

**Amelia County
Board of Zoning Appeals
Meeting**

**Friday, June 17, 2022
10:00 A.M.**



AMELIA COUNTY BOARD OF ZONING APPEALS
Amelia County Administration Conference Room
Amelia, Virginia 23002

Friday, June 17, 2022
10:00 A.M.

AGENDA

Action

- | | | |
|----|---|---------------|
| 1. | Call to Order and Welcome of Guest - Chairman | Call to order |
| 2. | Determination of Quorum | Quorum |
| 3. | Approval of Minutes: March 8, 2021 | Motion |
| 4. | Old Business | |
| 5. | New Business | |
| | Election of Officers: Chairman | Motion |
| | Vice Chairman | |
| | Review of By-laws | |
| | Public Hearing – Appeal of Zoning Determination – Knot Too Shabby | Motion |
| 6. | Chairman Comments | |
| 7. | Adjournment | Motion |

SPEAKER RULES OF PROCEDURE

Please respect all speakers and allow all opinions to be expressed in a tolerant atmosphere.

- a) Speakers may speak only once during a specific comment time and all comments should be directed to the Planning Commission.
- b) Speakers should approach the podium so they may be visible and audible to the Commission.
- c) Each speaker should clearly state his/her name and address.
- d) All questions should be directed to the Chairman. Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
- e) Speakers should be brief and avoid repetition of previously presented comments.

VIRGINIA: A BUSINESS MEETING OF THE AMELIA COUNTY BOARD OF ZONING APPEALS

HELD ON MONDAY, MARCH 8, 2021 AT 7:00 P.M. IN THE COUNTY ADMINISTRATION CONFERENCE ROOM OF THE AMELIA COUNTY COURTHOUSE, AMELIA, VIRGINIA

PRESENT: JANET H. ASHMAN, Chairman ABSENT: ELLSWORTH J. BENNETT
RUSSELL EASTER
DAVID E. POORE, III
DIANE MARTIN

Amelia County Board of Zoning Appeals

HOLLY STEELE, Director of Community Development

I. CALL TO ORDER

Chairman Ashman called the meeting of the Board of Zoning Appeals to order at 7:05 P.M. and noted that a quorum was present.

Director of Community Development, Holly Steele, introduced the newly appointed representative for District 3, Mr. Russell Easter.

II. APPROVAL OF MINUTES

Mr. Poore made a motion, seconded by Mrs. Ashman, that the Board of Zoning Appeals approve the minutes of the July 25, 2017 BZA meeting. The motion carried by a vote of 4-0 recorded as follows: Janet Ashman-AYE; Russell Easter-AYE; Diane Martin-AYE; David E. Poore, III- AYE.

III. BUSINESS MEETING

Holly Steele, Director of Community Development, opened the floor for nominations for the position of Chairman. Mrs. Martin nominated Janet Ashman as Chairman. Mr. Poore seconded the motion. Mr. Easter moved that the floor be closed for nominations. The motion to make Mrs. Ashman Chairman carried by a vote of 3-0 recorded as follows: Russell Easter-AYE; Diane Martin-AYE; David E. Poore, III- AYE.

Chairman Ashman then opened the floor for nominations for the position of Vice Chairman. Mrs. Ashman nominated Mr. Poore and Mrs. Martin seconded the motion. Mr. Easter moved that the floor be closed for nominations. The motion to make Mr. Poore Vice Chairman carried by a vote of 3-0 recorded as follows Janet Ashman-AYE; Russell Easter-AYE; Diane Martin-AYE

Ms. Steele then presented the legal review of the Board of Zoning Appeals by-laws completed by County Attorney, Jeff Gore. Mr. Poore made a motion to amend the by-laws to include the changes suggested by Mr. Gore and also amend Section 3.7 from ninety (90) days to

thirty (30) days. Mrs. Martin seconded the motion. The motion carried by a vote of 4-0 recorded as follows: Janet Ashman-AYE; Russell Easter-AYE; Diane Martin-AYE; David E. Poore, III- AYE.

