be sufficient to establish the existence of a nonconforming use, and the existence of a nonconforming use on a part of a lot or tract of land shall not be construed to establish a nonconforming use on the entire lot or tract, provided, however, that certain uses designed for temporary and seasonal use and having been so operated for a period of two (2) years prior to adoption of this Ordinance may continue to operate.

F. When evidence available to the Zoning Administrator is deemed by him/her to be inconclusive as to whether or not a nonconforming use exists, or whether any use existed at a particular time, the matter shall be a question of fact to be determined on appeal by the Board of Zoning Appeals after public notice and hearing and in accordance with the rules of the Board.

G. A building nonconforming only as to height, lot area, setback or yard regulations may be altered or extended provided such alteration or extension does not increase the degree of nonconformity in any respect.

5.3 RESTORATION OR REPLACEMENT

A. If a nonconforming activity is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty percent (50%) of the cost of reconstructing the entire activity, it shall be restored only if such use complies with the current zoning classification requirements of this Ordinance.

B. If a nonconforming structure is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed seventy-five percent (75%) of the cost of reconstructing the entire structure, it shall be restored only if it complies with the current zoning classification requirements of this Ordinance.

C. Where a conforming structure devoted to a nonconforming activity is damaged less than fifty percent (50%) of the cost of reconstructing the entire structure, or where a nonconforming structure is damaged less than seventy-five percent (75%) of the cost of reconstructing the entire structure, it may be either repaired or restored, provided any such repair or restoration is started within twelve (12) months and completed within eighteen (18) months from the date of partial destruction.

D. The cost of land or any factors other than the cost of the structure are excluded in the determination of cost of restoration for any structure or activity devoted to a nonconforming use.

E. Where a nonconforming activity or structure is destroyed or damaged to the extent that it may be restored only if it complies with the requirements of this Ordinance, the governing body reserves unto itself the right to determine if compliance with the requirements of this Ordinance presents an undue hardship. If such hardship, either economic or physical, is determined to exist, the governing body may issue a special exception permit (see Article IV) to continue the nonconforming activity or structure with appropriate restrictions and regulations.

5.4 NONCONFORMING LOTS

Any lot of record at the time of the adoption of this Ordinance which is less in area or width than the minimum required by this Ordinance, the lot may be used when the requirements of this Ordinance regarding setbacks and side and rear yards are met.

5.5 PERMITS

The construction or use of a nonconforming building or land area for which a permit was issued prior to the adoption of this Ordinance may proceed, provided such building is completed within one (1) year or such use of land is established within thirty (30) days after the effective date of this Ordinance.

5.6 REPAIR AND MAINTENANCE

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls fixtures, wiring or plumbing, to an extent not exceeding ten percent (10%) of the current replacement value of the structure provided that the cubic content of the structure, as it existed at the time of passage or amendment of this Ordinance, shall not be increased.

5.7 CHANGES IN DISTRICT BOUNDARIES

Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this Ordinance.

5.8 NONCONFORMING MOBILE OR MANUFACTURED HOMES (Amended 12/17/03)

The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code. Any such replacement shall retain the valid nonconforming status of the prior home.

**ARTICLE VI
A-5 AGRICULTURAL DISTRICT**

6.1 INTENT

This District is intended to preserve and enhance the character and resources of the rural portions of the County where agriculture and forest use predominate, but which may also contain some or limited non-farm uses, particularly dwellings in an attractive rural environment. The District provides for large scale, intensive livestock and poultry operations and tries to protect them from encroachment by uses that are not compatible with them. Since agricultural and silvicultural activities are an important element of the County's economic base, and since the normal operation of these uses tends to produce some noise, odors and other effects, a certain level of tolerance for these effects is to be expected by those who choose to live in this District. Residential development will not be encouraged in this District. However, the County will attempt to create a level of compatibility between dwellings and certain other non-farm uses and those intensive agricultural confinement uses which will be given preference in this District.

6.2 PERMITTED USES

- General Agriculture
- Intensive Agriculture
- Limited Agriculture (on less than 10 acre), excluding horses (Amended 3/19/97)
- Expansion of Intensive Agriculture
- Antique Shops
- Assembly Hall
- Bed and Breakfast
- Beekeeping
- Bulk Animal Manure/Waste Storage (Amended 10/20/10)
- Cemeteries
- Custom Meat Cutting
- Day Care Center and Nursery
- End User Animal Manure/Waste Storage (Amended 10/20/10)
- Home Day Care
- Home Occupation
- Mobile Home, Doublewide
- Mobile Home, Singlewide
- Off-Street Parking
- Parks and Playgrounds
- Portable Saw Mills and Chippers
- Preserve and Conservation Areas
- Public Utilities (Extension)
- Schools, Churches, Libraries
- Single Family Dwelling
- Temporary Family Health Care Structure (Amended 4/15/15)
- Wayside Stand
- Accessory Structures and Uses
- Large Lot Division (Amended 12/17/03)
- Family Division (Amended 12/17/03)
- Single Cut Subdivision (Amended 12/17/03)

6.3 PERMITTED USES BY SPECIAL EXCEPTION

- Adult Care Facility
- Airport and Private Air Strip
- Amusement Park/Commercial Recreational Facility
- Auction Barn
- Blacksmith Shop

Cabinet and Furniture Making
 Congregate Living Facility (Amended 4/15/09)
 Country General Store/Convenience Store
 Detached Dwelling Unit (Amended 5/16/01)
 Dog Kennel
 Farm Machinery Sales and Service
 Feed and Flour Mills
 Feed and Seed Stores
 Golf Driving Range
 Greenhouse and Nursery
 Hunt, Golf or Boat Clubs and Lodges
 Mining of Minerals Other Than Coal
 Mulch Yard
 Public Utilities (New)
 Pulpwood Yard
 Restaurants
 Sand Excavation
 Service and Repair of Farm, Yard, Garden Blacksmith and Logging Implements
 and Equipment (Amended 4/16/97)
 Stationary Sawmill & Chipper
 Transmission Tower
 Turkey Shoots
 Veterinary Clinic/Hospital (Amended 11/17/10)
 Wholesale Business/Storage Warehouse

6.4 ACCESSORY USES

Garages, Carports, Sheds
 Tennis Courts
 Swimming Pools, In-ground or Above Ground

6.5 SETBACKS/AREA/FRONTAGE REQUIREMENTS

Setback From Property Lines

Front

Primary	100'
Accessory	100'
Agricultural	150'

Side

Primary	40'
Accessory	10'
Agricultural	100'

Rear

Primary	40'
Accessory	10'
Agricultural	100'

Area 5 Acres

Frontage 350'

Intensive Agriculture - See Animal Confinement Section

6.6 BUILDING HEIGHT (Amended 5-17-06)

35' except:

A. The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is twenty (20) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

B. A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot of building height over thirty-five (35) feet.

C. Church spires, belfries, cupolas, monuments, silos, barns, water towers, chimneys, flues, flagpoles, television antennas and radio aerials and towers are exempt. Parapet wall may be up to four (4) feet above the height of the building on which the walls rest.

D. No accessory building which is less than twenty (20) feet from any lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

E. All accessory buildings shall be less than the main building in height EXCEPT when located on a parcel of ten (10) acres or more.

6.7 MAJOR AND MINOR SUBDIVISIONS NOT PERMITTED (Amended 12/17/03)

Any subdivision occurring in the A-5 District shall conform to County's zoning and subdivision ordinances. Major and minor subdivisions, as defined herein, are not permitted uses in this district.

**ARTICLE VII
RP-5 RURAL PRESERVATION DISTRICT**

7.1 INTENT

This District is intended to protect and preserve specific rural resources or qualities including farmland, wetlands, significant wildlife habitats, catchment areas for important drainage basins, water resources, environmentally sensitive areas and natural recreational resources. This District also covers portions of the county that have open space with a rural character. This District is established to conserve these open spaces in order to facilitate: existing and future general farming operations; conservation of water and forest resources; and maintenance of a distinctly rural environment. While the intent of this District is generally similar to that of the A-5 Agricultural District, the emphasis on long-range protection of rural resources in this District is greater due to the specific characteristics or qualities of the lands encompassed. Residential development should conform to the notion that it possesses lesser priority than the maintenance of the District's rural environment.

7.2 PERMITTED USES

General Agriculture
Limited Agriculture (on less than 10 acres), excluding horses (Amended 3/19/97)
Expansion of Existing Intensive Agriculture
Antique Shops
Assembly Hall
Bed and Breakfast
Beekeeping
Bulk Animal Manure/Waste Storage (Amended 10/20/10)
Cemeteries
Custom Meat Cutting
Day Care Center and Nursery
End User Animal Manure/Waste Storage (Amended 10/20/10)
Home Day Care
Home Occupation
Mobile Home, Doublewide and Singlewide
Off-Street Parking
Parks and Playgrounds
Portable Saw Mills and Chippers
Preserve and Conservation Areas
Public Utilities (Extension)
Schools, Churches, Libraries
Single Family Dwelling
Temporary Family Health Care Structure (Amended 4/15/15)
Wayside Stand
Accessory Structures and Uses
Large Lot Division (Amended 12/17/03)
Family Division (Amended 12/17/03)
Single Cut Subdivision (Amended 12/17/03)

7.3 PERMITTED USES BY SPECIAL EXCEPTION

Adult Care Facility
Intensive Agriculture
Airport and Private Air Strip
Amusement Park/Commercial Recreational Facility
Auction Barn
Blacksmith Shop
Cabinet and Furniture Making
Church Campground

Country General Store/Convenience Store
 Detached Dwelling Unit (Amended 5/16/01)
 Dog Kennel
 Farm Machinery Sales and Service
 Feed and Flour Mills
 Feed and Seed Stores
 Golf Driving Range
 Greenhouse and Nursery
 Hunt, Golf or Boat Clubs and Lodges
 Mining of Minerals Other Than Coal
 Mulch Yard
 Public Utilities (New)
 Pulpwood Yard
 Restaurants
 Sand Excavation
 Service and Repair of Farm, Yard, Garden, Blacksmith and Logging Implements
 and Equipment (Amended 4/16/97)
 Stationary Sawmill & Chipper
 Transmission Tower
 Turkey Shoots
 Veterinary Clinic/Hospital (Amended 11/17/10)
 Wholesale Business/Storage Warehouse

7.4 ACCESSORY USES

Garages, Carports, Sheds
 Tennis Courts
 Swimming Pools, In-Ground or Above Ground

7.5 SETBACKS/AREA/FRONTAGE REQUIREMENTS

Setbacks From Property Lines

Front

Primary	100'
Accessory	100'
Agricultural	150'

Side

Primary	40'
Accessory	10'
Agricultural	100'

Rear

Primary	40'
Accessory	10'
Agricultural	100'

Area 5 Acres

Frontage 350'

Intensive Agriculture - see animal confinement section

7.6 BUILDING HEIGHT (Amended 5-17-06)

35' except:

A. The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is twenty (20) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

B. A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot of building height over thirty-five (35) feet.

C. Church spires, belfries, cupolas, monuments, silos, barns, water towers, chimneys, flues, flagpoles, television antennas and radio aerials and towers are exempt. Parapet wall may be up to four (4) feet above the height of the building on which the walls rest.

D. No accessory building which is less than twenty (20) feet from any lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

E. All accessory buildings shall be less than the main building in height EXCEPT when located on a parcel of ten (10) acres or more.

7.7 MAJOR AND MINOR SUBDIVISIONS NOT PERMITTED (Amended 12/17/03)

Any subdivision occurring in the RP-5 District shall conform to County's zoning and subdivision ordinances. Major and minor subdivisions, as defined herein, are not permitted uses in this district.

**ARTICLE VIII
RR-3 RURAL RESIDENTIAL DISTRICT**

8.1 INTENT (Amended 12/17/03)

This Residential District is intended to preserve and enhance the essential character and resources of rural portions of the County where agriculture and forest uses exist, but in which rural residential uses are expected to predominate. This District is expected to contain numerous non-farm uses, especially dwellings in attractive rural surroundings, located in general proximity to major road corridors and/or village settlements as shown in the Comprehensive Plan. This District is expected to provide an orderly and protected transition between general agricultural areas and areas experiencing more intensive residential development. While this District is expected to remain rural in character, it is also expected to absorb a significant proportion of rural residential development in the County, and to gradually transition to mainly rural residential uses. It is the second top priority area (after the R-3 District), for such rural residential development and growth.

8.2 PERMITTED USES

General Agriculture
Limited Agriculture (on less than 10 acres), excluding horses (Amended 3/19/97)
Bed and Breakfast
Cemeteries
Day Care Center and Nursery
End User Animal Manure/Waste Storage (Amended 10/20/10)
Home Day Care
Home Occupation
Mobile Home, Doublewide
Off Street Parking
Parks and Playgrounds
Portable Sawmill and Chipper
Preserve and Conservation Area
Public Utilities (Extensions)
Schools, Churches, Libraries
Single Family Dwelling
Temporary Family Health Care Structure (Amended 4/15/15)
Wayside Stand
Accessory Structures and Uses
Large Lot Division (Amended 12/17/03)
Family Division (Amended 12/17/03)
Single Cut Subdivision (Amended 12/17/03)

8.3 PERMITTED USES BY SPECIAL EXCEPTION

Adult Care Facility
Intensive Agriculture Expansion
Airport and Private Air Strip
Amusement Park/Commercial Recreational Facility
Antique Shop
Country General Store/Convenience Store
Detached Dwelling Unit (Amended 5/16/01)
Golf Driving Range
Greenhouse and Nursery
Hunt, Golf or Boat Clubs and Lodges
Public Utilities (New)
Restaurants
Transmission Tower
Turkey Shoots

8.4 Veterinary Clinic/Hospital (Amended 11/17/10)
ACCESSORY USES

Garages, Carports and Sheds
Tennis Courts
Swimming Pools, In-ground or Above ground

8.5 **SETBACKS/AREA/FRONTAGE REQUIREMENTS**

Setbacks From Property Lines

Front

Primary	100'
Accessory	100'
Agricultural	150'

Side

Primary	20'
Accessory	10'
Agricultural	100'

Rear

Primary	40'
Accessory	10'
Agricultural	100'

Area 3 Acres

Frontage 250'

8.6 **BUILDING HEIGHT**

35' except:

A. The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is twenty (20) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

B. A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot of building height over thirty-five (35) feet.

C. Church spires, belfries, cupolas, monuments, silos, barns, water towers, chimneys, flues, flagpoles, television antennas and radio aerials and towers are exempt. Parapet wall may be up to four (4) feet above the height of the building on which the walls rest.

D. No accessory building which is less than twenty (20) feet from any lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

E. All accessory buildings shall be less than the main building in height EXCEPT when located on a parcel of ten (10) acres or more.

8.7 **MAJOR AND MINOR SUBDIVISIONS NOT PERMITTED** (Amended 12/17/03)

Any subdivision occurring in the RR-3 District shall conform to County's zoning and subdivision ordinances. Major and minor subdivisions, as defined herein, are not permitted uses in this district.

ARTICLE VIII (A)
R-10 RURAL PRESERVATION DISTRICT
(Amended 6/23/05)

8.1(A) INTENT

This District is intended to protect and preserve specific rural resources or qualities including farmland, forest uses, wetlands, significant wildlife habitats, catchment areas for important drainage basins, water resources, environmentally sensitive areas and natural recreational resources. This District also covers portions of the county that have open space with a rural character. This District is established to conserve these open spaces in order to facilitate: existing and future general farming operations; conservation of water and forest resources; and maintenance of a distinctly rural environment. While the intent of this District is generally similar to that of the A-5 Agricultural District, the emphasis on long-range protection of rural resources in this District is greater due to the specific characteristics or qualities of the lands encompassed. Residential development should conform to the notion that it possesses lesser priority than the maintenance of the District's rural environment.

8.2(A) PERMITTED USES

- General Agriculture
- Limited Agriculture (on less than 10 acres), excluding horses
- Expansion of Existing Intensive Agriculture
- Antique Shops
- Beekeeping
- Assembly Hall
- Bed and Breakfast
- Cemeteries
- Custom Meat Cutting
- Day Care Center and Nursery
- Home Day Care
- Home Occupation
- Mobile Home, Doublewide and Singlewide
- Off-Street Parking
- Parks and Playgrounds
- Portable Saw Mills and Chippers
- Preserve and Conservation Areas
- Public Utilities (Extension)
- Schools, Churches, Libraries
- Single Family Dwelling
- Temporary Family Health Care Structure (Amended 4/15/15)
- Wayside Stand
- Accessory Structures and Uses
- Subdivisions

8.3(A) PERMITTED USES BY SPECIAL EXCEPTION

- Adult Care Facility
- Intensive Agriculture
- Airport and Private Air Strip
- Amusement Park/Commercial Recreational Facility
- Auction Barn
- Blacksmith Shop
- Cabinet and Furniture Making
- Church Campground
- Country General Store/Convenience Store
- Detached Dwelling Unit

Dog Kennel
 Farm Machinery Sales and Service
 Feed and Flour Mills
 Feed and Seed Stores
 Golf Driving Range
 Greenhouse and Nursery
 Hunt, Golf or Boat Clubs and Lodges
 Mining of Minerals Other Than Coal
 Public Utilities (New)
 Pulpwood Yard
 Restaurants
 Sand Excavation
 Service and Repair of Farm, Yard, Garden, Blacksmith and Logging Implements
 and Equipment
 Stationary Sawmill & Chipper
 Transmission Tower
 Turkey Shoots
 Wholesale Business/Storage Warehouse

8.4(A) ACCESSORY USES

Garages, Carports, Sheds
 Tennis Courts
 Swimming Pools, In-Ground or Above Ground

8.5(A) SETBACKS/AREA/FRONTAGE REQUIREMENTS

Setbacks From Property Lines

Front

Primary	100'
Accessory	100'
Agricultural	150'

Side

Primary	40'
Accessory	10'
Agricultural	100'

Rear

Primary	40'
Accessory	10'
Agricultural	100'

Area 10 Acres

Frontage 350'

Intensive Agriculture - see animal confinement section

8.6(A) BUILDING HEIGHT (Amended 5-17-06)

35' except:

A. The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is twenty (20) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

B. A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot of building height over thirty-five (35) feet.

C. Church spires, belfries, cupolas, monuments, silos, barns, water towers, chimneys, flues, flagpoles, television antennas and radio aerials and towers are exempt. Parapet wall may be up to four (4) feet above the height of the building on which the walls rest.

D. No accessory building which is less than twenty (20) feet from any lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

E. All accessory buildings shall be less than the main building in height EXCEPT when located on a parcel of ten (10) acres or more.

8.7(A) SUBDIVISIONS ARE PERMITTED

Any subdivision occurring in the R-10 District shall conform to County's zoning and subdivision ordinances. Subdivisions, as defined herein, are permitted uses in this district.

ARTICLE IX
R-5 RESIDENTIAL DISTRICT
(Amended 12/17/03)

9.1 INTENT

This District is intended to protect and preserve specific rural resources or qualities including farmland, wetlands, significant wildlife habitats, catchment areas for important drainage basins, water resources, environmentally sensitive areas and natural recreational resources, while providing areas for sensitive, rural residential development to co-exist with agricultural and natural resources so as to cause minimal impact on the surrounding areas. This District is established to conserve open space resources while facilitating low intensity farming operations; conservation of water and forest resources; and maintenance of a distinctly rural environment. While the intent of this District is generally similar to that of the A-5 and RP-5 Districts, there is a greater emphasis on the integration of rural residential uses with the long-range protection of agricultural and natural resources in this District. Residential development in this District should be designed to minimize the fiscal, economic, environmental and infrastructure impacts on surrounding properties and on the County as a whole.

9.2 PERMITTED USES

- General Agriculture
- Limited Agriculture (on less than 10 acres), excluding horses
- Expansion of Existing Intensive Agriculture
- Antique Shops
- Beekeeping
- Assembly Hall
- Bed and Breakfast
- Cemeteries
- Custom Meat Cutting
- Day Care Center and Nursery
- Home Day Care
- Home Occupation
- Off-Street Parking
- Parks and Playgrounds
- Portable Saw Mills and Chippers
- Preserve and Conservation Areas
- Public Utilities (Extension)
- Schools, Churches, Libraries
- Single Family Dwelling
- Temporary Family Health Care Structure (Amended 4/15/15)
- Wayside Stand
- Accessory Structures and Uses
- Large Lot Division
- Family Division
- Single Cut Subdivision
- Major Subdivision
- Minor Subdivision

9.3 PERMITTED USES BY SPECIAL EXCEPTION

- Adult Care Facility
- Intensive Agriculture
- Airport and Private Air Strip
- Amusement Park/Commercial Recreational Facility
- Auction Barn
- Blacksmith Shop

Cabinet and Furniture Making
 Church Campground
 Country General Store/Convenience Store
 Detached Dwelling Unit
 Farm Machinery Sales and Service
 Feed and Flour Mills
 Feed and Seed Stores
 Golf Driving Range
 Greenhouse and Nursery
 Hunt, Golf or Boat Clubs and Lodges
 Public Utilities (New)
 Pulpwood Yard
 Service and Repair of Farm, Yard, Garden, Blacksmith and Logging Implements and Equipment
 Transmission Tower
 Turkey Shoots
 Wholesale Business/Storage Warehouse

9.4 ACCESSORY USES

Garages, Carports, Sheds
 Tennis Courts
 Swimming Pools, In-Ground or Above Ground

9.5 SETBACKS/AREA/FRONTAGE REQUIREMENTS

Setbacks From Property Lines

Front

Primary	100'
Accessory	100'
Agricultural	150'

Side

Primary	40'
Accessory	10'
Agricultural	100'

Rear

Primary	40'
Accessory	10'
Agricultural	100'

Area 5 Acres

Frontage 350'

9.6 BUILDING HEIGHT (Amended 5-17-06)

35' except:

A. The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is twenty (20) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

B. A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot of building height over thirty-five (35) feet.

C. Church spires, belfries, cupolas, monuments, silos, barns, water towers, chimneys, flues, flagpoles, television antennas and radio aerials and towers are exempt. Parapet wall may be up to four (4) feet above the height of the building on which the walls rest.

D. No accessory building which is less than twenty (20) feet from any lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

E. All accessory buildings shall be less than the main building in height EXCEPT when located on a parcel of ten (10) acres or more.

9.7 MAJOR AND MINOR SUBDIVISIONS ARE PERMITTED

Any subdivision occurring in the R-5 District shall conform to County's zoning and subdivision ordinances. Major and minor subdivisions, as defined herein, are permitted uses in this district.

ARTICLE X
R-3 RESIDENTIAL DISTRICT
(Amended 12/17/03)

10.1 INTENT

This Residential District is intended to facilitate the gradual transition from a mostly agricultural and very low density rural residential area to a mostly rural residential area, while minimizing the economic, fiscal, environmental and infrastructure impacts on surrounding properties and the County as a whole. This District is expected to ultimately contain mostly non-farm, rural residential uses, especially dwellings in attractive rural surroundings, located in general proximity to major road corridors and/or village settlements as shown in the Comprehensive Plan. This District is expected to provide an orderly and protected transition between general agricultural areas and areas experiencing more intensive residential development. While this District is expected to remain rural in character, it is also expected to absorb a significant proportion of rural residential development in the County. It is the top priority area for such rural residential development and growth.

10.2 PERMITTED USES

- General Agriculture
- Limited Agriculture (on less than 10 acres), excluding horses
- Bed and Breakfast
- Cemeteries
- Day Care Center and Nursery
- Home Day Care
- Home Occupation
- Off Street Parking
- Parks and Playgrounds
- Portable Sawmill and Chipper
- Preserve and Conservation Area
- Public Utilities (Extensions)
- Schools, Churches, Libraries
- Single Family Dwelling
- Temporary Family Health Care Structure (Amended 4/15/15)
- Wayside Stand
- Accessory Structures and Uses
- Large Lot Division
- Family Division
- Single Cut Subdivision
- Major Subdivisions
- Minor Subdivisions

10.3 PERMITTED USES BY SPECIAL EXCEPTION

- Adult Care Facility
- Intensive Agriculture Expansion
- Airport and Private Air Strip
- Antique Shop
- Country General Store/Convenience Store
- Detached Dwelling Unit
- Golf Driving Range
- Greenhouse and Nursery
- Hunt, Golf or Boat Clubs and Lodges
- Public Utilities (New)
- Transmission Tower
- Turkey Shoots

10.4 ACCESSORY USES

Garages, Carports and Sheds
Tennis Courts
Swimming Pools, In-ground or Above ground

10.5 SETBACKS/AREA/FRONTAGE REQUIREMENTS

Setbacks From Property Lines

Front	
Primary	100'
Accessory	100'
Agricultural	150'

Side	
Primary	20'
Accessory	10'
Agricultural	100'

Rear	
Primary	40'
Accessory	10'
Agricultural	100'

Area 3 Acres

Frontage 250'

10.6 BUILDING HEIGHT (Amended 5-17-06)

35' except:

A. The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is twenty (20) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

B. A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot of building height over thirty-five (35) feet.

C. Church spires, belfries, cupolas, monuments, silos, barns, water towers, chimneys, flues, flagpoles, television antennas and radio aerials and towers are exempt. Parapet wall may be up to four (4) feet above the height of the building on which the walls rest.

D. No accessory building which is less than twenty (20) feet from any lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

E. All accessory buildings shall be less than the main building in height EXCEPT when located on a parcel of ten (10) acres or more.

10.7 MAJOR AND MINOR SUBDIVISIONS ARE PERMITTED

Any subdivision occurring in the R-3 District shall conform to County's zoning and subdivision ordinances. Major and minor subdivisions, as defined herein, are permitted uses in this district.

ARTICLE XI
ER-1 EXISTING RESIDENTIAL DISTRICT
(Amended 4/20/05)

11.1 INTENT

This District is intended to protect and stabilize areas which are currently zoned ER-1 and may have been subdivided or developed under the former A-3 zoning district provisions. It is intended only to provide a "grandfather" provision to minimize hardship and inconvenience on existing settlements. Such areas are not intended to be expanded nor new areas changed to this District. This District is intended to provide an orderly and protected transition between general agricultural areas and areas experiencing nonagricultural development, principally those of residential development concentration. The ER-1 Existing Residential District is intended to protect existing housing resources and to provide for orderly development of new, in-fill housing resources within these existing Districts.

11.2 PERMITTED USES

Bed and Breakfast
Day Care Center and Nursery
Home Day Care
Limited Agriculture
Home Occupation
Mobile Home, Doublewide
Mobile Home, Singlewide
Single Family Dwelling
Off Street Parking
Parks and Playgrounds
Preserve and Conservation Area
Public Utilities (Extension)
Schools, Churches, Libraries
Temporary Family Health Care Structure (Amended 4/15/15)
Wayside Stand
Accessory Structures and Uses
Large Lot Division (Amended 12/17/03)
Family Division (Amended 12/17/03)
Single Cut Subdivision (Amended 12/17/03)
Major Subdivision (Amended 12/17/03)
Minor Subdivision (Amended 12/17/03)

11.3 PERMITTED USES BY SPECIAL EXCEPTION

Antique shop
Cemeteries
Hunt Club or Boat Clubs and Lodges
Portable Sawmill and Chipper
Restaurants
Transmission Tower

11.4 ACCESSORY USES

Garages, Carports, Sheds
Tennis Court
Swimming Pool, In-ground or Above ground

11.5 SETBACKS/AREA/FRONTAGE REQUIREMENTS

Setbacks from Property Lines

Front		
	Primary	100'
	Accessory	100'
Side		
	Primary	20'
	Accessory	10'
Rear		
	Primary	40'
	Accessory	10'
Area		1 Acre
Frontage		125'

Setbacks from Property Lines with public water and/or sewage utilities (Amended 08-16-06)

Front	Primary	65'
	Accessory	65'
Side	Primary	15' - 35' Total for Both Sides
	Accessory	10'
Rear	Primary	35'
	Accessory	10'
Area		25,000 Sq. Ft. if either water or sewer available 15,000 Sq. Ft. if both water and sewer available
Frontage		125' if either water or sewer available 100' if both water and sewer available

11.6 BUILDING HEIGHT

35' except:

A. The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is twenty (20) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

B. A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot of building height over thirty-five (35) feet.

C. Church spires, belfries, cupolas, monuments, silos, barns, water towers, chimneys, flues, flagpoles, television antennas and radio aerials and towers are exempt. Parapet wall may be up to four (4) feet above the height of the building on which the walls rest.

D. No accessory building which is less than twenty (20) feet from any lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

**ARTICLE XII
R-1 RESIDENTIAL DISTRICT**

12.1 INTENT

This District is composed of residential uses plus certain open areas where similar residential development appears likely to occur. The regulations for this District are designed to stabilize and protect the essential characteristics of the District, to promote and encourage a suitable environment for family life and to prohibit activities of a low concentration and permitted uses are limited basically to single unit dwellings providing homes for the residents plus certain additional uses, such as schools, parks, churches and certain public facilities that serve the residents of the District.

12.2 PERMITTED USES

- Single Family Dwelling
- Two-Family Dwelling
- Schools, Churches, Library
- Day Care Center and Nursery
- Home Day Care
- Home Occupation
- Off Street Parking
- Playgrounds and Parks
- Public Utilities (Extension)
- Temporary Family Health Care Structure (Amended 4/15/15)
- Accessory Structures and Uses
- Large Lot Division (Amended 12/17/03)
- Family Division (Amended 12/17/03)
- Single Cut Subdivision (Amended 12/17/03)
- Major Subdivision (Amended 12/17/03)
- Minor Subdivision (Amended 12/17/03)

12.3 PERMITTED USES BY SPECIAL EXCEPTION

- Adult Care Facility
- Bed and Breakfast
- Cemeteries
- Public Utilities (new)
- Mobile Home, Doublewide (Amended 4/15/15)

12.4 ACCESSORY USES

- Garages, Carports, Sheds
- Tennis Courts
- Swimming Pools, In-ground or Above Ground

12.5 SETBACKS/AREA/FRONTAGE REQUIREMENTS

Setbacks from Property Lines

Front

- Primary 65'
- Accessory 65'

Side

- Primary 15' - 35' Total for Both Sides
- Accessory 10'

Rear		
	Primary	35'
	Accessory	10'
Area		40,000 Sq. Ft. if no water and sewer available 25,000 Sq. Ft. if either water or sewer available 15,000 Sq. Ft. if both water and sewer available
Frontage		150' if no water and sewer available 125' if either water or sewer available 100' if both water and sewer available

12.6 BUILDING HEIGHT

35' except:

A. The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is twenty (20) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

B. A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot of building height over thirty-five (35) feet.

C. Church spires, belfries, cupolas, monuments, silos, barns, water towers, chimneys, flues, flagpoles, television antennas and radio aerials and towers are exempt. Parapet wall may be up to four (4) feet above the height of the building on which the walls rest.

D. No accessory building which is less than twenty (20) feet from any lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

**ARTICLE XIII
R-2 RESIDENTIAL DISTRICT**

13.1 INTENT

This District is composed of certain medium to high concentration of residential uses plus certain open areas where similar development appears likely to occur. The regulations of this District are designed to stabilize and protect the essential characteristics of the District, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life. The residential district is not completely residential in that it includes public and semi-public, institutional, and other related uses. However, it is basically residential in character and, as such, should not be located with commercial and industrial uses.

13.2 PERMITTED USES

Two-Family Dwelling
Public Utilities (Extension)
Rooming or Boarding House, Tourist or Rest Home
Parks and Playgrounds
Off-Street Parking
Multi-Family Dwelling
Day Care Center and Nursery
Home Day Care
Home Occupation
Accessory Structures and Uses
Large Lot Division (Amended 12/17/03)
Family Division (Amended 12/17/03)
Single Cut Subdivision (Amended 12/17/03)
Major Subdivision (Amended 12/17/03)
Minor Subdivision (Amended 12/17/03)

13.3 PERMITTED USES BY SPECIAL EXCEPTION

Bed and Breakfast

13.4 ACCESSORY USES

Garages, Carports, Sheds
Tennis Courts
Swimming Pools, In-ground or Above-ground

13.5 SETBACKS/AREA/FRONTAGE REQUIREMENTS

Setbacks From Property Lines

Front

Primary	65'
Accessory	65'

Side

Primary	15 - 35' Total of Both Sides
Accessory	10'

Rear

Primary	35'
Accessory	10'

Area	Maximum 8 units/net acre for one story building Maximum 10 units/net acre for two store building Maximum 12 units/net acre for three story building
Frontage	150' if no water and sewer available 125' if either water or sewer available 100' if both water and sewer available

13.6 BUILDING HEIGHT

35' except:

A. The height limit for dwellings may be increased up to forty-five (45) feet and up to three (3) stories provided there are two (2) side yards for each permitted use, each of which is twenty (20) feet or more, plus one (1) foot or more of side yard for each additional foot of building height over thirty-five (35) feet.

B. A public or semi-public building such as a school, church, or library may be erected to a height of sixty (60) feet from grade provided that required front, side and rear yards shall be increased one (1) foot for each foot of building height over thirty-five (35) feet.

C. Church spires, belfries, cupolas, monuments, silos, barns, water towers, chimneys, flues, flagpoles, television antennas and radio aerals and towers are exempt. Parapet wall may be up to four (4) feet above the height of the building on which the walls rest.

D. No accessory building which is less than twenty (20) feet from any lot line shall be more than one (1) story high. All accessory buildings shall be less than the main building in height.

**ARTICLE XIV
R-MHP MOBILE HOME PARK DISTRICT**

14.1 INTENT

This District is intended to accommodate mobile home parks exclusively, and is based on the premise that the demand for mobile homes in an urban setting can best be supplied by the establishment of mobile home park districts in the County. The following regulations are designed to insure an attractive and harmonious environment for mobile home dwellings.

14.2 PERMITTED USES

Mobile Home, Doublewide or Singlewide
Home Occupations
Parks and Playgrounds
Home Day Care
Off-street Parking
Public Utility (Extension)
Temporary Family Health Care Structure (Amended 4/15/15)
Accessory Structures and Uses
Large Lot Division (Amended 12/17/03)
Family Division (Amended 12/17/03)
Single Cut Subdivision (Amended 12/17/03)
Major Subdivision (Amended 12/17/03)
Minor Subdivision (Amended 12/17/03)

14.3 PERMITTED USES BY SPECIAL EXCEPTION - RESERVED

14.4 ACCESSORY USES

Garden tool storage buildings and detached carports.

Accessory buildings may not be larger than eight (8) feet by eight (8) feet and shall be at least two (2) feet from the space boundary lines for use as storage building.

14.5 PARK ACCESS REQUIREMENTS

A mobile home park of more than ten (10) acres shall have more than one (1) street access.

14.6 SETBACK REQUIREMENTS

The minimum setback, or front yard, of a mobile home park adjacent to a public street shall be one hundred (100) feet, such distance to be measured between the park property line and the nearest mobile home or other structure. Except along mobile home park property lines which are adjacent to a natural drainage area or a limited access highway, side and rear yards shall contain a screen, fence or landscape planting which shall be designed and planted to be at least fifty percent (50%) solid, year-round, when viewed horizontally between two (2) and six (6) feet above average ground level.

14.7 FRONTAGE REQUIREMENTS

The minimum frontage for a mobile home park shall be one hundred fifty (150) feet on a public street or road.

14.8 DENSITY REQUIREMENTS

Intensity of development shall be limited to no more than eight (8) mobile homes per acre of gross park area. Each site or lot for an individual mobile home shall not be less than four thousand (4,000) square feet in area and forty-four (44) feet wide; except that a space for a double-wide mobile home shall not be less than fifty-six (56) feet wide. Each lot shall be marked by permanent markers at each corner.

14.9 SPACING REQUIREMENTS

Mobile homes shall be placed in spaces so that, at the nearest point, they shall be at least twenty (20) feet from all roadways, eight (8) feet from detached enclosed carports or garages and sixteen (16) feet from any other mobile home, or attachment thereto, or other buildings. For the purpose of the spacing requirements, a mobile home includes any attached, enclosed structure. Detached enclosed carports or garages and storage structures are not considered to be part of the mobile home nor are attached unenclosed awnings, porches and carports. Mobile homes and accessory structures shall not be more than eighteen (18) feet in height.

14.10 RECREATIONAL AREA REQUIREMENTS

At least ten percent (10%) of the gross park area shall be designated and reserved for suitable recreational area. Fifty percent (50%) of such areas shall be provided outside of any established flood plain and shall have a slope of not more than five percent (5%).

14.11 PLACEMENT

All mobile homes shall be placed in a designated mobile home space and shall not obstruct the use of, or overhang, any driveway, roadway, walkway, or public utility easement.

14.12 PARKING

At least two (2) parking spaces, one hundred eighty (180) square feet in size, as required by BOCA Code, shall be provided for each mobile home space on, or adjacent to, or in a consolidated parking area within sixty (60) feet of the mobile home space. All required parking areas shall be of hard surface and dustless construction.

14.13 STREET AND ROADWAYS

All mobile home spaces shall abut upon a street or roadway of not less than twenty (20) feet in width or a parking area adjacent to a street or roadway. Street or roadway parking is prohibited. Streets or roadways shall have unobstructed access to a public street or highway. All streets or roadways shall be of hard surface and of dustless construction, and shall be identified by name and designated as such at each intersection within the park.

14.14 UNDERGROUND UTILITIES

All telephone, electrical distribution, water, fuel and other utility lines shall be placed underground in a mobile home park. All sanitary sewage connections for a mobile home shall be beneath the mobile home.

14.15 REFUSE DISPOSAL

The park management shall be responsible for the collection and proper disposal of refuse. The storage and collection of refuse shall be managed so that it does not create a health or fire hazard. All refuse shall be stored in fly-proof, watertight, rodent-proof containers provided in sufficient capacity.

14.16 PLANS REQUIRED

Every application for the construction, alteration, expansion of operation, maintenance and occupancy for a mobile home park shall be accompanied with plans and specifications, fully setting out the space, motor vehicle parking spaces, the roadway giving access thereto, a plan of landscaping and providing a connection to a sanitary sewer and public water system for each and every mobile home. Before any permit is issued for a Mobile Home Park and the use thereof, the plans and specifications shall first be approved by the County's Zoning Administrator,

County's Planning Commission and the County's Health Department, taking into account all of the provisions as set out herein; and provided further, that said plans and specifications are in accordance with State regulations governing mobile homes.

14.17 PUBLIC WATER AND SEWER SYSTEMS

An adequate water supply facility and central sewage treatment facility, that meets the requirements of the Health Department, shall be installed to meet the needs of all the mobile homes within the mobile home park.

14.18 WIND AND ANCHORAGE PROTECTION

All mobile homes shall be mounted and anchored with tie downs in accordance with the BOCA Code.

14.19 SKIRTING REQUIREMENTS

All mobile homes shall be skirted with fire-resistant materials as approved by the Amelia County Building Inspector, and shall be installed prior to occupancy of the mobile home.

14.20 GREENBELT

A mobile home park shall have a greenbelt planting strip not less than twenty (20) feet in width along all subdivision boundaries. This greenbelt shall not include public streets, right-of-ways, natural flood plain or drainage areas, or limited access highways.

14.21 PERMIT FEE REQUIREMENTS

All applications required under this Article shall require a fee established by the local governing body and shall accompany the applications when they are submitted for processing. The Zoning Administrator shall make available to the public a schedule of the fees.

**ARTICLE XV
TEMPORARY MOBILE HOME PARK**

15.1 PERMITTED USE WITH A TEMPORARY USE PERMIT

Temporary use permits for temporary mobile home parks may be issued by the Zoning Administrator, subject to the following conditions for the construction office and the housing of construction workers.

A. That the location of a temporary mobile home park is necessary for construction offices and the housing of construction workers employed on an industrial or highway construction project.

B. That the request is filed by or certified to by the industry or Virginia Department of Transportation as being essential to the construction.

C. That a minimum area of two thousand (2,000) square feet be provided for each space.

D. That sanitary facilities conform to the State Health Department's requirements.

E. That the period for operating such temporary park shall not exceed the anticipated period of the construction or one (1) year, whichever is less. An application for renewal may be submitted if more time is required to complete the project. However, such renewal applications must be filed at least thirty (30) days prior to the expiration of the original temporary use permit. Subsequent renewals shall be treated as an original application.

F. The Zoning Administrator, in granting such a temporary use permit, may require the posting of a bond to assure that the temporary mobile home park will be removed and the site restored to good order at the expiration of the permit.

G. The Zoning Administrator, in consultation with the governing body, may establish additional requirements, without a public hearing, as shall be in the best interest of the public.

**ARTICLE XVI
MOBILE HOME REGULATIONS**

16.1 AREA REQUIREMENTS

The minimum lot area required for permitted uses shall be as specified in the particular zoned district.

16.2 SETBACK REQUIREMENTS

Structures shall be located as required by the particular zoned district. However, along major arterial highways, such as U.S. Route 360, all structures shall be located at least one hundred (100) feet from the road right-of-way line.

16.3 FRONTAGE REQUIREMENTS

The minimum lot width required for permitted uses shall be as specified in the particular zoned district.

16.4 SIDE YARD REQUIREMENTS

The minimum side yard required for permitted uses shall be as specified in the particular zoned district.

16.5 REAR YARD REQUIREMENTS

The minimum rear yard required for permitted uses shall be as specified in the particular zoned district.

16.6 AGE OF MOBILE HOME

No mobile home built prior to 1976 when the Federal Government established safety and construction standards for mobile homes shall be brought in and set up in Amelia County.

16.7 PERMITS AND INSPECTIONS

Any person wishing to locate an eligible mobile home on an individual lot in Amelia County shall obtain a zoning permit from the Zoning Administrator, a building permit from the Building Inspector and a health permit from the Health Officer. Once the respective permits have been granted, the Zoning Administrator, the Building Inspector and the Health Officer are hereby authorized and directed to make sure inspections, as are required and necessary, are made to determine compliance with this Article.

16.8 ELECTRIC SERVICE

It shall be unlawful for any electric company or cooperative to furnish electricity to any mobile home unless such company or cooperative has been notified by the Building Inspector of Amelia County that such mobile home is legally located. It shall also be unlawful for any person to provide electricity to any mobile home in Amelia County by the use of an extension cord or similar device.

A temporary occupancy may be issued to a mobile home, and electricity provided for the purpose of installation of skirting and landings. A certificate of occupancy must be obtained within sixty (60) days or temporary occupancy will be revoked and electric service will be removed without further notice.

16.9 SKIRTING

Fire resistant skirting material approved by the Building Inspector shall be required on all mobile homes.