V. ADJOURNMENT

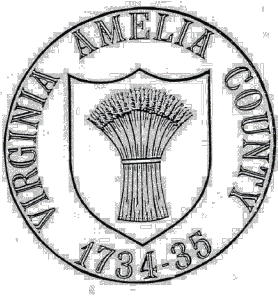
There being no further business to come before the Board of Zoning Appeals, Mr. Poore made a motion, seconded by Mrs. Ashman to adjourn the meeting.

Chairman Ashman adjourned the meeting at 7:40 P.M.

ATTEST:

Janet H. Ashman, Chairman
Board of Zoning Appeals

Holly Steele, Director of Community Development



AMELIA COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT SUMMARY REPORT

Meeting Date: June 17, 2022

Subject: **Sandi Woody**, the “Applicant’s,” appeal of a Zoning Administrator determination regarding the business known as “Knot Too Shabby” located at 9700 Glebe Lane.

Board of Zoning Appeals Public Hearing

Summary of Information

Attached to this summary report is an application from **Sandi Woody** (the “Applicant”), filing an appeal of the Zoning Administrator’s determination of her business, “Knot Too Shabby” as a retail store. The subject property, which is owned by the applicant, is located on State Route 1015 (Glebe Lane) and is identified as Parcel 145 of Section 31 on the Amelia County Real Property Identification Map. This property is located within the RR-3, Rural Residential zoning district and Village Development Area of the Future Land Use Map included in the 2017 Comprehensive Plan.

After reviewing the application, zoning determination letter, RR-3 zoning ordinance regulations, and supporting materials provided in the packet, the Board of Zoning Appeals must determine whether this business is considered a “Retail Store” or falls within the parameters of a “Wayside Stand.” Retail stores are not permitted by-right, nor by Special Exception Permit within the Rural Residential zoning district due to potential incompatibilities between retail and residential uses neighboring one another. Definitions for both uses, along with the RR-3, Rural Residential zoning ordinance, is included in this packet for your review and consideration.

As shown in the attached pictures from the official Knot Too Shabby Facebook page and website, this boutique carries a significant number of products that are strictly retail items and are not made on the property, nor are these products agricultural in nature. Based on this observation, it is staff’s determination that Ms. Woody is operating a retail operation, not a wayside stand, and is therefore in violation of the Amelia County Zoning Ordinance.

Recommendation: Review information in preparation of a public hearing. Provide action on appeal of Zoning Determination. The Board of Zoning Appeals may vote to uphold the Zoning Administrator’s determination of “Knot Too Shabby” as being a retail store and, therefore, not permitted in the RR-3 zoning district or the Board of Zoning Appeals may overturn the Zoning Administrator’s determination and allow the applicant to continue operating her business out of her barn under a different use classification.

BOARD OF SUPERVISORS

DAVID M. FELTS, JR.
CHAIRMAN

Election District 1

DEXTER JONES

Election District 2

SHAUN WEYANT

VICE-CHAIRMAN

Election District 3

H. JOSEPH EASTER, IV

Election District 4

TODD ROBINSON

Election District 5



16360 Dunn Street, Suite 101
Post Office Box A
Amelia Court House, Virginia 23002

A. TAYLOR HARVIE, III
COUNTY ADMINISTRATOR

Telephone: (804) 561-3039
Facsimile: (804) 561-6039
Website: www.ameliacova.com

ZONING DETERMINATION LETTER

April 21, 2022

Ms. Sandi Mann Woody
9700 Glebe Lane
Amelia, VA 23002

RE: Tax Map 31-145 – “Knot Too Shabby”

Ms. Woody:

Since November, you have worked diligently with County Administration staff regarding your business, “Knot Too Shabby,” located at 9700 Glebe Lane. When the Certificate of Zoning Compliance was issued for the holiday pop-up shops, this use was classified as a home occupation and is permitted by-right in the RR-3, Rural Residential zoning district (Amelia County Zoning Ordinance §325-8.2). However, additional conversations revealed that this use was too intense to be considered a home occupation due to it being housed in an accessory building larger than 1,500 square feet (Amelia County Zoning Ordinance §325-18).

At the time that Knot Too Shabby became more intense than a home occupation, the County Administrator and I made a site visit to the property to observe your operation. Based on that visit and our discussions with you, we were able to classify the use as a “Wayside Stand.” Per §325-18 of the Amelia County Zoning Ordinance, a wayside stand is defined as *“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.”* During our discussions, you were clear in stating that you make much of the merchandise for sale in your barn and, therefore, the wayside stand use was appropriate.