16.10 SPACE UNDER MOBILE HOME

The use of space immediately underneath a mobile home for storage shall be permitted so long as it shall not become a fire hazard.

16.11 TIE DOWNS

Tie-downs shall be required for all mobile homes in accordance with the BOCA Code.

16.12 FOOTING

Pier footings for mobile homes shall be provided by mounting each pier on a 16"x16"x4" solid foundation pad. Pier footings shall be placed below the frost line but in no case less than eighteen (18) inches into stable soil.

16.13 FOUNDATION

Pier foundations shall be constructed of undamaged regular 8"x8"x16" concrete blocks, open celled or solid (with open cells vertical), placed on the footing. A nominal 2"x8"x16" wood plate shall be placed on top of each pier with shims fitted and driven between the wood plate and the main frame longitudinal beam. Shims shall not occupy more than one (1) inch of vertical space.

16.14 EXCEPTIONS

The following exceptions shall be allowed for the locating of a mobile home:

1. The parking of a travel trailer on an individual lot for the purpose of storage of that trailer but not for use as a place of habitation.
2. The placing of a mobile home on an individual lot for twelve (12) months while a permanent dwelling is being renovated or a new dwelling is being built.
3. The placing of a mobile home on an individual lot (with an existing dwelling) solely for use as a residence for the dependent parent or grandparent of the owners of the dwelling. Singlewide mobile homes for the dependent parent or grandparent are only permitted in zoning districts where singlewides are allowed by permitted use. Such placement is subject to approval by the Health Officer. This use shall be for one (1) year. Annual application for renewal shall be made with the Zoning Administrator. (Amended 9/28/00)
4. The placing of a detached mobile home on a farm for use as a dwelling unit by one (1) or more persons employed on the farm as a farm laborer or by members of the family operating the farm, no separate lot required, as a permitted use by special exception.

ARTICLE XVII
MHS-MOBILE HOME SUBDIVISION DISTRICT

17.1 INTENT

The Mobile Home Subdivision District is intended to accommodate non-transient mobile homes in those areas of the County designated by the Comprehensive Plan. Since mobile homes are a recognized and important part of the County's housing stock, this District is established to provide areas where mobile homes may be grouped in a residential setting.

17.2 PERMITTED USES

Mobile Home, Single-wide or Double-wide
Single Family Dwelling
Day Care Center and Nursery
Home Day Care
Home Occupation
Off-Street Parking
Parks and playgrounds
Public Utilities (Extension)
Temporary Family Health Care Structure (Amended 4/15/15)
Accessory Structures and Uses
Major Subdivision (Amended 12/17/03)
Minor Subdivision (Amended 12/17/03)

17.3 PERMITTED USES BY SPECIAL EXCEPTION

Transmission Tower

17.4 ACCESSORY USES

Garages, Carports, Sheds
Tennis Courts
Swimming Pools, In-ground or Above-ground

17.5 SETBACK/AREA/FRONTAGE REQUIREMENTS

Setbacks from Property Lines

Front

Primary	100'
Accessory	100'

Side

Primary	20'
Accessory	10'

Rear

Primary	40'
Accessory	10'

Area

3 Acre
15 Acres to Create District

Frontage

250'

17.6 BUILDING HEIGHT

16' Maximum

17.7 GREENBELT

A Mobile Home Subdivision shall have a greenbelt planting strip not less than twenty (20) feet in width along all subdivision boundaries. This greenbelt shall not include public streets, right-of-ways, natural flood plain or drainage areas, or limited access highways.

**ARTICLE XVIII
B-1 BUSINESS DISTRICT**

18.1 INTENT

Generally, this District covers that portion of the community intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant and heavy trucking other than stocking and delivery of light retail goods, or by any nuisance factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles. This includes such uses as retail stores, banks, theatres, business offices, newspaper offices, printing presses, restaurants, public garages and service stations. In addition, the manufacture, compounding, processing, or treatment of products is prohibited in this district unless it is clearly incidental and essential to a use permitted by right and unless all such products are customarily sold at retail on the premises. In addition, this District is designed to exclude manufacturing, compounding, processing, or treatment of products and operations which are objectionable because of odor, dust, smoke, noise, vibration, or other similar nuisances.

18.2 PERMITTED USES

Administrative, Executive and Editorial Offices
Adult Care Facilities
Antique Shop
Antique Mall
Assembly Hall
Auction Barn
Automobile, Motor Vehicle Sales
Bed and Breakfast
Bowling Alley
Building Materials, Plumbing and Electrical Sales Yard
Cabinet and Furniture Making
Car Wash
Country General Store/Convenience Store
Country Inn
Day Care Center and Nursery
Farm Machinery Sales and Service
Feed and Seed Store
Financial and General offices
Flea Markets
Funeral Homes
Golf Driving Range
Greenhouse and Nursery
Meat and Poultry Shop
Medical and Dental Offices
Micro-Brewery with Tours, Tastings, and Retail Sales (Amended 4/15/15)
Motels and Hotels
Off-Street Parking
Pool Room and Billiard Hall
Professional Services
Public Utilities (Extension)
Residence Within or Above Business
Restaurants
Retail Business
Retail Food Store
Rooming or Boarding House, Tourist or Rest Home
School, Churches, Library
Service and Repair of Farm, Yard and Garden Tools and Equipment
Special Care Hospital

Truck Stops
Veterinary Clinic and Hospital
Wayside Stand
Wholesale Business, Storage Warehouse
Accessory Structures and Uses

18.3 PERMITTED USES BY SPECIAL EXCEPTION

Amusement Park and Commercial Recreational Facility
Automotive/Boat Mechanical Repair (Amended 7/21/99)
Automobile Fuel Station
Cemeteries
Contractor's Equipment Storage Yard
Dance Hall
Dog Kennel
Drive-In Theatre
Mini-Warehouse Storage (Amended 4/20/05)
Public Utilities (New)
Transmission Tower

18.4 SETBACKS/AREA/FRONTAGE REQUIREMENTS

Setbacks From Property Lines

Front	10' for Streets/Roads With 50' or More Right-of-Way 35' for Streets/Roads With Less Than 50' Right-of-Way
Side	None
Rear	None
Area	None (dependent on area necessary for individual septic and water system)
Frontage	50'

18.5 BUILDING HEIGHT (Amended 3-16-11)

35' Maximum for occupied structures

18.6 SCREENING AND BUFFERING

Screening and buffering shall be utilized on all subsequent rezonings to a B-1 Business District zone on all sides adjoining a residential district. Such buffers shall contain a screen, fence, or landscape planting which shall be designed and planted to be at least fifty percent (50%) solid, year-round, when viewed horizontally from between two (2) and six (6) feet above average ground level.

ARTICLE XIX
B-2 SHOPPING CENTER DISTRICT

19.1 STATEMENT OF INTENT

This B-2 Shopping Center District is designed to permit the development of attractive and efficient retail shopping facilities of integrated design in appropriate locations to serve residential neighborhoods and the community.

19.2 PERMITTED USES

In the B-2 Shopping Center District, the uses permitted shall include retail commercial and service establishments serving the needs of the market area including those uses ordinarily accepted as shopping center uses.

19.3 PROHIBITED USES

The following uses are not allowed in the B-2 Shopping Center District zoned area:

Mobile homes, travel trailers and recreational vehicles sale lots.
Automobile, truck and motorcycle sale lots.
Self-service car washes.
Outdoor and drive-in theaters.
Kennels and animal hospitals and clinics.
Clubs, lodges and assembly halls.
Funeral homes.
Bulk storage facilities
Service stations and vehicle body repair shops.
Churches

19.4 REQUIRED CONDITIONS

- A. The minimum site area shall be three (3) acres.
- B. The minimum distance from any street right-of-way to any building shall be fifty (50) feet.
- C. The minimum distance from side and rear property lines to any building shall be twenty-five (25) feet for any building under thirty-five (35) feet in height. When adjacent to residential districts, it shall be seventy-five (75) feet.
- D. For buildings over thirty-five (35) feet in height, the minimum distance from side and rear property lines to any such building shall be an additional foot for each additional foot of building height over thirty-five (35) feet.
- E. The minimum distance from a loading zone to the property line shall be fifty (50) feet.
- F. The development shall front on a public street or road.
- G. The development shall have a minimum of three hundred (300) feet of road frontage.

19.5 BUILDING HEIGHT (Amended 3-16-11)

35' Maximum for occupied structures

19.6 UTILITY REQUIREMENTS

All building constructed in the Shopping Center District zoned area shall be served by underground utilities.

19.7 SIGN LIMITATIONS

One (1) sign not exceeding eighty (80) square feet in area and thirty-five (35) feet in height and announcing only the name and the location of the shopping center and major stores shall be permitted. All individual business signs within the shopping center shall be attached to, or made an integral part of the principal building.

19.8 OFF-STREET PARKING AND LOADING

Off-street parking spaces shall be provided in the ratio of at least one (1) parking space for each two hundred (200) square feet of floor area in the shopping center.

Off-street loading spaces shall be provided with area, location and design appropriate to the needs of the shopping center. In the process of loading and unloading, no vehicle shall block the passage of other vehicles or extend into any public or private drive or street used for traffic circulation. No space designated as required off-street parking area for the general public shall be used as an off-street loading space.

19.9 SCREENING AND LANDSCAPING

Landscaping or other devices shall be used to screen surrounding residential districts from storage and loading operation within the shopping center.

Any part of the shopping center area not used for buildings or other structures, parking, loading, pedestrian walks and accessways, shall be landscaped with grass, trees and/or shrubs.

The following requirements pertain to all shopping center parking lots and for all vehicular use areas that exceed five thousand (5,000) sq. ft. in size:

- A. Landscaping shall be done on at least eight percent (8%) of the vehicular use areas.
- B. Each individually landscaped island must be at least one hundred (100) square feet in area with sides measuring at least five (5) feet in length.
- C. One (1) tree must be planted and maintained for every one hundred (100) square feet per island and three (3) shrubs with a minimum height of two (2) feet for each required tree.
- D. The remainder of the area of the islands may be planted with low-growing vegetable groundcover and/or non-vegetative material.
- E. All landscaping material and planting shall be maintained and replaced, if the material dies.

19.10 PROCEDURES FOR ESTABLISHING A SHOPPING CENTER DISTRICT

A. Before submitting an application for a Shopping Center District, an applicant may confer with the Planning Commission to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data.

B. Application for a Shopping Center District shall be submitted as for other amendments under Section 27.1 of this Ordinance. Material submitted with the application or on subsequent request by the Planning Commission shall include all plans, maps, studies and reports which may reasonably be required to make the determinations called for in the particular case, with sufficient copies for necessary referrals and records. More specifically, all of the following shall be required. The development plan shall be clearly drawn to scale and shall show the following:

1. The proposed location and size of structures, indicating tenant uses and total square feet in buildings.
2. The proposed size, location and use of other portions of the tract, including landscaped parking, loading, service, maintenance and other areas or spaces.
3. The proposed provision for water, sanitary sewer and surface drainage facilities, including engineering feasibility studies or other evidence or reasonableness.
4. Potential population and area to be served by the proposed shopping center.
5. Evidence that the applicant has sufficient control over the land to effectuate the proposed development plan. Evidence of control includes property rights and the engineering feasibility data which may be necessary and the economic feasibility studies (market analysis or other data) justifying the proposed development.

C. The plan for the shopping center district shall show the requirements set forth in this Article and shall include the width of right-of-way, and pavement of existing streets. The district shall be developed according to those requirements. In addition, it is hereby specified and required that:

1. The aggregate plan area of all buildings proposed shall not exceed thirty (30) percent of the entire lot area of the project.
2. Off-street parking spaces shall be provided, in the ratio of at least one (1) parking space for each two hundred (200) square feet of floor area, in the buildings of the shopping center;
3. Service drives or other areas shall be provided for off-street loading, and in such a way that in the process of loading or unloading, no truck will block the passage of other vehicles on the service drive, or extend into any other public or private drive or street used for traffic circulation;
4. The drives, parking areas, loading areas, and walks shall be paved with hard, dust-free surface material.
5. Any part of the project area not used for buildings or other structures, loading and access-ways or pedestrian walks shall be landscaped and maintained with grass, trees and shrubs.
6. The shopping center building shall be designed and built as a whole, unified and single project; but may, however, be built in stages, in accordance with a construction timing schedule approved by the Zoning Administrator.

D. The Planning Commission or the Board of Supervisors may establish additional requirements, if, in their opinion, the inclusion of that requirement is essential to a proper decision on the project.

E. Final plans and reports approved shall be binding on the applicant and any successors in interest as long as B-2 zoning applies.

F. If required by the Board of Supervisors, a surety bond shall be filed for, or deposited in escrow with the County, a sum sufficient to insure completion of special requirements as may be imposed by the Board of Supervisors.

ARTICLE XX
M-1 INDUSTRIAL DISTRICT

20.1 INTENT

The primary purpose of the M-1 Industrial District is to permit certain industries which do not in any way detract from residential desirability, to locate in any area adjacent to residential uses. The provisions relating to height of building, horsepower, heating, controlling emissions of fumes, odors and/or noise, landscaping, the number of persons employed and hours of operation are imposed to protect and foster adjacent residential desirability while permitting industries to locate near a labor supply.

20.2 PERMITTED USES

Assembly and/or Production of:

- A. Automobile and Motor Vehicle Parts
- B. Cameras, Clocks and Watches
- C. Clothing and Apparel
- D. Dental, Drafting, Musical, Medical, or Other Precision Instruments
- E. Electric and Gas Appliances and Equipment (Amended 4/15/15)
- F. Electronic Equipment
- G. Optical Goods
- H. Toys

Manufacturing and/or Processing of:

- A. Baked Goods, Candy, Food Production
- B. Pottery and Art Goods
- C. Sporting Goods
- D. Brewery with Tours, Tastings and Retail Sales (Amended 4/15/15)
- E. Plastic Molding and Manufacturing (Amended 4/15/15)
- F. Filter/filtration Media Manufacturing/processing (Amended 4/15/15)

Automobile Repair including Body and Fender Repair and Painting
Blacksmith, Welding or Machine Shop
Boat Building
Book Binding
Bottling and Packaging Works
Building Material, Plumbing and Electrical Supply Sales and Storage Yard
Cabinets, Furniture and Upholstery Shops
Contractor's Equipment Storage Yards or Plants, or Rental of Equipment Commonly
Used by Contractors
Dog Kennel
Engraving and/or Printing Plants
Kiln Drying of Wood Products
Laboratory, Medical or Pharmaceutical
Laundry and Cleaning Establishments
Mining of Minerals, Other than Coal
Mini-Warehouse Storage
Monumental Stone Works
Off-Street Parking
Public Utility (Extension)
Pulpwood Yard
Service and Repair of Farm, Yard and Garden Equipment
Tire Recapping and Vulcanization
Veterinary Clinics or Animal Hospital

Wholesale or Warehousing Operations
Offices which are directly related to any above enumerated use
Accessory Structures and Uses

20.3 PERMITTED USES BY SPECIAL EXCEPTION (Amended 8-15-07)

Airports
Beekeeping
Expansion of Intensive Agriculture
General Agriculture
Intensive Agriculture
Portable Saw Mills and Planning Mills
Public Utilities (New)
Transmission Towers
Industrial Laboratory

20.4 SETBACKS/AREA/FRONTAGE REQUIREMENTS

Setbacks From Property Lines

Front

Primary	100'	25' From Access Road
Accessory	100'	25' From Access Road

Side

Primary	25' Adjacent to M-1, M-2, A-5, RP-5, RR-3 Districts 50' Adjacent to B-1, B-2 Districts 100' Adjacent to ER-1, R-1, R-2, MHS, R-MHP Districts
Accessory	10'

Rear

Primary	25' Adjacent to M-1, M-2, A-5, RP-5, RR-3 Districts 50' Adjacent to B-1, B-2 Districts 100' Adjacent to ER-1, R-1, R-2, MHS, R-MHP Districts
Accessory	10'

Area

3 Acres to Create a District
1 Acre Incremental Additional to District
1 Acre Lots Within District

Frontage

100'

20.5 BUILDING HEIGHT (Amended 3-16-11)

35' Maximum for occupied structures
65' Maximum for unoccupied industrial structures

20.6 COVERAGE REQUIREMENTS

Buildings or groups of buildings with their accessory buildings may cover up to seventy percent (70%) of the area of the lot.

20.7 ADDITIONAL REQUIRED CONDITIONS

A. Before any required permits shall be issued for construction for permitted uses in this District, the plans, in sufficient detail to show the operation and processes, shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for recommendation. Modifications of the plans may be required.

B. Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or evergreen hedge six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view, or other technical considerations necessary for proper operation may be exempt from this provision. The exemption does not include storing of any materials.

C. Landscaping or other buffering measures may be required within any established or required front, side or rear setback area. The plans and execution must take into consideration traffic hazards. Landscaping or other buffering measures may be permitted up to a height of three (3) feet, and to within fifty (50) feet from the corner of any intersecting streets or roads.

D. Sufficient area, at a minimum of twenty (20) feet, shall be provided to adequately screen permitted uses from adjacent business, agricultural and residential districts.

E. The Zoning Administrator shall act on any application received within sixty (60) days after receiving the application. If formal notice in writing is given to the applicant, the time for action may be extended for a thirty (30) day period.

**ARTICLE XXI
M-2 INDUSTRIAL DISTRICT**

21.1 INTENT

The M-2 Industrial District is intended to provide certain areas within the County for the development of industrial uses that are incompatible with residential uses. This District should not be allowed to locate in any area adjacent to residential districts.

21.2 PERMITTED USES

All uses enumerated in M-1 Industrial District Permitted Uses and Uses Permitted by Special Exception
 Acid, Cement, Gypsum, Fertilizer and Lime Manufacture
 Asphalt Mixing, Ready Mix Concrete, Concrete Block, and Brick Plants
 Coal and Wood Yards, Lumber and Feed and Seed Stores
 Feed and Flour Mills
 Off-Street Parking
 Paper and Pulp Manufacturing
 Petroleum Refining and Storage Operations, including By-Products.
 Sawmills, Planing Mills, Chippers, Debarkers, etc., Stationary or Portable
 Wood Preserving Operations

21.3 PERMITTED USES BY SPECIAL EXCEPTION

Abattoirs
 Boilers
 Bulk Storage of Oil, Gasoline or Other Combustibles
 Crushed Stone and Gravel Operations
 Meat, Poultry and Seafood Processing and Packaging Operations
 Power Production Facility (Amended 2/21/2001)
 Salvage and Junk Yards
 Sanitary Landfills
 Resource Recovery Facility (Amended 5/16/12)

21.4 SETBACKS/AREA/FRONTAGE REQUIREMENTS

Setbacks From Property Lines

Front

Primary	100'	25' From Access Road
Accessory	100'	25' From Access Road

Side

Primary	25' Adjacent to M-1, A-5, RP-5, RR-3 Districts
	50' Adjacent to B-1, B-2 Districts
Accessory	10'

Rear

Primary	25' Adjacent to M-1, A-5, RP-5, RR-3 Districts
	50' Adjacent to B-1, B-2 Districts
Accessory	10'

Area

5 Acres to Create a District
 1 Acre Incremental Additions to District
 1 Acre Lots Within District

Frontage

100'

21.5 BUILDING HEIGHT (Amended 3-16-11)

- 35' Maximum for occupied structures
- 65 Maximum for unoccupied industrial structures
- 100' Maximum for unoccupied industrial structures at a sanitary landfill

21.6 COVERAGE REQUIREMENTS

Buildings or groups of buildings with their accessory buildings may cover up to seventy percent (70%) of the area of the lot.

21.7 ADDITIONAL REQUIRED CONDITIONS

A. Before any required permits shall be issued for construction for permitted uses in this District, the plans, in sufficient detail to show the operation and processes, shall be submitted to the Zoning Administrator for study. The Administrator may refer these plans to the Planning Commission for recommendation. Modifications of the plans may be required.

B. Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or evergreen hedge six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view, or other technical considerations necessary for proper operation may be exempt from this provision. The exemption does not include storing of any materials.

C. Landscaping or other buffering measures may be required within any established or required front, side or rear setback area. The plans and execution must take into consideration traffic hazards. Landscaping or other buffering measures may be permitted up to a height of three (3) feet, and to within fifty (50) feet from the corner of any intersecting streets or roads.

D. Sufficient area, at a minimum of twenty (20) feet, shall be provided to adequately screen permitted uses from adjacent business, agricultural and residential districts.

E. Automobile graveyards and junk yards in existence at the time of adoption of this Ordinance are to be considered as nonconforming uses. They shall be allowed up to three (3) years after adoption of this Ordinance in which to completely screen the operation or use on any side open to view from a public road or street by a masonry wall, a uniformly painted solid board fence, or an evergreen hedge six (6) feet in height.

F. The Zoning Administrator shall act on any application received within sixty (60) days after receiving the application. If formal notice in writing is given the applicant, the time for action may be extended for a thirty (30) day period.

**ARTICLE XXII
FP FLOOD PLAIN DISTRICT**

22.1 STATEMENT OF INTENT

The intent of this District is to establish a Flood Plain District requiring the issuance of permits for development, providing for certain minimum standards for development and providing factors and conditions for special exceptions to the terms of this District.

22.2 PURPOSE

The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

- A. Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood height, velocities and frequencies.
- B. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
- C. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage.
- D. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

22.3 APPLICABILITY

These provisions shall apply to all lands within the jurisdiction of Amelia County and identified as being in the one hundred (100)-year floodplain by the Federal Insurance Administration.

22.4 PERMITTED USES

- A. Agricultural uses, including crop, nursery stock and tree farming, truck gardening, livestock grazing and other similar uses.
- B. Hunting, fishing and wildlife preserves, and boat landings.
- C. Railroads, streets, bridges, and public utility transmission and distribution lines.
- D. Public parks and playgrounds, sports areas, nature areas and outdoor private clubs.
- E. No principal structures may be erected in this District; however, structures incidental to the permitted uses are permitted, e.g. picnic shelter, etc.

22.5 COMPLIANCE AND LIABILITY

- A. No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this Article and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this Ordinance.
- B. The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on

rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that districts outside the Floodplain District, or that land uses permitted within such District will be free from flooding or flood damages.

C. This article shall not create liability on the part of Amelia County, or any officer or employee thereof, for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

22.6 ABROGATION AND GREATER RESTRICTIONS

This Article supersedes any ordinance currently in effect in flood-prone district. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this Article.

22.7 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this Article shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this Article. The remaining portions which shall remain in full force and effect; and for this purpose, the provisions of this Article are hereby declared to be severable.

22.8 PENALTIES

A. Any person who fails to comply with any of the requirements or provisions of this Article or directions of the Zoning Administrator or any other authorized employee of the County of Amelia shall be guilty of a misdemeanor of the first class and subject to the penalties thereof, as set forth in Article XXVIII of this Ordinance.

B. In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this Article. The imposition of a fine or penalty for any violation of, or noncompliance with, this Article shall not excuse the violation or noncompliance to permit it to continue and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this Article may be declared by the governing body to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this Article.

22.9 DESCRIPTION OF DISTRICT (Amended 2/18/09)

A. Basis of District. The Flood Plain District shall include areas subject to inundation by waters of the one hundred (100) year flood. The basis for the delineation of the district shall be Flood Insurance Rate Maps prepared by the Federal Emergency Management Administration for Amelia County, dated April 16, 2009.

1. The Approximated Flood Plain District shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a one-hundred (100)-year floodplain boundary has been approximated. Such areas are shown as Zone A on the Flood Insurance Rate Map/Flood Hazard Boundary Map. For these areas, the one hundred (100)-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one hundred (100)-year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Flood Plain Information Reports, U.S. Geological Survey Flood-prone Quadrangles, etc., then the applicant for the proposed use, development and/or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a through review by the governing body.

B. Overlay Concept

1. The Flood Plain District described above shall be overlays to the existing underlying area as shown on the Official Zoning Ordinance Maps, and as such, the provisions for the Flood Plain District shall serve as a supplement to the underlying district provisions.
2. Any conflict between the provisions or requirements of the Flood Plain District and those of any underlying district, the more restrictive provisions and/or those pertaining to the Flood Plain District shall apply.
3. In the event any provisions concerning a Flood Plain District are declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

22.10 OFFICIAL FLOOD PLAIN MAP

The boundaries of the Flood Plain District are established as shown on the Flood Insurance Rate Map which is declared to be a part of this Ordinance and which shall be kept on file in the office of the Zoning Administrator of Amelia County.

22.11 DISTRICT BOUNDARY CHANGES

The delineation of the Flood Plain District may be revised by the Board of Supervisors of Amelia County where natural or man-made changes have occurred and/or more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

22.12 INTERPRETATION OF DISTRICT BOUNDARIES

Initial interpretations of the boundaries of the Flood Plain District shall be made by the Zoning Administrator. Should a dispute arise concerning the boundaries of the District, the Board of Zoning Appeals shall make the necessary determination. The person(s) questioning or contesting the location of the district boundaries shall be given a reasonable opportunity to present his/her case to the Board of Zoning Appeals and to submit his/her own technical evidence, if he/she so desires.

22.13 DISTRICT PROVISIONS

A. Permit Requirements. All uses, activities, and development occurring within the Flood Plain District shall be undertaken only upon the issuance of a building permit. Such development shall be undertaken only in strict compliance with the provisions of this Article and with all other applicable codes and ordinances, such as the Amelia County Subdivision Ordinance and the Virginia Uniform Statewide Building Code. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include compliance with all applicable state and federal laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

B. Alteration or Relocation of Watercourse. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within Amelia County, a permit shall be obtained from the U.S. Army Corps of Engineers, the Virginia State Water Control Board and the Virginia Marine Resources Commission (a joint permit application is available for any of these organizations). Further notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Division of Soil and Water Conservation (Department of Conservation and Recreation), and the Federal Insurance Administration.

C. Site Plans and Permit Applications. All applications for development in the Flood Plain District and all building permits issued for the Flood Plain District shall incorporate the following information:

1. For structures that have been elevated, the elevation of the lowest floor (including basement).
2. For structures that have been flood-proofed (non-residential only), the elevation to which the structure has been flood-proofed.
3. The elevation of the one hundred (100) year flood.
4. Topographic information showing existing and proposed ground elevations.

D. Manufactured Homes. Manufactured homes that are placed or substantially improved on sites shall be elevated on a permanent foundation so that the lowest floor of the manufactured home is elevated to or above the base flood elevation and shall be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

E. Recreational Vehicles. Recreational vehicles placed on sites shall either: (i) be on the site for fewer than one hundred eighty (180) consecutive days, be fully licensed and ready for highway use, or (ii) meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes, as stated in Section 20.13D. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

22.14 APPROXIMATED FLOOD PLAIN DISTRICT

In the Approximated Flood Plain District, the development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the flood-proofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances. The applicant shall also delineate a floodway area based on the requirement that all existing and future development not increase the one hundred (100)-year flood elevation more than one (1) foot at any one point. The engineering principle -- equal reduction of conveyance -- shall be used to make the determination of increased flood heights.

Within the floodway area delineated by the applicant, no development shall be permitted that will cause any increase in the one hundred (100)-year flood elevation.

22.15 DESIGN CRITERIA FOR UTILITIES AND FACILITIES

A. Sanitary Sewer Facilities. All new or replacement sanitary sewer facilities, and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

B. Water Facilities. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of flood waters into the system and be located and constructed to minimize or eliminate flood damages.

C. Drainage Facilities. All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage away from buildings and on-site waste disposal sites. The Board of Supervisors of Amelia County may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

D. Utilities. All utilities, such as gas lines, electrical and telephone systems, being placed in flood-prone areas shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flooding occurrence.

E. Streets and Sidewalks. Streets and sidewalks shall be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

22.16 VARIANCES: FACTORS TO BE CONSIDERED

Whenever any person is aggrieved by a decision of the Zoning Administrator with respect to the provisions of this Article, it is the right of that person to appeal to the Board of Zoning Appeals for a variance. Such appeal shall be filed by application subject to the procedures and regulations of Article XXXII of this Ordinance. The determination of the Board of Zoning Appeals shall be final administrative decision in all cases. In passing upon applications for variances, the Board of Zoning Appeals shall satisfy all relevant factors and procedures specified in other sections of this Ordinance and consider the following additional factors:

- A. The danger to life and property due to increased flood height and/or to velocity caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any Flood Plain District that will cause any increase in the one hundred (100)-year flood elevation.
- B. The danger that materials may be swept on to other lands or downstream to the injury of others.
- C. The proposed water supply and sanitation systems and the ability of these systems to prevent diseases, contamination and unsanitary conditions.
- D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
- E. The importance of the service provided by the proposed facility to the community.
- F. The requirements of the facility for a waterfront location.
- G. The availability of alternative locations not subject to flooding for the proposed use.
- H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- I. The relationship of the proposed use to the Comprehensive Plan and the flood plain management program for the area.
- J. The safety of access by ordinary and emergency vehicles to the property in time of flood.
- K. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- L. The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structures continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- M. Such other factors which are relevant to the purposes of this Article.

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

Variations shall be issued only after the Board of Zoning Appeals has determined that the granting of such will not result in (a) unacceptable or prohibited increases in flood heights, (b) additional threats to public safety, (c) extraordinary public expense, (d) creation of nuisances, and will not (e) cause fraud to victimization of the public, or (f) conflict with local laws or ordinances.

Variations shall be issued only after the Board of Zoning Appeals has determined that the variance will be the minimum required to provide relief from hardship to the applicant.

The Board of Zoning Appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one hundred (100)-year flood elevation (a) increases risks to life and property, and (b) will result in increased premium rates for flood insurance.

A record shall be maintained of the above notification as well as all actions granting the variances, including justification for their issuance. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

22.17 EXISTING STRUCTURES IN FLOOD PLAIN DISTRICTS

A structure or use of a structure on premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

A. Existing structures in the Flood Plain District shall not be expanded or enlarged unless it has been determined through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the one hundred (100) - year flood elevation.

B. Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any Flood Plain District to an extent or amount of less than fifty (50) percent of its market value shall be elevated and/or flood-proofed to the greatest extent possible.

C. The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use, regardless of its location in a Flood Plain District, to an extent or amount of fifty (50) percent or more of its market value shall be undertaken only in full compliance with the provisions of this Ordinance and the Virginia Uniform Statewide Building Code.

22.18 STATEMENT OF POLICY

It is the policy of the County of Amelia that in enforcing the provisions and regulations of the Flood Plain District of this Ordinance, that it is the intent of the Board of Supervisors to comply with all applicable requirements of the National Flood Insurance Program and the Federal Emergency Management Agency, allowing the citizens of Amelia County to become eligible for flood insurance.

As a matter of clarification, it is the policy of the Amelia County Board of Supervisors to require a permit for all permitted development (including but not limited to, the subdivision of land, construction of buildings and structures, fill or any combination of these) in the Flood Plain District. Such permit shall be granted only after necessary permits from the Commonwealth of Virginia State Water Control Board and all other applicable State and Federal agencies have been obtained.

This Policy Statement shall be a regulation of this District.

22.19 DEFINITIONS - specific to this District (Amended 2/18/09)

A. Base flood – The flood having a one percent chance of being equaled or exceeded in any given year.

- B. Base flood elevation – The Federal Emergency Management Agency designated one hundred (100)-year water surface elevation.
- C. Basement – Any area of the building having its floor sub-grade (below ground level) on all sides.
- D. Reserved.
- E. Development – Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structure, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- F. Elevated building – A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (post and piers).
- G. Encroachment – the advance or infringement of uses, plant growth, fill, exaction, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
- H. Existing manufactured home park or subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufacture homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- I. Expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads).
- J. Flood or flooding –
1. A general or temporary condition of partial or complete inundation of normally dry land areas from:
 - a. the overflow of inland or tidal waters; or
 - b. the unusual and rapid accumulation or runoff of surface waters from a source.
 2. The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1(a) of this definition.
- K. Floodplain or flood-prone area – Any land area susceptible to being inundated by water from any source.
- L. Floodway – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- M. Freeboard – A factor of safety usually expressed in feet above the flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

N. Historic Structure – any structure that is:

1. listed individually in the Nation Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,
4. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. by an approved state program as determined by the Secretary of the Interior; or,
 - b. directly by the Secretary of the Interior in states without approved programs.

O. Lowest floor – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Federal Code 44CFR §60.3.

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

Q. Manufactured home parks or subdivisions – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

R. New construction – For purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial Flood Insurance Rate Map on or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and included any subsequent improvements to such structures.

S. New manufactured home parks or subdivisions – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

T. Recreational vehicle – A vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for

recreational camping, travel, or seasonal use.

U. Shallow flooding area – A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

V. Special flood hazard area – The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year.

W. Start of construction – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation on the property of accessory building, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimension of the building.

X. Substantial damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

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

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

Z. Watercourse – A lake, river, creek, stream, wash, channel or other topographical feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**ARTICLE XXIII
INTENSIVE ANIMAL CONFINEMENT FACILITIES**

23.1 INTENT

The intent of this Ordinance is to provide Amelia County farmers with guidance and standards in locating and operating intensive livestock, dairy and poultry facilities and all other structures used for these intensive agricultural operations. In doing so, the intent is to protect the public health and welfare and environment of Amelia County and its citizens, while providing for the orderly and responsible growth of the agricultural industries. Where permitted by the Zoning Ordinance, agricultural production activities including but not limited to tillage, crop production, harvesting, raising and pasturing of animals shall be permitted uses as a matter of right subject to the standards of this Article.

23.2 DEFINITIONS

Animal Confinement: The keeping or raising of livestock under cover or in a confined lot for a total of forty-five (45) days or more in any twelve (12) month period. Examples of animal confinement include, but not limited to, dairies, poultry houses, swine or veal operations, or feed lots.

Animal Confinement Development Plan: A plan developed by the grower/operator or potential grower/operator indicating the size, number and location of animal confinement facilities planned during a five (5) year period.

Animal Units: A unit of measurement for general and intensive livestock operations. An animal unit (A.U.) is approximately equivalent to one thousand (1,000) pounds of live animal weight. The following scale will be used to calculate total animal units:

A. Slaughter cattle	each multiplied by 1.00
B. Feeder cattle	each multiplied by 1.00
C. Milking dairy cows	each multiplied by 1.50
D. Young dairy stock	each multiplied by 0.60
E. Swine, breeding stock	each multiplied by 0.40
F. Swine, finishing hog over 55 lbs.	each multiplied by 0.15
G. Swine, piglets under 55 lbs.	each multiplied by 0.03
H. Sheep, lambs and goats	each multiplied by 0.25
I. Horses	each multiplied by 2.00
J. Turkeys	each multiplied by 0.02
K. Laying hens and broilers	each multiplied by 0.01
L. Veal calves	each multiplied by 0.08
M. Other livestock, not listed above	to be determined case by case

Buffer: A strip of land located so that it separates and protects one type of use from another. Natural materials shall be used. Examples include, but are not limited to, several staggered rows of evergreen trees or an earthen berm.

Composter: A structure, reviewed and approved by the Piedmont Soil and Water Conservation District, or other appropriate agency, utilized for the disposal of dead fowl.

Existing dwelling: For the purpose of this Article of the Zoning Ordinance either of the following shall constitute an existing dwelling:

- (a) A structure, designed for residential use, which is occupied on the date a completed application for a livestock, dairy or poultry facility permit is received by the office of the Zoning Administrator; or
- (b) A structure, designed for residential use, which is not occupied on the date a completed application is received, but which has been issued a certificate of occupancy or which has been occupied

for thirty-six (36) months period of time within the five (5) years immediately preceding the date on which a completed application for a livestock, dairy or poultry facility permit is received by the office of the Zoning Administrator.

Existing livestock, dairy, feed lot, poultry facility: A livestock, dairy or poultry facility which is occupied or has been occupied by a commercial livestock raiser, dairy or poultry facility for twelve (12) month period of time within the five (5) years immediately preceding the date on which zoning approval is sought for a dwelling, including sites or structures which are accessories to the livestock facility, dairy or poultry facility.

Existing Natural Buffer: Any hill, trees or combination thereof, which completely blocks the view of the animal confinement facilities from public roads and any existing dwellings located on properties adjoining an animal confinement building.

Feed Lot: A relatively small confined land area for fattening cattle or holding temporarily for shipment.

Intensive dairy facility, (hereafter, "dairy facility"): A dairy operation with accessory uses or structures, as defined below, which at any one time has at least three hundred (300) animal units as referenced in the above chart and that: (1) such animals are or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period; and, (2) crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

Intensive livestock facility (hereafter, "livestock facility"): A livestock operation with accessory uses or structures, as defined below, which at any one time has at least three hundred (300) animal units, as referenced in the above chart and that: (1) such animals are or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period; and, (2) crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

Intensive poultry facility, (hereafter, "poultry facility"): A poultry operation with accessory uses or structures, as defined below, which at any one time has at least three hundred (300) animal units as reference in the above chart and that: (1) such animals are or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period; and, (2) crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility. However, one (1) standard poultry house shall be considered an intensive operation.

Intensive swine facility (hereafter, "swine facility"): A swine operation with accessory uses or structures, as defined below, which at any one time has at least three hundred (300) animal units as referenced in the above chart and that: (1) such animals are or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period; and, (2) crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.

Livestock, dairy, feed lot, poultry structure: Any building, structure, installation, storage container, or storage site used in the operations of an intensive livestock, dairy, or poultry facility, including, but not limited to, feed storage bins, incinerators, manure storage sites, poultry houses, poultry disposal pits, and dead poultry cold storage chests.

Livestock or swine raiser, dairy or feed lot operator, poultry grower: The owner or operator of the livestock or swine facility, dairy, feed lot or poultry facility or the land on which the livestock, dairy, feed lot or poultry facility is located.

Manure Storage Site: Any storage sites where manure is kept for more than sixty (60) days within a twelve (12) month period.

Nutrient Management Plan: A plan reviewed and approved by the Piedmont Soil and Water Conservation District (PSWCD), the Virginia Cooperative Extension Service or other appropriate agency, that provides for the use and/or disposal of livestock or poultry nutrients from the operation.

Parcel: A measured portion of land separated from other portions of land by a metes and bounds description or described as a separate, discrete tract in an instrument of conveyance or devise and recorded in the office of the Clerk of Circuit Court of Amelia County.

Poultry: Any fowl raised in a confined intensive growing environment.

23.3 SETBACKS

The minimum setbacks for primary structures associated with new animal confinement operations shall be established as follows:

A. Setbacks for Feed Lot, Poultry, Dairy and Livestock Operations

Setback from all property lines shall be 300 feet.

Setback from public roadways shall be 150 feet.

Setback from existing dwellings, schools and churches shall be 600 feet.

Setbacks from adjoining zoning districts, designated on the official zoning maps at the time of the enactment of this Article, shall be 600 feet.

B. Setbacks for Swine Operations

Setback from all property lines shall be 500 feet.

Setback from public roadways shall be 300 feet.

Setback from existing dwellings, schools and churches, shall be 1000 feet.

Setbacks from adjoining zoning districts, designated on the official Zoning Maps at the time of the enactment of this Article, shall be 1000 feet.

C. Possible Setback Reduction

Setbacks may be reduced to a minimum of two hundred (200) feet from the property line by mutual consent of the Intensive Animal Confinement Operator and the affected adjacent landowners. Consent shall be evidenced by written, formal agreement with the following components:

1. Referencing both parcels by deed book reference;
2. Signed by all affected parties;
3. Notarized;
4. Recorded in the Office of the Clerk of the Circuit Court, with a copy provided to the Zoning Administrator at the time of recordation and prior to application for a zoning permit.

D. Setbacks For Divided Parcels

No intensive livestock, feed lot, dairy or poultry facility permitted under this ordinance shall continue in operation if, after meeting the requirements for obtaining an intensive livestock, feed lot, dairy or poultry facility permit, land is divided from the parcel on which the intensive livestock, feed lot, dairy or poultry facility is located, such that the setback requirements no longer conform to this Ordinance.

E. Setbacks for Existing Operations

In the A-5 and RP-5 zoning districts, all intensive livestock, dairy and poultry facilities that exist on the effective date of the revised Zoning Ordinance shall be deemed to be in compliance with all setback requirements. However, all new structures must comply with setback requirements with the exception that owners may construct new structures in the agricultural district that do not provide the minimum setback if existing facilities fail to satisfy that particular setback. When the exception provision is used, setbacks for new structures will be no less than the distance provided by existing facilities.

23.4 REPLACEMENT AND RECONFIGURATION OF ANIMAL CONFINEMENT FACILITIES

Replacement or reconfiguration of animal confinement facilities in operation as of the effective date of this amendment to the Zoning Ordinance but which do not meet the requirements of this Article are permitted provided that:

A. There is no increase in the square footage devoted to the livestock operation, dairy or poultry house on the parcel and no increase in the number of dairy, feed lot or swine numbers or increase in the area of poultry housing.

B. Replacement facilities do not encroach upon any setbacks required under this Article to a greater extent than the facilities being replaced.

C. A nutrient management plan is obtained as provided for in this Article.

23.5 CERTIFIED PLAT REQUIRED

Each application for a livestock, feed lot, dairy or poultry facility shall be accompanied by a plat of the entire parcel with location of proposed facility prepared and signed by a land surveyor or civil engineer licensed by the Commonwealth of Virginia certifying that the proposed livestock, feed lot, dairy or poultry facility meets all applicable setback requirements of this Ordinance and showing the direction and distances to nearest existing dwellings, mobile home parks, mobile home subdivisions, platted residential subdivisions, residentially zoned districts, adjoining zoning districts, schools, churches, public wells or rural service areas listed under other setbacks.

23.6 ANIMAL CONFINEMENT FACILITY DEVELOPMENT PLANS

A. Any intensive livestock raiser, dairy or feed lot operator or poultry grower or a potential raiser, owner, grower shall file with the Zoning Administrator a development plan which indicates the number, size and location of livestock, feed lot, dairy or poultry facilities planned for the subject parcel and the date the facility is scheduled to commence operation. When such development plan has been approved and filed with the Zoning Administrator and during the period in which it remains in effect, the planned facilities shall be obliged to meet setbacks only from those dwellings and uses existing at the time the development plan is approved. The Zoning Administrator shall approve the animal confinement development plan prior to the construction of the feed lot or animal confinement facility. (It is strongly recommended that new poultry operators consult with representatives of the Virginia Contract Growers Association prior to developing their Animal Development Plan in order to insure knowledge of all aspects of this activity.)