Since the time that this use was classified as a wayside stand, staff has received a significant number of complaints from the neighborhood in relation to the traffic, speed, dust, and signage generated by this use. Staff has determined that, at this time, this use no longer falls within the parameters of a wayside stand. This use shall be classified as a retail store, which is not permitted by-right nor by Special Exception Permit in the RR-3 zoning district (Amelia County Zoning Ordinance §325-8.2-8.3).

You have a right to appeal this zoning determination to the Amelia County Board of Zoning Appeals within 30 days, and this decision shall be final and unappealable if not appealed within 30 days. The applicable appeal fee is \$300. Additional information may be obtained regarding the filing of an appeal at the Amelia County Administration Office. The appeal period shall not commence this determination is sent by registered or certified mail to, or posted at, the last known address or usual place of abode of the property owner or its registered agent, if any.

If you have any questions or concerns, please feel free to reach out to me by email at holly.steele@ameliacova.com or by telephone at (804)561-3039.

Sincerely,

A handwritten signature in cursive script that reads "Holly P. Steele".

Holly Steele

Director of Community Development

APPEAL TO THE BOARD OF ZONING APPEALS

AMELIA COUNTY, VIRGINIA Appeal No. _____

I (we), Sandi Woody on behalf of Knot Too Shabby of 9700 Glebe Lane, Amelia, VA 23002 (Tax Map 31-145)
Name Mailing Address

Respectfully request that a determination be made by Board of Zoning Appeals on the following appeal, which was denied by the Zoning Administrator on * 20 for the reason that it was a matter which, in the opinion of the administrator, should properly come before the Board of Zoning Appeals. * This is an appeal of a use classification in a zoning determination letter.

An Interpretation ☒ Variance ☐ is requested to Section 325, Paragraph 18 of the and Section 325-8.2-8.3 Zoning Ordinance for the reason that:

☒ It is an appeal for an interpretation of the ordinance, map, or appeal of administrative decision.

☐ It is a request for a variance relating to the [] area, [] frontage, [] yard, or provisions of the ordinance.

Remarks:

Sandi Woody of Knot Too Shabby submits this application to appeal the Amelia County Zoning Determination Letter dated April 21, 2022. The April 21, 2022 zoning determination letter first states that after a site visit and discussions with Sandi Woody of Knot Too Shabby, the County Administrator and Director of Community Development officially classified Knot Too Shabby as a Wayside Stand per section 325-18 of the Amelia County Zoning Ordinance. Sandi Woody/Knot Too Shabby agrees wayside stand is the correct use classification. The April 21st zoning determination letter, however, then indicated that as a result of complaints from the neighborhood, Staff has since determined the use shall be classified as a retail store instead of a wayside stand. Knot Too Shabby appeals this determination and requests an interpretation of County Zoning Ordinance 325-18 (wayside stand) and 325-8.2-8.3 (retail store).

The premises affected are situated at 9700 Glebe Lane, Amelia VA 23002 in zone Giles magisterial district. Legal description of property involved in this appeal:
Tax Map 31, Lot 145, 9700 Glebe Lane, Amelia 23002, Deed Book 199, Deed Page 134, Acres: 21.371

Has any previous application or appeal been filed in connection with these premises? No

What is the applicant's interest in the premises affected?
Owner

What is the approximate cost of the work involved? n/a
Explanation of purpose to which property will be put:
Wayside Stand

Plot plan attached [] yes [] no

RECEIVED
MAY 20 2022

BY: 11/8

Ground plan and elevations attached [] yes [] no. If no, explain:
No.

Following are names and addresses of adjacent property owners.