B. The development plan shall be based on the requirements of this Article and shall be accompanied by a plat prepared and signed by land surveyor or civil engineer certified by the Commonwealth of Virginia verifying the accuracy of the distances shown in the development plan and containing all of the data required on the certified plats.

C. The development plan shall remain in force only so long as the facilities proposed are constructed in accordance with the development plan and are placed in service in a timely manner.

D. At least one-third (1/3) of the number of head of livestock or dairy animals, subject to this Article of the Ordinance or one (1) poultry facility indicated in the development plan must be placed into service within twelve

(12) months of the date on which the development plan is approved by the Zoning Administrator, unless at least one-third (1/3) of the number of livestock, dairy or one (1) such poultry facility is already in service on the subject parcel at the time the development plan is filed. Zoning approval for any subsequent facilities indicated in the development plan may only be obtained if no more than sixty (60) months have passed since the date on which the development plan was approved for a parcel by the Zoning Administrator.

E. The grower/operator shall notify the Zoning Administrator in writing within thirty (30) days of placement into service of any facilities indicated in his/her development plan.

F. In the event a grower/operator fails to build or have in place the minimum required in section (d) above facility indicated in the development plan within twelve (12) months of obtaining zoning approval for the facility, or fails to obtain zoning approval for any of the facilities indicated in his/her development plan within the prescribed three (3) year period, the Zoning Administrator shall revoke the development plan and all future development plans of facilities on the subject parcel shall strictly conform to the requirements of this chapter.

G. Each parcel for which a development plan has been approved by the Zoning Administrator shall display at its entrance, within thirty (30) days of said approval, a sign not smaller than two (2) square feet, or larger than four (4) square feet, clearly visible from the nearest roadway, indicating that a development plan is in effect for the parcel and containing the words "Certified Agricultural Development Site." Fabrication, installation and all costs of said sign(s) shall be the responsibility of the grower/operator.

H. Nothing herein shall be construed to prohibit an operator or potential operator from submitting amendments to his/her original development plan or to submitting revised development plans at any time. The Zoning Administrator shall approve the amended or revised development plan, following the procedures listed above, according to the term of the Zoning Ordinance in effect at the time that the amendments or revisions are submitted to the Zoning Administrator.

23.7 NUTRIENT MANAGEMENT PLAN

A. On or after the effective date of this amendment to the Zoning Ordinance, no facility permit shall be issued until a nutrient management plan for the proposed facility has been reviewed and approved by the Piedmont Soil and Water Conservation District, the Virginia Cooperative Extension Service, or other appropriate agency and accepted by the Zoning Administrator. Each facility already in operation or approved by the County prior to the effective date of this amendment to the Zoning Ordinance shall have a nutrient management plan on file with the Zoning Administrator on or before two (2) years from the effective date of this amendment or at such time an additional area devoted to livestock raising, dairy or poultry housing, litter storage, manure storage, composting of dead birds or other activity which would increase nutrient output of the facility is placed into service on the same parcel, whichever shall occur first. After two (2) years from the effective date of this amendment no facility subject to this Article of the Zoning Ordinance shall operate without such a nutrient management plan.

B. The nutrient management plan shall provide for the safe disposal or use of one hundred (100) percent of the manure or animal waste, produced by each facility. Disposal or use shall be accomplished by means of land application at approved locations and agronomic rates, as established by the Virginia Cooperative Extension Service and other appropriate agencies. Alternative methods of disposal may be used as approved by appropriate state and local agencies. The nutrient management plan shall take into account, among other things, the presence of rivers, streams, public and private wells, springs and sinkholes, and slopes and geological formations that indicate a high susceptibility to ground or surface water pollution and where applicable, to comply with the Chesapeake Bay Preservation Act. Each nutrient plan shall be subject to review by an agent of the Piedmont Soil and Water Conservation District, the Virginia Cooperative Extension Service or other appropriate agency.

C. If off-site disposal is part of the nutrient management plan and is otherwise permitted under the provisions of this Article, the grower/operator shall provide, as part of that nutrient management plan, written documentation of an agreement with the receiver of the wastes produced at the grower's facility or an affidavit, sworn and subscribed before a notary public, that states his/her intention to dispose of the waste through sale in retail establishments or otherwise to consumers. Documentation shall specify the duration of the agreement and the nature of the application or use of the wastes. A nutrient management plan containing such an agreement shall be

valid only as long as the agreement remains in force and shall be reviewed whenever such an agreement expires or is terminated by either party. The grower/operator shall notify the Zoning Administrator in writing at least thirty (30) days before the expiration of any such agreement or within five (5) days whenever such an agreement is terminated before its stated expiration date.

D. The nutrient management plan shall also provide for a site, with or without a permanent structure, for the storage of animal wastes and shall:

- (a) be located on the same parcel as the facility to which it is an accessory use; and
- (b) meet all applicable requirements and standards of the Commonwealth of Virginia or any department or division thereof; and
- (c) meet the setback requirements of this Article; and
- (d) be protected from the elements; and
- (e) be approved by the Virginia Cooperative Extension Service or other applicable agency and shall:
 - 1) be located on an impermeable base;
 - 2) be out of all drain ways; and
 - 3) have sufficient capacity to accommodate one hundred (100) percent of the waste produced by each facility in operation on the parcel during the four (4) consecutive months in which the maximum number of heads of animals are on the parcel. Poultry waste not stored on the parcel may be exempt from a storage facility provided that waste be transported directly from the poultry house to another area, property, or receiver for immediate field application or an approved storage facility located on another parcel.

Notwithstanding this Section, if a grower/operator is unable to locate a site on the same parcel because of insufficient acreage or topographical hardship, then the Zoning Administrator, after consultation with the grower's/operator's engineer, may permit the storage site to be located on adjacent land owned by the grower/operator; or, if there is a valid agreement for off-site disposal as provided in this section, the Zoning Administrator may permit the storage site be located on a parcel specified in the agreement for off-site disposal.

E. Notwithstanding the provisions of this Section, a grower/operator whose facilities were in operation prior to the effective date of this amendment to the Zoning Ordinance, in attempting to comply with the requirement to provide a litter storage site within two (2) years from the adoption of this amendment may locate an animal waste storage site within any setback otherwise required in this Article upon satisfaction that the storage site will not encroach upon setbacks to a greater extent than the existing facility.

F. The nutrient management plan shall be reviewed and updated every five (5) years by the Piedmont Soil and Water Conservation District, the Virginia Cooperative Extension Service or other appropriate agency and by the Zoning Administrator, and more frequently if deemed necessary or advisable by the County or its agent.

G. Best Management Practices shall be employed in the timing of the spreading of nutrients and in the cleanliness and operation of the facility to insure that odors are kept to a minimum.

23.8 SCREENING OF INTENSIVE ANIMAL FACILITIES

In siting the location of intensive animal facilities, every effort should be made to use existing natural buffers to screen the facility. Existing natural buffers should be supplemented by newly created buffers to provide screening for the facility over a ten (10) year period. The screening plan shall be part of the Animal Confinement Development Plan.

23.9 EROSION AND SEDIMENTATION CONTROL REQUIREMENTS

An erosion and sedimentation control plan shall be submitted for approval to the Zoning Administrator and shall be reviewed and approved by the Piedmont Soil and Water Conservation District. The plan shall be monitored and the provisions of the plan be enforced by the Amelia County Erosion and Sedimentation Control Officer. The soil erosion and sedimentation control plan shall be approved prior to the issuance of the zoning permit.

23.10 DEAD ANIMAL DISPOSAL

Dead animals shall be disposed of by a procedure approved by the State Veterinarian's Office of the Virginia Department of Agriculture and Consumer Services, Division of Animal Health. Dead bird disposal facilities, such as composters, covered pits or incinerators shall be approved methods of disposal for normal mortality, but shall not be considered sufficient to receive catastrophic mortalities over ten (10) percent or five thousand (5,000) pounds, whichever is greater. At no time shall dead animals in excess of ten (10) percent or five thousand (5,000) pounds catastrophic mortality, whichever is greater, be buried on the parcel, but shall be transported, in accordance with state animal health laws as may be prescribed by the State Veterinarian, if applicable, to the nearest approved landfill or rendering facility for disposal. Such disposal shall be approved by the owner of the birds, who shall bear all expenses of the disposal.

23.11 ZONING PERMIT REQUIREMENTS

A zoning permit shall be required prior to the construction of any poultry facility or the expansion of any poultry facility. The zoning permit, which is issued by the Zoning Administrator, shall not be issued until the applicant has submitted an erosion and sedimentation control plan, a nutrient management plan and a poultry development plan. These items shall be approved prior to the issuance of the zoning permit by the Zoning Administrator and before construction may begin.

23.12 PRIOR PERMITS VALID

The provisions of this Ordinance notwithstanding, a intensive animal facility permit approved by the County prior to the adoption of this Ordinance shall be valid, as issued, on condition that all requirements set forth in the permit are met and construction is completed within twenty-four (24) months from the adoption of this Ordinance. See nutrient management plan requirements.

23.13 VARIANCES

Any variances to the provisions of this Ordinance must be approved by the County of Amelia Board of Supervisors through the same procedures as set forth in Article IV of the Amelia County Zoning Ordinance regarding special exception permits.

Article XXIII(A). (Amended 10/20/10)
Animal Manure/Waste Storage

23A.1 INTENT

All animal manure/waste storage sites (bulk and end user) shall comply with the minimum standards set forth in this article in addition to the other applicable requirements of this ordinance and state and federal law. Such sites authorized by special exception permit are subject to any additional restrictions or requirements imposed under the terms of the particular permit issued by the board of supervisors.

23A.1 LAND APPLICATION

Any land application of such stored waste shall comply with all applicable state laws and regulations.

23A.2. SETBACKS:

The minimum setbacks for animal manure/waste storage site operations shall be established as follows:

A. Minimum Setbacks

Setback from all property lines shall be 300 feet.

Setback from public roadways shall be 150 feet.

Setback from existing dwellings, except as provided below, schools and churches shall be 600 feet.

Setbacks from existing dwellings on the same property as the site shall be 200 feet.

Setbacks from adjoining zoning districts designated on the official zoning maps at the time of the enactment of this Article that do not allow animal manure/waste storage sites "by-right" shall be 600 feet.

B. Setbacks For Divided Parcels

No animal manure/waste storage site authorized under this ordinance shall continue in operation if, after meeting the requirements of this ordinance, land is subsequently divided from the parcel on which the site is located, such that the setback requirements no longer conform to this ordinance.

C. Setbacks for contiguous parcels under the same ownership

Notwithstanding Section B, contiguous parcels under the same ownership and subject to the same zoning classification, shall be treated as one parcel for the purposes of compliance with required setbacks.

**ARTICLE XXIV
US ROUTE 360 OVERLAY DISTRICT**

24.1 INTENT

The purposes of the overlay ordinance are to enhance and preserve the natural and rural character of the main corridor of Amelia County, enhance the experience and enjoyment of traveling into and through the County, provide visual orientation and identification for the benefit of travelers, and preserve the traffic capacity and safety of this critical corridor as development occurs along it.

24.2 APPLICABILITY

The US Route 360 Overlay District functions as an overlay zone with special requirements in addition to those of the underlying zoning districts applying to property in the designated corridor area.

The District applies to all properties adjacent to and within one thousand two hundred (1,200) feet of the US Route 360 highway right of way and parcels contiguous thereto, as shown on the Amelia County Zoning Map.

Upon written request of a property owner, submitted in conjunction with a subdivision site plan, rezoning or other land development application, the Amelia County Board of Supervisors may waive or modify the provisions of this District for parcels which are fully in excess of eight hundred (800) feet from the US Route 360 highway right of way, if the size of the parcel, the topography and/or vegetation, or other features proposed for the property are such that the requirements of this District, in the determination of the Board of Supervisors, are not necessary to achieve the purposes of the District for that property and the Route 360 corridor in the vicinity of that property.

Provisions apply to all commercial, industrial and institutional development within the District and to all residential development projects of greater than ten (10) dwellings.

This Article imposes additional measures to applicable property and shall not be construed to prevent or otherwise abrogate compliance with other provisions of this ordinance or any other applicable laws or ordinances.

24.3 PERMITTED USES

Outdoor storage facilities and areas shall be prohibited within the District unless totally screened from view of the US Route 360 roadway.

Other permitted uses in accordance with the underlying Zoning Districts.

24.4 YARD, SETBACK AND LANDSCAPING REQUIREMENTS

Minimum twenty-five (25) foot continuous, planted buffer strip between US Route 360 highway right of way and any disturbed area within the district.

Perimeters of all parking areas shall be planted with a continuous buffer of five (5)-gallon shrubs (4 feet minimum height at maturity.) Berms or existing topography of equal height may be provided instead of shrubs, upon approval of the Board of Supervisors.

Buffer strip shall be planted with an average of a minimum of one (1) tree per thirty (30) lineal feet, with selection and placement of trees designed so that within ten (10) years the tree canopies will form a continuous vegetative screen along the majority of the buffer strip. Trees required to meet this provision may be clustered in accord with a landscaping plan approved by the Board of Supervisors. All such trees shall be indigenous species. The Board of Supervisors may modify this requirement in conjunction with its approval of a detailed landscaping plan which achieves the purposes of this section.

Structures shall be located no less than one hundred fifty (150) feet from the boundary with the US Route 360 right of way.

Other yard requirements and building setbacks in accord with the underlying Zoning District.

24.5 PARKING AND SIGNS

All signs located within eight hundred (800) feet of the US Route 360 right-of-way shall be monument signs of no greater than eight (8) feet in height. Otherwise, all signs shall be in accordance with the other relevant portions of this Ordinance.

Parking areas shall be set back and screened in accordance with the requirements of this District and shall otherwise be in accordance with the other relevant portions of this Ordinance.

24.6 ROADWAY ACCESS REQUIREMENTS

All direct access points to the US Route 360 roadway shall occur at the existing median breaks, and shall be generally no more frequent than one (1) access point per one thousand (1,000) feet along the corridor.

Direct vehicular access to the US Route 360 roadway shall be prohibited. However, for sites which cannot achieve indirect access through an existing median break, temporary access may be permitted elsewhere, provided that the applicant's site access plan provides certain means, schedule and commitment to terminate such access at such time as an alternative access at an existing median break can be provided. When such temporary access is permitted, such access points shall be no less than two hundred (200) feet apart and shall permit right-in and right-out access only. No more than one drive access per parcel shall be permitted. Access for contiguous parcels shall be combined into a single access drive.

Each site contiguous to the US Route 360 right-of-way shall participate in the creation of a continuous access road, parallel to US Route 360. Portions of such roads shall be identified and provided on each site as needed, at the time of rezoning or subdivision, whichever occurs first. Such roads shall be no closer than eight hundred (800) feet to the US Route 360 right of way.

Applicant shall prepare a site access plan which provides for adequate indirect access to the corridor, on-site circulation and immediate or future interparcel connection to adjacent sites.

24.7 WAIVER PROVISIONS

The Board of Supervisors may waive any provision or submission requirement of this District upon recommendation of the Planning Commission, for the sole purposes of better meeting the intent of this District and of promoting the harmonious and reasonable development of the US Route 360 corridor in concert with the policies of the County's Comprehensive Plan. Any requested waivers to submission requirements shall be determined by the Board of Supervisors prior to the Zoning Administrator issuing to the applicant a notice of acceptance of a completed application.

24.8 PROCEDURES

Submission Requirements

Existing Conditions Map showing:

Existing natural and physical features such as roads, existing vegetation, topography in five (5) foot contours,

Proposed Concept Development Plan Showing:

Proposed use of each lot or tract of land within the development

Proposed vehicular and pedestrian circulation plan, including all streets, drives and parking areas

Proposed structures, buffer areas, landscaping, lighting and signs (for all non-SFD areas)

Proposed public utilities and easements

Technical Studies and Plans including:

Traffic Impact and Site Access Study including entrances, drives, roads and projected traffic

Parking Plan

Stormwater Management Plan

Phasing Plan

Process:

Preapplication Conference with County Planner

Submission of Application, include any requests for waivers of District provisions

Determination by Planning Commission and Board of Supervisors whether to accept any recommended waivers to submission requirements.

Notice of Acceptance from County Planner, indicating that applications is complete

Written referral comments received from County agencies and VDOT

Planning Commission Briefing and review of all referral comments

Planning Commission Public Hearing

Planning Commission Action

Board of Supervisors Public Hearing

Board Action

**ARTICLE XXV
RURAL CLUSTER DEVELOPMENT OPTION**

25.1 INTENT

The Cluster Option is intended to help preserve open space, agricultural land, environmental resources and the rural character of the County.

25.2 APPLICABILITY (Amended 6/23/05)

The Cluster Development Option may be used for eligible tracts in the R-10, R-5, R-3 zoning districts, at the option of the applicant. If the Cluster Option is selected, all requirements in this section will apply to the entire parcel or parcels selected for cluster development.

If the Cluster Option is selected, the provisions of this Article shall apply to subdivision and development of the subject parcel or parcels, in addition to the other underlying zoning provisions of the District. When in conflict, the cluster provisions prevail.

25.3 LOT AND BUILDING REQUIREMENTS (Amended 6/23/05)

Cluster Lots

Lot Area, Minimum

R-10	2 acres
R-5	2 acres
R-3	2 acres

Conservation Lots

Lot Area, Minimum

R-10	40 acres
R-5	30 acres
R-3	20 acres

Total Lot Area for Cluster and Conservation Lots

Except as provided in Section 25.10, the total area in cluster lots shall not exceed thirty-five percent (35%) of the total parent tract. The total area in conservation lots shall be no less than sixty percent (60%) of the total parent tract. In no case shall the number of cluster and conservation lots combined be greater than an average of one (1) lot per ten (10) acres in the R-10 district, one (1) lot per five (5) acres in the R-5 district and one (1) lot per three (3) acres in the R-3 district (excluding one hundred (100) year floodplain).

25.4 BUILDING SETBACK FROM LOT LINES IN CLUSTER LOTS (for all districts)
(Amended 9/15/04)

Front

Primary Structures, Minimum:	100 feet
Accessory Structures, Minimum:	100 feet

Side

Primary Structures, Minimum:	20 feet
Accessory Structures, Minimum:	10 feet

Rear

Primary Structures, Minimum:	40 feet
Accessory Structures, Minimum:	10 feet

Setback from Lot Lines Abutting Existing Public Roads

Primary Structures, Minimum: 300 feet (Setback to be Identified and Recorded on Final Plats)
Accessory Structures, Minimum: 300 feet (Setback to be Identified and Recorded on Final Plats)

25.5 FRONTAGE, MINIMUM PER LOT IN CLUSTER LOTS (Amended 6/23/05)

In R-10, R-5, R-3

on new Public Road: 150 feet
on existing Public Road: 800 feet

25.6 BUFFER ALONG EXISTING PUBLIC ROADS: CLUSTER LOTS (Amended 9/15/04)

A buffer seventy five (75) feet in width shall be preserved along cluster lot lines abutting existing public roads. No trees shall be removed within such buffer except as necessary for wired utility and drainage easements which may cross generally at right angles. In buffers where no trees currently exist, additional evergreen and/or deciduous trees with a caliper of no less than two (2) inches, minimum eight (8) feet in height may be required by the Board. Such buffer shall be identified and recorded on final plats.

25.7 BUILDING SETBACK FROM LOT LINES IN CONSERVATION LOTS (for all districts) (Amended 9/15/04)

Front

Primary Structures, Minimum: 100 feet
Accessory Structures, Minimum: 100 feet

Side

Primary Structures, Minimum: 40 feet
Accessory Structures, Minimum: 10 feet

Rear

Primary Structures, Minimum: 40 feet
Accessory Structures, Minimum: 10 feet

Setback from Lot Lines Abutting Existing Public Roads

Primary Structures, Minimum: 300 feet (Setback to be Identified and Recorded on Final Plats)
Accessory Structures, Minimum: 300 feet (Setback to be Identified and Recorded on Final Plats)

25.8 FRONTAGE, MINIMUM PER LOT IN CONSERVATION LOTS (Amended 6/23/05)

In R-10, R-5, R-3:

on new Public Road: 300 feet
on existing Public Road: 800 feet

25.9 CONSERVATION EASEMENT REQUIRED FOR CONSERVATION LOTS AND OPEN SPACE (Amended 9/15/04)

At the time of recordation of the plat of subdivision establishing the cluster and conservation lots, the applicant shall also record a permanent conservation easement on all of the Conservation Lots in the subdivision and on any land provided for open space purposes to a subdivision homeowners association or to the County, which shall prohibit any further subdivision or any use of greater intensity than one (1) principal residential dwelling per lot and general agricultural uses. The beneficiaries of such easement shall be held jointly by at least two (2) of the following: the County, a homeowners association created for the subdivision, the Commonwealth of Virginia, or a

designated conservation organization approved by the County and authorized to hold easements by state law, Title 10.1 Virginia Conservation Easement Act, Code of Virginia.

25.10 DENSITY BONUS (Amended 6/23/05)

As part of the rezoning approval, the Board may grant density increases in return for:

- a. Provision of ten percent (10%) of the total units being Affordable Dwelling Units.

For the purposes of this item an "Affordable Dwelling Unit" shall be defined as a unit for which rent or mortgage costs are no greater than twenty-five percent (25%) of the gross income of families earning no more than eighty (80%) of the median family income in the jurisdiction.

If at least ten percent (10%) of the total dwelling units in the proposed subdivision will be Affordable Dwelling Units, then the maximum number of lots allowed by the underlying Zoning District may be increased by five percent (5%).

The thirty-five percent (35%) maximum total lot area for cluster lots specified in Section 25.3 above can be increased and the sixty percent (60%) minimum total lot area for conservation lots specified in Section 25.3 above can be decreased to accommodate the five percent (5%) density bonus lots.

- b. Use of available public central wastewater.

If public wastewater is available and approved to serve the cluster lots, the minimum lot size may be reduced to one (1) acre in the R-5 District and five-tenths (0.5) acres in the R-3 District.

- c. Provision of open space to a subdivision homeowners association and/or to the County.

If at least twenty percent (20%) of the total area in conservation lots specified in Section 25.3 above is provided to the subdivision homeowners association for use by the association members or to the County as open space for use by the general public, then the maximum number of lots allowed by the underlying Zoning District may be increased by five percent (5%).

The thirty five percent (35%) maximum total lot area for cluster lots specified in Section 25.3 above can be increased and the sixty percent (60%) minimum total lot area for conservation lots specified in Section 25.3 above can be decreased to accommodate the five percent (5%) density bonus lots.

- d. Provision of larger conservation lots.

To encourage the creation of conservation lots larger than the minimum specified in Section 25.3 above for the R-3 and R-5 Districts, two (2) additional cluster lots may be granted for each thirty (30) acre (R-5) or twenty (20) acre (R-3) conservation lot that is combined to create the larger conservation lot.

To encourage the creation of conservation lots larger than the minimum specified in Section 25.3 above for the R-10 District, two (2) additional cluster lots may be granted for each forty (40) acre (R-10) conservation lot that is combined to create the larger conservation lot.

The thirty five percent (35%) maximum total lot area for cluster lots specified in Section 25.3 above can be increased and the sixty percent (60%) minimum total lot area for conservation lots specified in Section 25.3 above can be decreased to accommodate the additional density bonus lots.

For example:

R-3 District	Each 40 acre conservation lot	40 acre lot plus 2 additional lots
	Each 60 acre conservation lot	60 acre lot plus 4 additional lots
	Each 80 acre conservation lot	80 acre lot plus 6 additional lots

R-5 District	Each 60 acre conservation lot	60 acre lot plus 2 additional lots
	Each 90 acre conservation lot	90 acre lot plus 4 additional lots
	Each 120 acre conservation lot	120 acre lot plus 6 additional lots
R-10 District	Each 80 acre conservation lot	80 acre lot plus 2 additional lots
	Each 120 acre conservation lot	120 acre lot plus 4 additional lots

**ARTICLE XXVI
PLANNED COMMUNITY DISTRICT
(PCD)**

26.1 INTENT AND PURPOSE (Amended 5/20/98)

To provide design flexibility to respond sensitively to specific site conditions;
To provide design flexibility to allow for creativity and innovation in use of land;
To achieve a convenient and compatible mix of uses;
To provide and maintain community identity and sense of place;
To establish large areas of usable open space;
To maintain the rural character of the area with small villages and large expanses of open space;
To create stable communities in harmony with surrounding areas; and
To provide for efficient provision of public utilities and infrastructure.

26.2 DESIGN AND LAYOUT

Planned Community Districts shall be designed as distinct communities which provide maximum comfort and convenience of residence and accessibility within the development. They shall have clear visual identities and shall be separated from surrounding land uses through the use of open space and vegetative buffers, locating public and commercial uses and higher density residential toward the center of the community, and other similar measures.

26.3 LOCATION

Within or immediately adjacent to the Village Development Areas and Corridor Development Areas as designated in the Comprehensive Plan.

26.4 PERMITTED USES

Location and extent of all uses must be shown on an approved concept development plan.

Residential

Single Family Detached Dwellings
Single Family Attached Dwellings
Duplexes
Multi-family Dwellings

Commercial

All uses permitted by right in the B-1 Business District (in accordance with the approved concept development plan)
Home Day Care
Home occupation uses

Other Uses

Schools
Structures for religious activities
Parks, playgrounds and non-commercial recreational areas and facilities
Accessory structures
Utilities serving the community
Services to residents

26.5 PERMITTED USES BY SPECIAL EXCEPTION

All special exception uses permitted in the B-1 Business District (in accordance with approved concept development plan)

- Fire and Rescue Squad facilities
- Golf Course, Golf or Boat Clubs

26.6 DENSITY, AREA AND MINIMUM STANDARDS

The following are the standards for development of a Planned Community District. There shall be two levels of planned community district: **Minor** (development on 10-50 acres) and **Major** (development on more than 50 acres). Phased developments must meet the development standards and requirements of the district level determined by the total acreage of the entire development.

		<u>MINOR</u>	<u>MAJOR</u>
Minimum Total Site Area		10 acres	50 acres
Minimum Area in Planned Open Space		10%	25%
Maximum Residential Density		.25 (4 units/ac)	.25 (4 units/ac)
Minimum Residential Lot Size:	Detached	8,000 sq. ft.	8,000 sq. ft.
	Attached	2,000 sq. ft.	2,000 sq. ft.
	Duplex	4,000 sq. ft.	4,000 sq. ft.
	Multi-family	8,000 sq. ft.	8,000 sq. ft.
Minimum Housing Unit Type		50% detached or attached units	
Maximum Proportion of Multi-family		25%	25%
Maximum Proportion of Duplex		25%	25%
Maximum Total Commercial Area		20% not to exceed 10 acres	20% not to exceed 15 acres

Total site area – total contiguous area less area in 100-year floodplain.

Open space does not include paved or lighted areas, utility right-of-way nor bodies of water.

Total density – total site area divided by the number of dwellings.

26.7 SETBACKS AND RELATED REQUIREMENTS

Maximum height of structures:		35 feet
Minimum Road Frontage:		100 feet
Setback Requirements:		
	(Single Family Detached)	Front Yard 15 feet
		Side Yard 15 feet
		Rear Yard 25 feet
	(Single Family Attached and Duplexes)	Front Yard 15 feet
		Side Yard 25 feet, where not attached
		Rear Yard 25 feet
	Multi-Family	Front Yard 15 feet
		Side Yard 25 feet
		Rear Yard 25 feet
	Accessory Structures	Front Yard 15 feet
		Side Yard 5 feet
		Rear Yard 5 feet

26.8 UTILITIES

All Planned Community Districts must be served by central water and wastewater treatment facilities.

26.9 PROCEDURES

While each project shall be evaluated by the staff, the Planning Commission and the Board of Supervisors on an individual basis, the following is a list of information that may be required to be furnished by the applicant in order to fully evaluate and act on any request for a Planned Community District:

1. Existing Conditions Map showing: existing natural and physical features such as roads, existing vegetation, topography, existing structures, historic sites and structures, 100-year floodplain and soil conditions.
2. Proposed Concept Development Plan showing: a) proposed use of each lot or tract within the development; b) proposed vehicular and pedestrian circulation plan, including all streets and parking areas; c) proposed community facilities and uses, including proposed ownership of each; d) proposed open space areas, including amount of land and how they will be preserved, owned and used; e) existing or proposed utilities; f) proposed structures, landscaping, lighting and signage (for all non-residential uses) and g) any proposed deed restrictions and/or covenants.
3. Summary Report which may include: a) amount of land to be used for public or semi-public uses, such as schools, churches, etc.; b) amount of land and facilities to be owned in common; c) amount of land to be dedicated to local, state or federal government; d) amount of land to be set aside for passive open space; e) amount of land to be developed for active recreational uses; f) amount of land within the 100-year floodplain, designated wetlands, etc.; g) projected traffic counts (total average daily trips and a.m. and p.m. peak hour trips); h) proposed number of parking spaces for all uses other than residential and passive open space areas; i) total residential density (computed by dividing the total site area by the number of residential units) and j) homeowner association documents for maintenance and funding of common areas and facilities.
4. Technical Reports which may include any or all of the following: a) statement of justification of the project; b) traffic impact study, including planned connections to existing and proposed roads; c) storm water management plan; d) environmental impact study; e) wetlands identification and protection plan; f) fiscal impact assessment; g) utilities plan; h) phasing plan; i) evidence of unified control of entire site area; j) summary of any requested modifications to County policies and ordinances for the project; k) waste stream impact study; l) public facilities impact study and m) any other studies deemed necessary to properly evaluate the request.

26.11 APPLICATION PROCESS

1. Pre-application conference with County Planning staff
2. Submission of Application
3. Notice of acceptance from County Planning Office, indicating application completeness
4. Written referral comments received from County agencies and VDOT
5. Planning Commission briefing and review of all referral comments
6. Planning Commission public hearing
7. Planning Commission action
8. Board of Supervisors public hearing
9. Board of Supervisors action

26.12 EXCEPTIONS

Any exception granted from the standard and requirements set forth in Sections 24.6, 24.7, and 24.8 must follow the same procedures as those set forth in Section 4.3 of this Ordinance, including a public hearing before the Board of Supervisors. The Board of Supervisors must grant any exception by the issuance of a special exception permit.

ARTICLE XXVII
PLANNED CONDITIONAL RECREATIONAL DISTRICT
(PCRD)
(Amended 3/3/03)

27.1 INTENT AND PURPOSE

The purpose of the Planned Conditional Recreational District is to permit development of planned recreational facilities on a minimum of 750 acres under one ownership or control. The District is designed to permit greater flexibility to the developer by removing many of the restrictions of conventional zoning. The District is intended as an opportunity and incentive to achieve excellence in developing uses which by their nature require large land areas, often operate in campus like settings and which may require separation from normal residential, commercial or industrial development. The District is further intended:

- To provide design flexibility to respond sensitively to specific site conditions;
- To provide design flexibility to allow for creativity and innovation in use of land;
- To achieve a convenient and compatible mix of uses;
- To provide and maintain community identity and sense of place;
- To establish large areas of usable open space;
- To maintain the rural character of the area and large expanses of open space; and
- To provide for efficient provision of public or private utilities and infrastructure, and an integrated, comprehensive transportation system.

27.2 DESIGN AND LAYOUT

Planned Conditional Districts shall be designed as distinct communities which provide maximum comfort and convenience of use and accessibility within the development. They shall have clear visual identities and shall be separated from surrounding land uses through the use of open space and vegetative buffers, locating public and commercial uses and higher density residential toward the interior of the community.

27.3 PERMITTED USES

Uses permitted in a Planned Conditional Recreational District shall be only those which have been proffered by the applicant and approved by the Board of Supervisors on the final development plan. Specific uses permitted shall include, but not be limited to:

1. Recreational uses, such as golf courses; equestrian facilities; health, fitness and athletic facilities.
2. Residential, commercial or other uses which are complementary and subordinate to the final development plan and integrated within it.
3. Accessory uses and structures.

27.4 DENSITY, AREA AND MINIMUM STANDARDS

The following are the standards for development of a Planned Recreational District:

Minimum district size:	750 acres
Minimum residential lot area:	1.5 acres
Lot coverage:	no minimum

Yard Requirements:

Locations and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to existing or prospective development of the immediate area.

Density:

Residential density shall be as permitted on the approved final development plan; provided that, only densities subordinate and complementary to the main recreational use shall be approved. The number of residential lots shall not be greater than an average of one (1) lot per five (5) acres.

Development Rights Easements:

When residential development is planned on a portion of a tract in the Planned Conditional Recreational District, the remaining portion of the tract shall be protected from more intensive development in the future. At the time of recordation of the plat of subdivision establishing the residential lots, the applicant shall also record a conservation/recreation easement which shall prohibit any further subdivision and/or any use of greater intensity on the remaining property. Such easement shall be held by and for the benefit of the County, State and Federal entities or a designated conservation organization approved by the County.

27.5 STREETS

All streets and roads shall be designed and constructed in accordance with the current Virginia Department of Transportation (VDOT) subdivision street requirements and minimum VDOT standards for paved roads and/or County specifications.

27.6 PROCEDURES

The development plan for each project shall be evaluated by the staff, the Planning Commission and the Board of Supervisors. The following is a list of information that shall be furnished by the applicant in connection with the development plan:

1. Existing Conditions Map
Showing: existing natural and physical features such as roads, existing vegetation, topography, existing structures, historic sites and structures, 100-year floodplain and soil conditions.
2. Proposed Development Plan
Showing: (a) proposed use of each lot or tract within the development; (b) proposed vehicular and pedestrian circulation plan, including streets and parking areas; (c) proposed community facilities and uses, including proposed ownership of each; (d) proposed open space areas, including amount of land, and how they will be preserved, owned and used; (e) existing or proposed utilities; (f) proposed structures, landscaping, lighting and signage; (g) any proposed deed restrictions and/or covenants; (h) architectural sketches of typical proposed structures; and (i) maintenance agreements governing single family residential areas of the development.
3. Summary Report
Which includes: (a) amount of land to be used for public or semi-public uses, such as schools, churches, etc.; (b) amount of land and facilities to be owned in common; (c) amount of land to be dedicated to local, state or federal government; (d) amount of land to be set aside for passive open space; (e) amount of land to be developed for active recreational uses; (f) amount of land within the 100-year floodplain, designed wetlands, etc.; (g) projected traffic counts (total average daily trips and a.m. and p.m. peak hour trips); (h) proposed number of parking spaces for all uses other than residential and passive open space areas; (i) homeowner association documents for maintenance and funding of common areas and facilities; and (j) title insurance policy or attorney's certificate showing marketable title in owner and source of title.
4. Technical Reports
Which shall include all of the following: (a) statement of justification of the project; (b) traffic impact study, including planned connections to existing and proposed roads; (c) stormwater management plan; (d) environmental impact study; (e) wetlands identification and protection plan; (f) fiscal impact assessment; (g) utilities plan; (h) phasing plan; (i) evidence of unified control of entire site area; (j) summary of any

requested modifications to County policies and ordinances for the project; (k) wastestream impact study; (l) public facilities impact study; and (m) any other studies deemed necessary to properly evaluate the request.

27.7 APPROVAL PROCESS

1. Pre-application conference with County Planning staff
2. Submission of Application
3. Notice of acceptance from County Planning Office, indicating application completeness
4. Written referral comments received from County agencies and VDOT
5. Planning Commission briefing and review of all referral comments
6. Planning Commission public hearing
7. Planning Commission action
8. Board of Supervisors public hearing
9. Board of Supervisors action

27.8 AMENDMENTS

Amendments to the approved final development plan shall be approved using the procedure in Section 27.1 of this Ordinance.

**ARTICLE XXVIII
HUMAN SERVICES FACILITIES**

28.1 INTENT

The intent of this Article is to provide for the safety, health and welfare of citizens of Amelia County who may be under the care and custodial protection of public and private agencies, and to otherwise promote the goals and objectives of the County in cooperation with other public and private human services providers, and to implement and comply with the provisions of Section 15.1-486.3 of the Code of Virginia, 1950, as amended.

28.2 PURPOSE

The purpose of this Article is to provide for the safety, health and welfare of the citizens of Amelia County by regulating the use of property for the provision of human services as they relate to human disabilities and handicaps, and to provide for the regulation of the construction, use and location of such facilities, as may be required.

28.3 APPLICABILITY

The provisions of this Article shall apply to all facilities which are intended to be used as a place for the providing of services to humans who are handicapped and/or disabled, such facilities being hereafter located within the jurisdiction of Amelia County. Unless otherwise excepted herein, this Article shall apply to all public and private facilities designed and intended to be used for, or carrying out and implementing, human services programs for the disabled and/or handicapped.

Nothing contained herein shall be construed to apply the provisions of this Article to individuals who voluntarily elect to care for immediate family members or relatives in their private residence or in the private residence of the family member or relative receiving the care.

28.4 PERMITS AND REQUESTS FOR REZONING

The Zoning Administrator shall require all individuals, corporations, agencies or other entities to apply for and receive a permit prior to building and operating a human services facility. Said permit shall be obtained in accordance with such rules and regulations as the Zoning Administrator and the governing body may require from time to time as being in the best interest of the safety, health and welfare of the citizens of Amelia County. Nothing in this Section of this Article shall be construed to relieve any individual, corporation, agency or other entity from complying with other provisions of this Article or other provisions of this Ordinance.

Before the Zoning Administrator approves a permit, he/she shall certify that the program of services to be provided to the clients of the human services facility has been reviewed and commented upon by the appropriate State, Federal or local agencies. Such comments shall be provided in writing to the Planning Commission and to the governing body as a part of the official record for their use in granting or denying such permit.

The Zoning Administrator shall require all applicants for rezoning request to build, operate or use a facility providing human services to provide, in writing, the advice and comments of applicable and appropriate State, Federal and local agencies having a direct or indirect interest in connection with the type of service to be provided. The Zoning Administrator shall require each and all applicants to provide, as a part of the written comments, statements of the applicability and use of services and treatment programs, modalities, approaches and relevance thereof to the condition or conditions to be treated, cared for, or otherwise dealt with in the human services facility.

28.5 COMPLIANCE WITH OTHER LAWS AND OFFICIAL ACTS

Nothing contained within this Article shall be construed to prevent, prohibit, release, or otherwise abrogate compliance by any individual, corporation, agency or other entity with applicable laws and official acts of any State, Federal or local agencies. It shall be the responsibility of the applicant to show compliance therewith.

28.6 REQUIRED CONDITIONS

Applicants requesting human services facility permits to build and operate a human services facility shall be limited to the R-2 Residential District, A-5 Agricultural District, RP-5 Rural Preservation District and RR-3 Rural Residential District. All applications shall be subject to the following conditions:

- A. Owner(s) shall provide on premises supervised care twenty-four (24) hours per day.
- B. Owner(s) shall provide for mental health services and providers.
- C. Owner(s) shall provide clinical backup support services.
- D. Owner(s) shall provide for emergency services and post care programs.
- E. The group home and/or human services facility shall have a maximum of one (1) dwelling unit per lot or parcel of property as required by the designated zoned district.
- F. Owner(s) shall meet all the requirements of all State, Federal and local agencies regarding the location, construction and operation of a group home and/or human services facility.
- G. Any other conditions that the governing body deem appropriate to provide for the health, safety and welfare for all citizens of Amelia County.
- H. Group homes/human services facilities housing up to eight (8) mentally and/or developmentally disabled persons, with staff, shall be considered as a single-family dwelling.

**ARTICLE XXIX
SIGN CONTROLS**

29.1 INTENT

These regulations are intended to insure compatibility with surrounding land uses to promote the public health, safety and welfare by providing standards to ensure against: (a) signs which unduly distract or obstruct the vision of motorists and pedestrians; (b) signs which are structurally unsafe; and (c) signs which by their location, design or materials create hazardous conditions for the public. These regulations shall govern and control the erection, remodeling, enlarging, moving, maintenance and operation of all exterior signs within all zoning districts established by this Ordinance. These regulations are not intended to infringe on an individual's right to freedom of speech and shall be applicable to only those signs that are visible from public right-of-ways and adjoining properties. All applicants for sign permits shall follow suggested design guidelines for signs enumerated in this Article. No sign shall be permitted, erected or used in Amelia County, except as permitted in this Article.

29.2 DEFINITIONS (Amended 2/18/09, 12/18/13)

Sign: Any display of any letters, writing, words, numerals, figures, devices, emblems, flags, models, street clocks, temperature announcements, insignias, pictures, or any parts of combinations thereof, by any means whereby the same are made on, attached to, or as a part of a structure, surface or any other thing, including, but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which the same is located.

Business Sign: A sign which directs attention to a product, commodity, or service available on the premises including professional offices or institutional use.

Directional Sign: A sign (one end of which may be pointed, or on which an arrow may be painted, indicating the direction to which attention is called) giving the name only of the firm, business, residence or farm responsible for the erection of same.

General Advertising Sign: A sign which directs attention to a product, commodity, or service not necessarily conducted, sold, or offered upon the same lot where such sign is located, referred to as a "billboard."

Home Occupation Sign: A sign directing attention to a product, commodity, or service available on the premises, but which product, commodity, or service is clearly a secondary use of the dwelling.

Location Sign: A sign which directs attention to the approximate location of an establishment from which the product may be obtained.

Temporary Sign: A sign applying to a seasonal or other brief activity such as, but not limited to, summer camps, horse shows, auctions, or sale of land.

On-premise Sign: A sign that is located on the same parcel of land as the entity it addresses.

Off-premise Sign: A sign located on a separate parcel of land from the entity it addresses. These signs are regulated under Virginia State law through the Virginia Department of Transportation (VDOT).

29.3 GENERAL PROVISIONS (Amended 2/18/09; 12/18/13)

A. A sign permit is required prior to erecting a sign controlled by this Article and is valid for six (6) months.

B. Signs may be illuminated provided the illumination shall be properly focused upon the sign itself as to prevent glare upon the surrounding area.

C. Signs that flash, are animated, use light-emitting diode (LED) and/or intermittent illumination shall be allowed, however, at no time shall these situations be allowed to distract drivers of vehicles.

D. Mobile signs shall not be permitted as permanent signs.

E. Red and green lighted signs shall not be permitted within one hundred (100) feet of a signaled intersection.

F. On stores and other permitted commercial or industrial uses, exterior signs pertaining to the use permitted are not to exceed one (1) square foot per lineal foot of property frontage and shall be attached flat against the wall of the building and must be limited to the store front portion of the facade not projecting above the roof line or coping nor face the side lot of an adjoining residential property, and be in general conformity to the structure and the surrounding architecture.