Name	Address

Sandi Woody
Signature of Applicant

Dated at Amelia, Virginia, the 19th day of May 2022 20

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MAY 20 2022

BY: MS

Case Name: BZA22-01 Knot Too Shabby
Project: Appeal of Zoning Determination
Tax Map Number: 31-145

Adjoining Property Owner Name	Mailing Address	Physical Address	Tax Map Number
David W. Coleman	15920 Elm Cottage Road	N/A	31-145A, 145C
Stephen David Keener	17135 Amelia Avenue	9510 Glebe Lane	31-145D
Herbert A. Shaw	P.O. Box 49 Amelia, VA 23002	N/A	31-145B
Kathleen T. Stuart	16500 Amelia Avenue	Same	31-144B
Jason A. Shaw	P.O. Box 383 Amelia, VA 23002	9506 Glebe Lane	31-139
Dale W. Keener	17135 Amelia Avenue	9500 Goodes Bridge	31-141

Limited Liability Company - Statement of Change of Registered Office and/or Registered Agent

Entity Information

Entity Name: Knot too Shabby LLC Entity Type: Limited Liability Company
Entity ID: S6671111 Formation Date: 03/02/2017
Status: Active

Registered Agent Information

RA Type: An Individual who is a resident of Virginia Locality: AMELIA COUNTY
RA Qualification: Member or Manager of the Limited Liability Company
Name: SANDI WOODY

The company's initial registered office address, including the street and number, if any, which is identical to the business office of the initial registered agent, is:

Registered Office Address: 9700 Glebe Ln, Amelia
Court House, VA, 23002 -
4963, USA

Signature Information

Date Signed: 05/01/2022

Executed in the name of the limited liability company by:

The person signing this statement affirms that after the foregoing change or changes are made, the company will be in compliance with the requirements of § 13.1-1015 of the Code of Virginia, as the case may be.

Printed Name	Signature	Title
Sandi Woody	Sandi Woody	Owner





Existing barn on
property. Now used
as "Knot Too Shabby"

Existing Home

31-145A

31-145B

9700

GLEBE LN

PATRICK HENRY HWY

31-145C

ARTICLE VIII
RR-3 Rural Residential District

§ 325-8.1. Intent. [Amended 12-17-2003; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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 agriculture 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.

§ 325-8.2. Permitted uses.

- A. Accessory structures and uses.
- B. Agriculture, general.
- C. Agriculture, limited (on less than 10 acres), excluding horses. **[Amended 3-19-1997]**
- D. Bed-and-breakfast.
- E. Cemeteries.
- F. Day-care center and nursery.
- G. End user animal manure/waste storage. **[Amended 10-20-2010]**
- H. Family division. **[Amended 12-17-2003]**
- I. Home day care.
- J. Home occupation.
- K. Large lot division. **[Amended 12-17-2003]**
- L. Mobile home, double-wide.
- M. Off-street parking.
- N. Parks and playgrounds.
- O. Portable sawmill and chipper.
- P. Preserve and conservation area.

- Q. Public utilities (extensions).
- R. Schools, churches, libraries.
- S. Single cut subdivision. **[Amended 12-17-2003]**
- T. Single-family dwelling.
- U. Temporary family health care structure. **[Amended 4-15-2015]**
- V. Wayside stand.
- W. Wireless support structures up to 80 feet. **[Amended 2-21-2018]**

§ 325-8.3. Permitted uses by special exception.

- A. Adult-care facility.
- B. Agriculture, intensive, expansion.
- C. Airport and private air strip.
- D. Amusement park/commercial recreational facility.
- E. Antique shop.
- F. Country general store/convenience store.
- G. Detached dwelling unit. **[Amended 5-16-2001]**
- H. Golf driving range.
- I. Greenhouse and nursery.
- J. Hunt, golf or boat clubs and lodges.
- K. Public utilities (new).
- L. Restaurants.
- M. Solar energy systems, utility-scale. **[Added 4-21-2021 by Ord. No. 21-006]**
- N. Turkey shoots.
- O. Veterinary clinic/hospital. **[Amended 11-17-2010]**
- P. Wireless support structures in excess of 80 feet. **[Amended 2-21-2018]**

§ 325-8.4. Accessory uses.

- A. Garages, carports and sheds.
- B. Tennis courts.
- C. Swimming pools, in-ground or aboveground.

§ 325-8.5. Setbacks/area/frontage requirements.**A. Setbacks from property lines.**

- (1) Front.
 - (a) Primary: 100 feet.
 - (b) Accessory: 100 feet.
 - (c) Agricultural: 150 feet.
- (2) Side.
 - (a) Primary: 20 feet.
 - (b) Accessory: 10 feet.
 - (c) Agricultural: 100 feet.
- (3) Rear.
 - (a) Primary: 40 feet.
 - (b) Accessory: 10 feet.
 - (c) Agricultural: 100 feet.

B. Area: three acres.**C. Frontage: 250 feet.****§ 325-8.6. Building height.**

Thirty-five feet, except:

- A. The height limit for dwellings may be increased up to 45 feet and up to three stories, provided there are two side yards for each permitted use, each of which is 20 feet or more, plus one foot or more of side yard for each additional foot of building height over 35 feet.
- B. A public or semipublic building such as a school, church, or library may be erected to a height of 60 feet from grade, provided that required front, side and rear yards shall be increased one foot for each foot of building height over 35 feet.
- C. Church spires, belfries, cupolas, monuments, silos, barns, water towers, chimneys, flues, flagpoles, and wireless support structures are exempt. Parapet wall may be up to four feet above the height of the building on which the walls rest. **[Amended 2-21-2018]**
- D. No accessory building which is less than 20 feet from any lot line shall be more than one story high. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

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

§ 325-8.7. Major and minor subdivisions not permitted. [Amended 12-17-2003; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

Any subdivision occurring in the RR-3 District shall conform to County's zoning and subdivision ordinances.¹ Major and minor subdivisions, as defined herein, are not permitted uses in this district.

1. Editor's Note: See Ch. 314, Subdivision of Land.

§ 325-2.1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

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 5-16-2001]**

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 5-16-2001]**

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 this chapter.

ADULT ANIMAL — An animal that is of mature breeding age according to species and gender.**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

ADULT-CARE FACILITY — A facility where four or more individuals are cared for by another individual.

AGRICULTURE, 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 3-19-1997; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

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, feedlots for beef, sheep and other animals, dairy farming operations, and livestock markets. For the purpose of this chapter, any enclosed field, range, pen or building where more than 300 animal units are confined or housed for more than 45 days in any twelve-month period shall constitute intensive agriculture.

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

AGRICULTURE, SPECIAL — See "agriculture, intensive."**[Amended at time of**

adoption of Code (see Ch. 1, General Provisions, Art. I)]

AIRPORT, HELIPORT, AIR STRIP — Any place where aircraft may takeoff 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 which possesses or controls animal manure/waste that is not generated on an animal feeding operation under its control and which 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 10-20-2010]**

ANTIQUÉ 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 or more families living independently of each other.

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

ASSEMBLY HALL — A building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes.**[Added 5-19-2021 by Ord. No. 2021-007]**

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 "junkyard."

AUTOMOBILE GRAVEYARD, NONCOMMERCIAL — Any lot or place which is exposed to the weather upon which more than five 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 ELEVATION (BFE) — The Federal Emergency Management Agency designated 100-year water surface elevation.

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

BASEMENT — A story having more than 1/2 of its height below grade.

BED-AND-BREAKFAST — (Also see "country inn.") A dwelling unit occupied by its owners where no more than seven 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. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

BOARD OF ZONING APPEALS — The Board appointed to review appeals made by individuals with regard to decisions of the Zoning Administrator in the interpretation of this chapter.

BOARDINGHOUSE — A building where, for compensation, lodging and meals are provided for at least five persons and up to 14 persons.

BOILER — 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 9-15-2004]**

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 deckline 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 chapter, 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 10-20-2010]**

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 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 1/2 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 with and within the boundary of such cemetery.

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

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 types of child-care centers are:

- A. **HOME CARE** — Use of the residential structure or part thereof for the temporary lodging and care of not more than four children for compensation.
- B. **DAY-CARE CENTER** — A structure utilized for the temporary care of children or senior adults for compensation. This use must meet state licensing requirements.
- C. **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 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 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 nonprofit religious body organized to conduct public worship.

CLINIC — An office building or a group of offices for one 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.

CLUBHOUSE — A building or portion thereof used by a club.

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

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 nonprofit 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 § 15.2-2296 et seq., 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. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

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 9-15-2004]**

CONTIGUOUS — Touching, abutting, adjoining.