G. No sign will be permitted which would extend above the building line.

H. Projecting signs shall be at least eight (8) feet above grade level.

I. Square footage of signs shall be calculated as aggregate for all surface area.

J. Business signs shall include all signs for business to determine square footage.

K. Maximum height of any sign shall be thirty-five (35) feet.

L. Freestanding signs shall be at least five (5) feet off property lines and not located in a Virginia Department of Transportation right-of-way.

29.4 ADVERTISING OUTDOORS REGULATED

No person except a public officer or employee in performance of a public duty, shall paste, post, paint, print, nail, tack, erect, place, maintain, or fasten any sign, pennant, outdoor advertising sign, billboard, or notice of any kind, or cause the same to be done, facing or visible from any public street or public open space, except as provided herein.

29.5 EXCLUDED SIGNS

The following shall not be deemed to be included within the definition of "sign":

A. Signs of a duly-constituted governmental body, including traffic or similar regulatory devices, legal devices, or warnings at railroad crossings.

B. Memorial tablets or signs, grave stones.

C. Signs required to be maintained by law or governmental order, rule or regulation, with a total surface area not exceeding ten (10) square feet on any lot or parcel.

D. Signs which are within a ball park or other similar private recreational use and which cannot be seen from a public street or adjacent properties.

E. Flags or emblems of a civic, philanthropic, educational or religious organization, temporary in nature of not more than fifty (50) square feet.

F. Signs displayed for the direction or convenience of the public including signs which identify restrooms, location of public telephone, freight entrances or the like.

G. Signs placed by a public utility showing the location of underground facilities.

H. Signs designating private property (i.e. No Trespassing, No Hunting, etc.)

I. Signs of one (1) square foot or less

J. Temporary signs.

29.6 RESTRICTED SIGNS (Amended 2/18/09; 12-18-13)

The following restrictions apply to signs covered by this Article.

A. Unauthorized signs at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision between heights of two and one-half (2½) and eight (8) feet; or at any location where it may interfere with, obstruct the view of, or be confused with any authorized traffic sign.

B. Signs which produce noise or sound capable of being heard even though the sounds produced are not undesirable sounds.

C. Signs which emit visible smoke, vapor, particles, or odor.

D. Signs erected, constructed, or maintained so as to obstruct, or be attached to any fire-fighting equipment, window, door, or opening used as a means of ingress or egress for fire-fighting purposes, or placed so as to interfere with any opening required for proper light and ventilation.

E. Signs with any lighting or control mechanism which causes radio or television or other communication interference.

F. Those who imitate or resemble any official traffic sign, signal or devise or use the words "Stop" or "Danger" prominently displayed or present, or imply the need of requirement of stopping or the existence of danger on any highway.

G. Those which are not effectively shielded so as to prevent beams or rays of light from being directed on any portion of the traveled ways of a street or highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle.

H. Signs which advertise any activities which are illegal under state or federal law or regulations in effect at the location of such sign or at the location of such activities.

I. Any sign affixed to, hung, placed, or painted on any other sign, cliff, tree, public utility pole, radio or television or similar tower, provided, that this prohibition shall not affect official traffic, parking or informational signs placed on utility poles by the State or County government.

J. General advertising signs, as defined in Article II of this Ordinance and section 29.2 of Article XXIX.

K. Abandoned signs: For the purpose of this section, a sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of at least two years. Following the expiration of the two-year period any abandoned nonconforming sign shall be removed by the owner of the property on which the sign is located, if notified by the County to do so. If, following such two-year period, the County has made reasonable attempt to notify the property owner, the County through its own agents or employees may enter the property upon which the sign is located and remove any such sign whenever the owner refused to do so. The cost of such removal shall be chargeable to the owner of the property. Nothing herein shall prevent the County from applying to a court of competent jurisdiction for an order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or other appropriate remedy

L. Signs which are inconsistent with State law or the provisions of this Ordinance.

29.7 **SIGNS PERMITTED** Amended 2/18/09)

Signs will be permitted in the various districts only as follows:

A. Agricultural A-5 and Rural Preservation RP-5

1. Business signs not to exceed twenty (20) square feet
2. Church bulletin boards and identification signs not to exceed sixteen (16) square feet.
3. Directional signs not exceed sixteen (16) square feet.
4. Home occupation signs not to exceed four (4) square feet.
5. Location signs not to exceed thirty-two (32) square feet.
6. Temporary signs not to exceed thirty-two (32) square feet.

B. Residential RR-3, ER-1, R-1, R-2 (amended 2/18/09)

1. Business signs, with a total square footage not exceeding sixteen (16) square feet per sign.
2. Church bulletin boards and identification signs, with a total surface area not to exceed sixteen (16) square feet.
3. Directional signs, with a total surface area not exceeding sixteen (16) square feet.
4. Home occupation signs, with a total surface area not exceeding four (4) square feet.
5. Location signs not to exceed thirty-two (32) square feet (RR-3 only).
6. Temporary signs not to exceed thirty-two (32) square feet.

C. Business B-1 (Amended 2/18/09)

1. Business signs along highways with two (2) lanes shall be permitted up to thirty-six (36) square feet per operating business, regardless of the amount of floor area and/or number of businesses. Business signs along highways with four (4) or more lanes shall be permitted up to sixty-four (64) square feet per operating business having less than 10,000 square feet of floor area. For multiple businesses on the same or adjoining parcels, having separate Federal Identification Numbers and 10,000 square feet of floor area or more, one sign shall be permitted up to one hundred ten (110) square feet to allow for the combination of multiple signs into a singular sign. Gas stations may have two additional reader signs for price and service advertisement not to exceed forty (40) square feet each.
2. Church bulletin boards and identification signs not to exceed sixteen (16) square feet.
3. Directional signs not to exceed sixteen (16) square feet.
4. Home occupation signs not to exceed four (4) square feet.
5. Location signs not to exceed thirty-two (32) square feet.
6. Temporary signs not to exceed thirty-two (32) square feet.

D. Shopping Center Business - B-2 (amended 8/15/07)

1. Shopping Center Identification sign not to exceed one hundred ten (110) square feet announcing name of center and major tenant(s).
2. Business signs (major tenants) not to exceed fifty (50) square feet.
3. Business signs (other tenants) not to exceed twenty-four (24) square feet.

E. Industrial M-1, M-2 (Amended 2/18/09; 12/18/13; 9/17/14)

1. Business signs along highways with two (2) lanes shall be permitted up to sixty-four (64) square feet per operating business, regardless of the amount of floor area and/or number of businesses. Industrial development parks along highways with two (2), and more than two tenants shall be permitted up to two hundred (200) square feet. These signs should be located at an entrance to the park.
2. Business signs along highways with four (4) or more lanes shall be permitted up to sixty-four (64) square feet per operating business having less than 10,000 square feet of floor area. For multiple businesses on the same or adjoining parcels, having separate Federal Identification Numbers and 10,000 square feet or more of floor area, one sign shall be permitted up to one hundred ten (110) square feet to allow for the combination of multiple signs into a single sign with each individual business having up to an additional 20 square feet. Industrial development parks along highways with four (4) or more lanes, and more than two tenants shall be permitted up to three hundred (300) square feet. These signs should be located at an entrance to the park.
3. Church bulletin boards and identification signs not to exceed sixteen (16) square feet.
4. Directional signs not to exceed twenty (20) square feet.
5. Location signs not to exceed thirty-two (32) square feet.
6. Temporary signs not to exceed thirty-two (32) square feet.

29.8 CONSTRUCTION AND CONFORMANCE (Amended 2/18/09)

Every sign permitted by this Article must be constructed of durable materials and must be kept in good condition and repair. The Zoning Administrator shall notify the appropriate person that such sign or outdoor advertising matter shall be repaired or removed within a specified time period, and if not repaired or removed, the County shall remove the sign or take other action to require prompt compliance with this Ordinance.

All signs must be registered with the Zoning Administrator. Existing signs not conforming to all conditions of this Article shall not be repaired, altered, or rebuilt unless same are made to conform to these conditions set forth in this Article.

29.9 NONCONFORMING SIGNS (Amended 2/18/09; 12/18/13)

Any sign lawfully in existence at the time of the effective date of this Ordinance may be maintained although it does not conform to the provisions of this Ordinance. Such nonconforming sign shall comply in all respects with the requirements of Article V which pertains to nonconforming uses. All signs must conform to the Uniform Statewide Building Code and other applicable County ordinances.

29.10 REMOVAL OF SIGNS (Amended 2/18/09)

The Zoning Administrator may order the removal of any sign erected or maintained in violation of this Article. Upon determination of such violation, the Zoning Administrator shall give thirty (30) days written violation notice, by certified mail, to the owner of such sign, or of the building, structure or premises upon which such sign is located to remove the sign or to bring it into compliance with applicable regulations. If the owner or person notified of the violation fails to remove or alter the sign to comply with the applicable requirements of this Article within the thirty (30) days, the Zoning Administrator shall cause such sign to be removed at the cost of the owner or person notified of the violation.

Removal of sign shall mean the dismantling and removal from premises of all signs, embellishments, and structures designed specially to support such sign.

This process described herein also is applicable to abandoned signs.

29.11 SUGGESTED DESIGN GUIDELINES (Amended 2/18/09)

The aesthetic appeals of a sign are as influential upon the public as its text. Each sign's use of color, size, shape, placement and selection of lettering can attract or detract from its effectiveness. An effectively designed sign should: (1) identify the business clearly and attractively; (2) enhance the building on which it is located, and; (3) make a positive contribution to the general appearance of the street and neighborhood.

- A. **SIMPLICITY:** This principle is part of the following elements but is so important that it needs to be singled out. Simplicity is the key - less is more.
- B. **COMPATIBILITY:** The sign should always be considered as part of the building and not as an unrelated object attached to it. It should therefore be compatible with the supporting architecture and with its neighbors.
- C. **SCALE:** Legibility does not depend on size, but on design. Signs which are smaller in size, and are of cleaner and simpler design, are easier to read than signs which push for all the maximums. The sign should also be in proportion to the storefront, the building and the neighbors.
- D. **COLOR:** Your choice of color should: (1) be appropriate to your business activity and image; (2) be compatible with the general color of the building on which the sign belongs and; (3) enhance the legibility of the sign.
- E. **QUALITY OF MATERIALS:** Quality construction materials meeting the requirements of the Virginia State Building Code shall be used in every application.

**ARTICLE XXX
AMENDMENTS**

30.1 AMENDMENTS (Amended 6/16/04)

The regulations, restrictions and boundaries established in this Ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed by the governing body, provided:

A. The Planning Commission shall hold at least one (1) public hearing on such proposed amendment after notice of intention to do so and the governing body shall hold at least one (1) public hearing before approving and adopting said amendment after notice of intent to do so has been published once a week for two (2) successive weeks in some newspaper having general circulation in Amelia County. Such notice shall specify the time and place of the hearing at which persons affected may appear and present their views, not more than twenty-one (21) days and not less than six (6) days after the second advertisement. Such notification is pursuant to Section 15.1-431, Code of Virginia, 1950, as amended.

B. Pursuant to public notice, as required by Section 15.1-431, Code of Virginia, 1950, as amended, the governing body may make appropriate changes or corrections in the proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing.

C. An affirmative vote of at least a majority of the members of the governing body shall be required to amend the Zoning Ordinance.

D. Such notice for both the Planning Commission and the governing body may be published concurrently. If such joint hearing is held, then public notice, as set forth by Section 15.1-431, Code of Virginia, 1950, as amended, need be given only by the governing body.

E. When a proposed amendment of the Zoning Ordinance involves a change in the zoning classification of twenty-five (25) or less parcels of land, written notice shall be given by the Planning Commission at least five (5) days before the hearing to the owner(s), their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected. Also, written notice shall be given to the owner(s), their agent or the occupant, of all abutting property and property immediately across the street from the property affected which lies in an adjoining county or municipality of the Commonwealth. Notice sent by registered or certified mail to the last known address of such owner(s) as shown on the current real estate tax assessment books shall be deemed adequate compliance with this requirement. A certification by the Zoning Administrator that notice has been mailed to the property owner and all adjoining property owners may be substituted for the registered or certified letters.

F. If a public hearing is continued, notice shall be mailed. Costs of any notice required under Section 15.1-431, Code of Virginia, 1950, as amended, shall be taxed to the applicant. Whenever the notices required hereby are sent by an agency, department or division of the governing body such notices may be sent by first class mail provided; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

G. A rezoning request is considered as an "amendment" to the Zoning Ordinance. Such request shall be made by application to the Zoning Administrator accompanied by fees, as determined by the governing body. Requests for rezoning requires an advertised public hearing, as set forth in this Article and in Section 15.1-431, Code of Virginia, 1950, as amended. Among the factors to be taken into account in consideration of any rezoning request are the location, nature and extent of the proposed activity or use and the possible adverse effects of the said rezoning.

H. Following the withdrawal of a rezoning request by the applicant, or disapproval of the rezoning request by the governing body, the applicant shall receive no refund of fees and shall have a twelve (12) month waiting period prior to the submission of an application on the same rezoning request.

30.2 CONDITIONAL ZONING (Amended 12/17/03)

A. It is the general policy of the County in accordance with the provisions of Section 15.2-2296 of the Code of Virginia, 1950, as amended, to provide for the orderly development of land, for all purposes, through zoning and other land development legislation. Frequently, where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. In these cases, more flexible and adaptable zoning methods are needed to permit differing land uses and at the same time to recognize effects of change. It is the purpose of this section to provide a more flexible and adaptable zoning method to cope with situations found in districts through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned. The provisions of this Section shall not be used for the purpose of discrimination in housing and shall conform with the provisions of Section 15.2-2298, Code of Virginia, 1950, as amended.

B. The applicant may make a voluntary proffering, in writing of reasonable conditions, prior to a public hearing before the Planning Commission, in addition to the regulations provided for the zoning district by this Section, as a part of a rezoning or amendment to a zoning map; provided, that:

1. The rezoning itself must give rise to the need for the conditions;
2. Such conditions shall have a reasonable relation to the rezoning;
3. Such conditions may include a cash contribution to the County;
4. Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in Section 15.2-2241, Code of Virginia, 1950, as amended;
5. No conditions shall be proffered that are not related to the physical development or physical operation of the property; and
6. All such conditions shall be in conformity with the duly adopted land use plan if applicable.

C. A draft of all the applicant's proffers shall be submitted as part of the application in a format established by the Zoning Administrator. The Planning Commission reserves the right to recommend denial to the governing body of any map amendment to the County's Zoning Ordinance in which the applicant proposes proffers which the Planning Commission finds unacceptable as good zoning practice. Prior to final action by the governing body, the proffers shall be completed and signed by the applicant and shall be binding on the applicant once the application for the zoning change is approved.

D. The Zoning Administrator shall be vested with all necessary authority to administer and enforce conditions attached to a rezoning or amendment to a zoning map, including (1) the ordering in writing of the remedy of any noncompliance with such conditions, (2) the bringing of legal action to insure compliance with such conditions, including injunction, abatement or other appropriate action or proceeding, and (3) requiring a guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the governing body, or agent thereof, upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part; provided, further, that failure to meet all conditions shall constitute cause to deny the issuance of any of the required uses, occupancy or building permits, as may be appropriate.

E. The zoning map shall show by an appropriate symbol on the map the existence of conditions attaching to the zoning on the map. The Zoning Administrator shall keep in his/her office and shall make available for public inspection a conditional zoning index. The index shall provide ready access to the Ordinance creating conditions in addition to the regulations provided for in a particular zoning district or zone.

F. Any zoning applicant who is aggrieved by the decision of the Zoning Administrator, pursuant to the provisions of Section 15.2-2311, Code of Virginia, 1950, as amended, may petition the Board of Zoning Appeals for the review of the decision of the Zoning Administrator.

G. Any conditional rezoning request approved by the Board of Supervisors shall begin the active use of the property within twenty-four (24) months of the approval and shall complete construction within sixty (60) months or the property shall revert to the original zoning classification, unless amended by mutual consent of the applicant and the Board of Supervisors.

H. There shall be no amendment or variation of conditions created pursuant to this section until after a public hearing before the governing body advertised pursuant to the provisions of Section 15.2-2204, Code of Virginia, 1950, as amended.

I. These conditional zoning provisions shall be applied under the guidance of a proffer policy duly adopted, by the Board of Supervisors for these purposes, which may be amended and updated from time to time as deemed necessary and appropriate by the Board.

30.3 REVERSION

A parcel of land that has been rezoned at the request of the owner shall retain the rezoned status as long as the land use agrees with such status. In the event of a parcel being rezoned with no building activity taking place within one (1) year of the rezoning, such parcel may revert to the previous zoning status at the pleasure of the governing body.

Prior to any reversion action by the governing body, the property owner(s) shall be duly notified.

**ARTICLE XXXI
VIOLATION AND PENALTY**

31.1 VIOLATION

All departments, officials and public employees of this jurisdiction which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance. They shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this Ordinance. Any such permit, if issued in conflict with the provisions of this Ordinance, shall be null and void.

Any person, firm or corporation, whether as principal, agent, employed or otherwise, violating, causing or permitting the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor.

31.2 PENALTY (Amended 5/20/98)

The penalty for any one violation shall be a fine of not more than one thousand dollars (\$1,000). Each day during which a violation is found to have existed may constitute a separate offense.

**ARTICLE XXXII
BOARD OF ZONING APPEALS**

**32.1 CREATION, APPOINTMENT AND TERMS OF OFFICE OF MEMBERS
AND VACANCIES**

A board consisting of five (5) members shall be appointed by the Circuit Court of Amelia County. Each Board member shall be compensated in such a matter as determined by the governing body. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.

The term of office shall be for five (5) years, except that of the first five (5) members appointed, one (1) shall serve for five (5) years, one (1) for four (4) years, one (1) for three (3) years, one (1) for two (2) years, and one (1) for one (1) year. One (1) of the five (5) appointed members shall be an active member of the Planning Commission.

Members may be removed for cause by the appointing authority upon written charges and after a public hearing.

Any member of the Board shall be disqualified to act upon a matter before the Board with respect to property in which the member has an interest.

The Board shall choose annually its own Chairman and Vice Chairman, who shall act in the absence of the Chairman.

32.2 POWERS OF THE BOARD OF ZONING APPEALS

Board of Zoning Appeals shall have the following powers and duties:

To hear and decide appeals from any order, requirement, decision or determination made by an administrative office in the administration or enforcement of this Ordinance or of any Ordinance adopted pursuant thereto.

To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of this Ordinance shall be observed and substantial justice done.

When a property owner can show that his/her property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a special piece of property at the time of the effective date of this Ordinance, or other extraordinary situations or conditions of such piece of property, or of the use or development of property immediately adjacent thereto, the strict application of the terms of this Ordinance would effectively prohibit or unreasonably restrict the use of the property or where the Board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of this Ordinance.

No such variance shall be authorized by the Board unless it finds that:

- A. The strict application of this Ordinance would produce an undue hardship;
- B. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and/or
- C. The authorization of such variance will not be of a substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.

No such variance shall be authorized except after notice and hearing as required by Section 15.1-431 of the Code of Virginia, 1950, as amended.

In authorizing a variance, the Board may impose such conditions regarding the location, character and other features of the proposed structure for use that it may deem necessary in the public interest, and may require a guarantee or bond to insure that the conditions imposed are being and will continue to be complied with.

32.3 RULES AND REGULATIONS

The Board of Zoning Appeals shall adopt such rules and regulations as it may consider necessary.

The meetings of the Board shall be held at the call of its Chairman or at such times as a quorum of the Board may determine.

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

All meetings of the Board shall be open to the public.

A quorum consist of at least three (3) members.

A favorable vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which the Board is required to pass.

32.4 APPEAL TO THE BOARD OF ZONING APPEALS

An appeal to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the County affected by any decision appealed from, by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed, otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.

32.5 APPEAL PROCEDURES

Appeals shall be mailed to the Board of Zoning Appeals, in care of the Zoning Administrator, and a copy of the appeal shall be mailed to the Secretary of the Planning Commission. A third copy shall be mailed to the individual official, department or agency concerned, if any.

Appeals requiring an advertised public hearing shall be accompanied by a check, payable to the "Treasurer of Amelia County," in the amount posted in the office of the Zoning Administrator.

32.6 PUBLIC HEARING

The Board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within sixty (60) days. In exercising its powers, the Board may reverse or affirm, wholly or in part, or may modify the order, a requirement, decision or determination appealed from. The concurring vote of three (3) members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the Ordinance or to effect any variance from this Ordinance. The Board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the Board

and shall be public record. The Chairman of the Board, or in his/her absence, the acting Chairman, may administer oaths and compel the attendance of witnesses.

32.7 DECISION OF BOARD OF ZONING APPEALS

Any person or persons jointly or severally aggrieved by any decision of the Board of Zoning Appeals or any taxpayer or any officer, department, board or bureau of the County, may present to the Circuit Court of the County a petition, specifying the grounds on which aggrieved, within thirty (30) days after the filing of the decision in the office of the Board.

Upon the presentation of such petition, the Court shall allow a writ of certiorari to review the decision of the Board of Zoning Appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relater's attorney, which shall not be less than ten (10) days and may be extended by the Court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court may, on application on notice to the Board on due cause shown, grant a restraining order.

The Board of Zoning Appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If, upon the hearing, it shall appear to the Court that the testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the Court with his/her findings of fact and conclusion of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made. The Court may reverse or affirm, wholly or in part, or may modify the decision brought up for review.