COUNTRY GENERAL STORE/CONVENIENCE STORE — A single store, the ground floor area of which is 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" and "hotel.") A building designed or occupied as the temporary abiding place for not more than 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 turnaround 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 days prior to slaughter. **[Amended 9-28-2000]**

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 § 15.2-2280, Code of Virginia 1950, as amended. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

DRIVE-IN ESTABLISHMENT — 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.

DUMP HEAP (TRASH PILE) — A disposal site or other repository for solid waste for more than 30 days that is greater than 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 junkyard.

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 family, but not including a tent, cabin, travel trailer, motor home or a room in a hotel or motel.

DWELLING, MULTIFAMILY — A building containing three or more dwelling units (an apartment house) with the number of families in residence not exceeding the number of dwelling units provided. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

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

DWELLING, TOWNHOUSE — One of a series of three 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 families, the structure having only two dwelling units.

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 twelve-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 10-20-2010]**

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

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 boardinghouse, 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.

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 § 314-6.5 of Chapter 314, Subdivision of Land, of the Code of Amelia County.**[Amended 12-17-2003]**

FARM — A parcel, or contiguous parcels, of land containing 10 acres or more, used for agriculture.**[Amended 3-19-1997]**

FARM STRUCTURE — Any building or structure used for agricultural purposes.

FEEDLOT — 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 Subsection A(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 Subsection A(1) of this definition.

FLOODPLAIN —

- 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 floodplain required to carry and discharge floodwaters of a given magnitude. For the purpose of this chapter, the floodway shall be capable of accommodating a flood of the 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.

FUNERAL HOME — An establishment that provides human funeral services, including embalming and memorial services. Crematories are accessory uses to a funeral home.**[Added 1-19-2022 by Ord. No. 21-010]**

GARAGE, PRIVATE — Accessory building designed or used for the storage of not more than three 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 1 1/2 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 and individuals with mental illness, intellectual disability, or developmental disabilities not related by blood or marriage. A group home for up to eight individuals with mental illness, intellectual disability, or developmental disabilities, with staff, shall be considered as a single-family dwelling. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

HISTORIC STRUCTURE — Any structure that is:

- A. Listed individually on the National Register of Historic Places (a listing maintained by the Department of the 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 the Interior to qualify as a registered historic district; or
- 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: **[Amended 4-20-2005]**

- A. 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 Districts, one outside employee may be engaged in the occupation at the site.
- B. 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

25% 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 25% of the dwelling unit floor area may be used for the home occupation, but up to 100% 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 1,500 square feet in size.

- C. 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 sign, not exceeding four square feet in area, nonilluminated and mounted flat against the wall of the dwelling unit.
- D. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood.
- E. Any needed parking generated by a home occupation shall be met by off-street parking and other than in the required front yard.
- F. 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 causes fluctuation in line voltage off the premises.
- G. Auto, motorcycle, truck, etc., repair shops are prohibited.
- H. 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. Roadside parking is prohibited.

HOMEOWNERS' ASSOCIATION — A nonprofit organization operating under recorded land agreements through which:**[Amended 9-15-2004]**

- A. Each lot and/or homeowner in a development is automatically a member;
- 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.

HOSPITAL — An institution rendering medical, surgical, obstetrical, or convalescent care, including nursing homes, homes for the aged and sanitariums, but in all cases excluding rehabilitation facilities, halfway houses, institutions for mentally ill individuals, or other similar facilities. (Certain nursing homes and homes for the aged may be home occupations if they comply with the definitions herein.)**[Amended 5-19-2021 by Ord. No. 2021-007]**

HOSPITAL, SPECIAL CARE — An institution rendering care primarily for individuals

with mental illness, intellectual disability, or developmental disabilities, alcoholics or drug-addicted patients.**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

HOTEL — A building designed or occupied as the temporary abiding place for 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 and individuals with mental illness, intellectual disability or developmental disabilities which enable them to live in the community.**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

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 or sewage discharge facility for disposal of refuse/waste materials and other types of pollutants.

JUNKYARD — The use of more than 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, furnishings and fixtures, dismantled or demolished motor vehicles or other machinery or parts thereof, or one or more motor vehicles that are inoperable and without a current state inspection sticker, County sticker or state vehicle tags. The term "junkyard" 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 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 3-19-1997]**

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

LABOR, FARM — One 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** — An engineered land burial facility for the disposal of

solid waste.