Costs shall not be allowed against the Board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.

ARTICLE XXXIII
SITE PLAN REVIEW (Amended 2-18-09)

33.1 Statement of Intent

The purpose of a site plan review is to provide a focused review and approval of selected development to ensure compliance with County regulations, to facilitate the coordination of developments with their surrounding properties, and to promote the health, safety, and general public welfare, with particular attention to site layout and design, traffic movement of vehicles and pedestrians, utilities, drainage, landscaping, and protection of the natural environment. This ordinance is intended to enhance the quality of development in the County by taking into account the County's Comprehensive Plan and development ordinances.

33.2 Prerequisite to Issuance of Permits

No zoning permit or building permit shall be issued to construct, erect, alter, occupy or use any property until the provisions of this section have been met and any required site plan has been approved in compliance with this section.

33.3 When Required

Site plan review and approval is required for all development except:

- A. single family dwellings;
- B. two-family dwellings;
- C. residential accessory buildings or structures smaller than 5,000 square feet; or
- D. farm structures.

33.4 Procedures

A. Pre-application Conference: All applicants shall have a pre-application conference with the Zoning Agent. The purpose of this conference is to discuss the basic site layout, vehicular access, on-site parking, traffic movements, signs, landscaping, utilities, drainage, and so forth with respect to the County Comprehensive Plan and development ordinances.

B. Application: The applicant shall submit 3 copies and the appropriate fee to the Zoning Agent.

C. Application Acceptance: The Zoning Agent shall review the application for completeness. No application shall be accepted for review until it has been determined to be complete.

D. Application Review: The Zoning Agent shall have up to sixty (60) days from the date of acceptance to review the site plan and to circulate the site plan to the appropriate departments, boards, and agencies for written comments. For resubmissions following disapproval, the time period shall be forty-five (45) days after the site plan has been resubmitted for approval.

E. Results of Application Review: The Zoning Agent shall notify the applicant of the results of the review, which may be:

- 1. approval of the site plan as submitted;
- 2. conditional approval of the site plan as submitted subject to the applicant revising the site plan to comply fully with the written comments received during the review process; providing any necessary bond; and paying all fees and charges; or

3. disapproval of the site plan as submitted identifying any the deficiencies causing such disapproval by reference to specific duly adopted County ordinances, regulations or policies, and identifying modifications or corrections as will permit approval of the site plan.

F. Resubmission of a Disapproved Site Plan – Submission of an Application:

1. Resubmission of a disapproved site plan shall be handled as an Application for site plan review as described above.

2. After disapproval, no Application shall be accepted until all fees and charges associated with the disapproved site plan have been settled.

33.5 Appeals

If the Zoning Agent fails to approve or disapproves a site plan in accordance with the time periods set above, the applicant, after ten (10) days written notice to the Zoning Agent, may make appeal to the Circuit Court, as provided by § 15.2-2258 and 15.2-2259 of the Code of Virginia.

33.6 Fees

A. The fee for site plan review shall be as established from time to time by resolution of the Board of Supervisors.

B. In addition to the basic fee, prior to the final approval and release of a site plan, the applicant shall reimburse the County for all third party fees incurred during the review process.

33.7 Bonds

If the approved site plan requires physical construction in a public right-of-way, the applicant shall provide agreement assuring construction and bond securing the estimated costs of the construction to the satisfaction of the Zoning Agent. The bond may be released in phases as work is concluded, inspected and approved as complete.

33.8 Amendments to Approved Site Plan

If it becomes necessary to amend an approved site plan, the Zoning Agent may, if the amendment is minor, approve the amendment. If the Zoning Agent determines that the amendment is major, then a new site plan review is required.

33.9 Compliance with Approved Site Plan

A. Inspections by County officials shall be made during the course of construction to insure compliance with the approved site plan.

B. The owner or developer shall provide adequate supervision at the site during construction of improvements shown on the site plan and shall make sure that one set of the approved site plan is available on the site at all times construction is being performed.

33.10 Failure to Comply

Failure to comply with this section or any aspect of an approved site plan shall be considered and treated as a violation of the Zoning Ordinance.

33.11 Site Plan Specifications

- A. The scale of the site plan shall not be less than one hundred feet to the inch.
- B. The completed application, including drawings, shall be submitted in paper copy form. All site plan drawing sheets shall be twenty-four inches by thirty-six inches.
- C. The Zoning Agent may require that the completed application and drawings be submitted in digital form, such as PDF format files or other reasonable file format.
- D. If the site plan is prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.
- E. Site plans or any portion thereof involving engineering, landscape architecture, architecture or surveying shall be prepared by qualified persons. Final site plans shall be stamped and certified by a professional qualified and licensed to practice by the Commonwealth within the limits of their respective license(s).

33.12 Site Plan Contents

Site plans at a minimum shall contain:

- A. The title of the project; the name of the engineer, architect, landscape architect, surveyor and/or developer; tax map parcel number; magisterial district.
- B. North point, scale, date, and number of sheets.
- C. Vicinity map with sufficient detail and identification features to locate the site.
- D. Existing zoning and zoning district boundaries on the site and on immediately surrounding properties.
- E. A boundary survey of the site to include tax map numbers of adjoining properties.
- F. All existing property lines, existing streets, buildings, watercourses, waterways and other physical features on and adjoining the site.
- G. Location, types, and size of all ingress and egress of the site.
- H. Topography of the project site with contour intervals of two (2) feet.
- I. All existing and proposed structures, including number of floors and height of structures and proposed general use for each building.
- J. The location and size of sanitary and storm sewers, gas lines, water mains, culverts and other underground structures, all overhead utilities and their supporting poles on or affecting the property, including existing and proposed facilities and easements for these facilities
- K. The location of all existing and proposed off-street parking and loading spaces, indicating types of surfacing, size, angle of stalls, width of aisles, traffic flow, signage and a specific schedule showing the number of parking spaces.
- L. Proposed location of solid waste refuse storage and pick-up facilities.
- M. The location, height, type, and materials of all existing and proposed fences, walls, plantings, and landscaping details for all buildings and grounds.

- N. Calculations and provisions for adequate disposition of surface water indicating location, size, type and grade of ditches, catch basins and pipes, wet and dry detention ponds, and connections to existing drainage systems.
- O. Provisions for the adequate control of erosion and sedimentation, in accordance with county ordinances.
- P. Proposed finished grading by contours, supplemented where necessary by spot elevations.
- Q. Flood plain limits and flood inundation zones established by current FEMA maps, soil survey and/or engineering methods.
- R. Location, character, size, height, and orientation of proposed signs.
- S. The location, dimension, and features of proposed recreation, open space, and required amenities.
- T. A minimum of one datum point reference for elevation used on plans and profiles correlated to the U.S. Geological Survey datum, where possible.
- U. Any necessary notes required by the Zoning Agent to explain specific items on the plan.
- V. A blank space at least four inches by four inches on the plan face for use by the County.
- W. The Zoning Agent may request additional technical information other than what has been previously stated, or studies such as economic studies, traffic studies, environmental studies, utility studies and so forth where deemed necessary to protect the health, safety, and general welfare of the citizens of the County.

33.13 Waiver of Requirements

Except for traffic impact analysis requirements, any requirement of this article may be waived by the Zoning Agent, where the waiver is not adverse to the purpose of the article and where an undue hardship would result from the strict enforcement of this article or where the requirement is unreasonable in the specific situation. The waiver shall be made in writing and become part of the site plan review record.

PERMITTED USE CHART

USE	A-5	RP-5	RR-3	R-10	R-5	R-3	RR-1	R-1	R-2	MHP	MHS	B-1	B-2	M-1	M-2
Abattoirs															SE
Accessory Structures	X	X	X	X	X	X	X	X	X	X		X	X	X	X
Acid, Cement Gypsum, Fertilizer, Lime Manufacturer												X			X
Administrative, Executive, Editorial Offices															
Adult Care Facility	SE	SE	SE	SE	SE	SE		SE				X			
Agriculture, General	X	X	X	X	X	X								SE	X
Agriculture, Intensive	X	SE		SE	SE									SE	X
Agriculture, Intensive Expansion	X	X	SE	X	X	SE								SE	X
Agriculture, Limited	X	X	X	X	X	X	X								
Airport and Private Air Strip	SE	SE	SE	SE	SE	SE								SE	X
Amusement Park & Commercial Recreational Facility	SE	SE	SE	SE	SE	SE						SE			
Antique Shops	X	X	SE	X	X	SE	SE					X			
Antique Mall												X			
Asphalt Mixing Operation															X
Assembly Hall	X	X		X	X							X			
Assembly of Electric and Gas Appliances, etc.														X	X
Auction Barn	SE	SE		SE	SE							X			
Auto Assembly, Painting, etc.														X	X
Auto Mechanical Repair												SE			
Auto Fuel Station												SE			
Auto, etc., Motor Vehicle Sales												X			
Bed & Breakfast	X	X	X	X	X	X	X	SE	SE			X			
Beekeeping	X	X		X	X									SE	X
Blacksmith Shop	SE	SE		SE	SE									X	X
Boat Building														X	X
Boilers															SE
Book Binding														X	X

X = Permitted Use SE = Requires Special Exception Permit

PERMITTED USE CHART

USE	A-5	RP-5	RR-3	R-10	R-5	R-3	RR-1	R-1	R-2	MHP	MHS	B-1	B-2	M-1	M-2
Bottling & Packaging Plant														X	X
Bowling Alley												X			
Brick Manufacturing														X	X
Brewery														X	X
Building Material, Plumbing, & Electrical Sales Yard												X		X	X
Bulk Animal Manure/Waste Storage	X	X													
Bulk Fuel Storage															SE
Cabinet and Furniture Making	SE	SE		SE	SE							X		X	X
Car Wash												X			
Cemeteries	X	X	X	X	X	X	SE	SE				SE			
Congregate Living Facility		SE													
Coal, Wood, Lumber Yards, Feed, Seed Store															X
Contractor's Equipment Storage Yard												SE		X	X
Country General Store / Convenience Store	SE	SE	SE	SE	SE	SE						X			
Country Inn												X			
Church Campground		SE		SE	SE										
Custom Meat Cutting	X	X		X	X	X									
Crushed Stone Operation															SE
Dance Hall												SE			
Day Care Center & Nursery	X	X	X	X	X	X	X	X	X		X	X			
Detached Dwelling Unit	SE	SE	SE	SE	SE	SE									
Dog Kennel	SE	SE		SE								SE		X	X
Drive-In Theatre												SE			
Engraving & Printing														X	X
Family Division	X	X	X		X		X	X	X	X					
Farm Machinery Sales & Service	SE	SE		SE	SE							X			
Feed and Flour Mills	SE	SE		SE	SE										X

X = Permitted Use SE = Requires Special Exception Permit

PERMITTED USE CHART

USE	A-5	RP-5	RR-3	R-10	R-5	R-3	RR-1	R-1	R-2	MHP	MHS	B-1	B-2	M-1	M-2
Feed and Seed Store	SE	SE		SE	SE							X			
Financial & General Offices												X			
Filter/filtration Media Manufacturing/processing														X	X
Flea Markets												X			
Funeral Homes												X			
Golf Driving Range	SE	SE	SE	SE	SE	SE						X			
Greenhouse & Nursery	SE	SE	SE	SE	SE	SE						X			
Home Day Care	X	X	X	X	X	X	X	X	X	X	X				
Home Occupation	X	X	X	X	X	X	X	X	X	X	X				
Hunt Clubs, Lodges, Golf Course, Boat Clubs	SE	SE	SE	SE	SE	SE	SE								
Industrial Laboratory														SE	X
Kiln Drying Wood														X	X
Labs, Medical or Pharmaceutical														X	X
Large Lot Division	X	X	X		X	X	X	X	X	X					
Laundry & Cleaning Plant														X	X
Light Manufacturing														X	X
Meat & Poultry Shops												X			
Meat, Poultry & Seafood Processing & Packaging															SE
Medical & Dental Offices												X			
Micro-brewery												X	X		
Mining of Mineral Other Than Coal	SE	SE		SE										X	X
Mini-warehouse Storage												SE		X	X
Mobile Home, Doublewide	X	X	X	X			X	SE		X	X				
Mobile Home, Singlewide	X	X		X			X			X	X				
Monument Stone Works														X	X
Motels and Hotels												X			
Mulch Yard	SE	SE													

X = Permitted Use SE = Requires Special Exception Permit

PERMITTED USE CHART

USE	A-5	RP-5	RR-3	R-10	R-5	R-3	RR-1	R-1	R-2	MHP	MHS	B-1	B-2	M-1	M-2
Multi-family Dwelling									X						
Off-Street Parking	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Paper & Pulp Manufacturing															X
Parks & Playgrounds	X	X	X	X	X	X	X	X	X	X	X				
Petroleum Refining & Storage															X
Plastic Molding and Manufacturing												X		X	X
Pool Room & Billiard Hall															
Portable Saw Mill & Clippers (Temporary)	X	X	X		X	X	SE					X		SE	X
Preserve & Conservation Area	X	X	X	X	X	X	X								
Professional Services												X			
Public Utilities (Extension)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Public Utilities (New)	SE	SE	SE	SE	SE	SE	SE	SE				SE		SE	X
Pulpwood Yard	SE	SE		SE	SE									X	X
Residence Within / Above Business												X			
Restaurants	SE	SE	SE	SE	SE		SE					X			
Retail Business												X	X		
Retail Food Store												X			
Rooming or Boarding House, Tourist or Rest Home									X			X			
Salvage & Junk Yard															
Sand Excavation	SE	SE		SE											SE
Sanitary Landfill															SE
Schools, Churches, & Libraries	X	X	X	X	X	X	X	X				X			
Service & Repair of Farm, Yard, & Garden Equipment	SE	SE										X		X	X
Single Cut Subdivision	X	X	X				X	X	X	X					
Single Family Dwelling	X	X	X				X	X			X				
Special Care Hospital												X			
Stationary Saw Mills & Planing Mills	SE	SE		SE								X			X

X = Permitted Use SE = Requires Special Exception Permit

PERMITTED USE CHART

USE	A-5	RP-5	RR-3	R-10	R-5	R-3	RR-1	R-1	R-2	MHP	MHS	B-1	B-2	M-1	M-2
Subdivision, Major				X	X	X	X	X	X	X	X				
Subdivision, Minor				X	X	X	X	X	X	X	X				
Temporary Family Health Care Structure	X	X	X	X	X	X	X	X		X	X				
Tire Recapping and Vulcanization														X	X
Transmission Towers	SE	SE	SE	SE	SE	SE	SE	SE			SE	SE		SE	X
Truck Stops												X			
Turkey Shoots	SE	SE	SE	SE	SE	SE									
Two-Family Dwelling								X	X						
Vet Clinic, Hospital	SE	SE	SE									X		X	X
Wayside Stand	X	X	X	X	X	X	X					X			
Wholesale Business / Storage Warehouse	SE	SE		SE	SE							X		X	X
Wood Preserving															X

X = Permitted Use SE = Requires Special Exception Permit

ZONING DISTRICTS

TRADITIONAL SUBDIVISIONS

SETBACK REQUIREMENTS

Zoning District	Lot Size & Frontage		Primary Structure			Accessory Buildings		
	Minimum Lot Size	Road Frontage	Front	Side	Rear	Front	Side	Rear
A-5	5 Acres	350 ^A	100 ^B	40	40	100	10 ^C	10
RP-5	5 Acres	350 ^A	100 ^B	40	40	100	10 ^C	10
RR-3	3 Acres	250 ^A	100 ^B	20 ^C	40	100	10 ^C	10
R-10	10 Acres	350 ^A	100 ^B	40	40	100	10 ^C	10
R-5	5 Acres	350 ^A	100 ^B	40	40	100	10 ^C	10
R-3	3 Acres	250 ^A	100 ^B	20 ^C	40	100	10 ^C	10
R-1	1	2 ^A	65 ^B	15' min. one side ^C (35' Total both sides)	35	65	10 ^C	10
R-2	3	2 ^A	65 ^B	15' min. one side ^C (35' Total both sides)	35	65	10 ^C	10
ER-1	1 Acre	125 ^A	100 ^B	20 ^C	40	100	10 ^C	10
MHS	3 Acres	250 ^A	100 ^B	20 ^C	40	100	10 ^C	10

A. Culdesac Lots - Road frontage minimum is 30 feet.

B. Culdesac Lots - The greater of the required front setback or where the minimum "Road Frontage" is obtained.

C. Corner Lots - side yard (longer of two sides fronting on corner streets) is 25 feet for primary and accessory buildings.

1. 40,000 sq. ft. if no public water/sewer - 25,000 sq.ft. if either public water/sewer - 15,000 if both public water/sewer

2. 150 ft. if no public water sewer - 125 ft. if either public water/sewer - 100 ft. if both public water/sewer

3. 8 units/net acre for 1 story bldg. - 10 units/net acre for 2 story bldg. - 12 units/net acre for 3 story bldg.

ZONING DISTRICTS RURAL CLUSTER DEVELOPMENT OPTION

SETBACK REQUIREMENTS

		<u>Lot Size & Frontage</u>		<u>Primary Structure</u>			<u>Accessory Buildings</u>			
<u>Zoning District</u>	<u>Minimum Lot Size</u>	<u>Road Frontage</u>		<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>	
		<u>Existing</u>	<u>New</u>							
CLUSTER LOTS	R-10	2 Acres	800	150 ^A	100 ^{B,D}	20 ^{C,D}	40 ^D	100 ^D	10 ^{C,D}	10 ^D
	R-5	2 Acres	800	150 ^A	100 ^{B,D}	20 ^{C,D}	40 ^D	100 ^D	10 ^{C,D}	10 ^D
	R-3	2 Acres	800	150 ^A	100 ^{B,D}	20 ^{C,D}	40 ^D	100 ^D	10 ^{C,D}	10 ^D
CONSERVATION LOTS	R-10	40 Acres	800	300 ^A	100 ^{B,D}	40 ^D	40 ^D	100 ^D	10 ^{C,D}	10 ^D
	R-5	30 Acres	800	300 ^A	100 ^{B,D}	40 ^D	40 ^D	100 ^D	10 ^{C,D}	10 ^D
	R-3	20 Acres	800	300 ^A	100 ^{B,D}	40 ^D	40 ^D	100 ^D	10 ^{C,D}	10 ^D

- A. Culdesac Lots - Road frontage minimum is 30 feet.
- B. Culdesac Lots - The greater of the required front setback or where the minimum "Road Frontage" is obtained.
- C. Corner Lots - side yard (longer of two sides fronting on corner streets) is 25 feet for primary and accessory buildings.
- D. Cluster Lots abutting an existing public road - All Setbacks (front, side & rear) for primary and accessory structures is 300 feet . Also required is a 75 feet "Buffer" preserved along any cluster lot lines abutting existing public roads.

**ZONING DISTRICT REQUIREMENTS
SETBACK REQUIREMENTS**

Zoning District	Minimum Lot Size	Frontage	Front	Side	Rear	Accessory
A-5	5 Acres	350	100	40	40	10
RP-5	5 Acres	350	100	40	40	10
RR-3	3 Acres	250	100	20	40	10
ER-1	1 Acre	125	100	20	40	10
MHS	3 Acres	250	100	20	40	10
R-1	1	2	65	15(35 Total)	35	10
R-2	3	2	65	15(35 Total)	35	10
R-3	3 Acres	250	100	20	40	10
R-5	5 Acres	350	100	40	40	10
R-10	10 Acres	350	100	40	40	10
B-1	None	50	4	None	None	None
B-2	3 Acres	300	50	5	5	10
M-1	3 Acres	100	100	6	6	10
M-2	5 Acres	100	100	7	7	10

1. 40,000 sq. ft. if no public water/sewer - 25,000 sq.ft. if either public water/sewer - 15,000 if both public water/sewer
2. 150 ft. if no public water sewer - 125 ft. if either public water/sewer - 100 ft. if both public water/sewer
3. 8 units/net acre for 1 story bldg. - 10 units/net acre for 2 story bldg. - 12 units/net acre for 3 story bldg.
4. 10 ft. on road with 50+ft. RW - 35 ft. on road with less than 50 ft. RW
5. 25 ft. if adjacent to residential district
6. 25 ft. adjacent to A-5, RP-5, RR-3, M-1, M-2 - 50 ft. adjacent to B-1, B-2 - 100 ft. adjacent to ER-1, R-1, R-2
7. 25 ft. adjacent to A-5, RP-5, RR-3, M-1, M-2 - 50 ft. adjacent to B-1, B-2

COMMERCIAL SETBACK REQUIREMENTS

Zoning District	Minimum Lot Size	Frontage	Front	Side	Rear	Accessory
B-1	None	50	1	None	None	None
B-2	3 Acres	300	50	2	2	10
M-1	3 Acres	100	100	3	3	10
M-2	5 Acres	100	100	4	4	10

1. 10 ft. on road with 50+ft. R/W - 35 ft. on road with less than 50 ft. R/W
2. 25 ft. but 75 ft. if adjacent to residential district
3. 25 ft. adjacent to A-5, RP-5, RR-3, M-1, M-2 - 50 ft. adjacent to B-1, B-2 - 100 ft. adjacent to ER-1, R-1, R-2
4. 25 ft. adjacent to A-5, RP-5, RR-3, M-1, M-2 - 50 ft. adjacent to B-1, B-2