- B. INDUSTRIAL WASTE LANDFILL — A solid waste landfill engineered, constructed and operated primarily for the disposal of a specific industrial waste or wastes which are by-products of a production facility.
- C. CONSTRUCTION/DEMOLITION/DEBRIS LANDFILL — 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 40 acres or more shall be considered a large lot development.**[Amended 12-17-2003]**

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 OF RECORD — A lot which has been recorded in the Clerk's office of the Circuit Court of Amelia County.

LOT, CORNER — A lot abutting on two or more streets at their intersection. Of the two 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 chapter for the district in which it is located either on the effective date of this chapter or as a result of subsequent amendments to this chapter.

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

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 body feet or more in width and 40 body feet or more in length in traveling mode, or 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 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 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 Chapter 314, Subdivision of Land, of the Code of Amelia County, 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 mobile home at any one time.

MODULAR OR PREFABRICATED HOUSING UNITS — An industrial building assembly consisting of two 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 on 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 Flood Insurance Rate Map 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 the start of construction commenced on or after the effective date of a floodplain management regulation adopted by Amelia County and includes any subsequent improvements to such structures. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

NONCONFORMING USE — An otherwise legal use of a building, structure or of a tract of land that does not conform to the use regulations of this chapter for the district in which it is located, either on the effective date of this chapter or as a result of subsequent amendments to this chapter. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

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

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 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.

PARK/PLAYGROUND — 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 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 10 animals or 100 fowl are confined or housed. Enclosed pasture or range with an excess of 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 SYSTEM — 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 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.

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

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 5-16-2012]**

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 refreshment 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: drugstores, newsstands, food stores, candy shops, milk dispensaries, household appliance stores, furniture stores, florists, opticians, music and radio stores, tailor shops, farm supplies, beauty shops, barbershops and department stores.

ROAD — See "street."

SALVAGE YARD — See "junkyard."

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-foot evergreen hedge, and uniformly solid-board fence.**[Amended 9-15-2004]**

SEMIPUBLIC 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 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 made. A display of less than one square foot in area is excluded from this definition.

SIGN AREA — The surface area of a sign which shall be computed to including the entire area within a circle, semicircle, 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 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 STRUCTURE — Includes the supports, uprights, bracing and framework of any structure, be it single-faced, double-faced, V-type or otherwise, exhibiting a sign.

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.¹

SIGN, BANNER — Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic,

1. Editor's Note: The original definition of "sign, animated," as amended 12-18-2013, which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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 chapter.

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 square feet or less in area, and gives the name only of the farm or business responsible for the erection of same.²

SIGN, FREESTANDING — Any sign which is supported by structures or supports in or upon the 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, HOME OCCUPATION — A sign, not exceeding four square feet in area, nonilluminated 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 the name and address of the dwelling, farm, subdivision, or planned development and/or dwelling owner or manager.³

SIGN, LOCATION — A sign which directs attention to the approximate location of an establishment from which the product may be obtained.**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

SIGN, OFF-PREMISES — 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).**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

SIGN, ON-PREMISES — A sign that is located on the same parcel of land as the entity it addresses.**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

SIGN, OUTDOOR ADVERTISING — A structure, including billboards and painted walls, used as an outdoor display for the purpose of making anything known, with the matter advertised or displayed not exclusively related to the premises where such structure is located.**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

2. Editor's Note: The original definition of "sign, flashing," as amended 12-18-2013, which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: The original definition of "sign, intermittent illumination," as amended 12-18-2013, which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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).**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]**

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 30 days) and a separation of at least 200 feet must be maintained between portable signs.

SIGN, PROJECTING — Any sign which extends in excess of 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 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 ridgeline of the roof of the building.

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 building 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 the property owner(s). Such signs shall not exceed six 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 § 314-6.2 of Chapter 314, Subdivision of Land, of the Code of Amelia County.**[Amended 12-17-2003]**

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, floodplains, 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 chapter.

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 and community activities; yard wastes such as leaves, grass and shrubbery clippings, tree limbs and stumps; discarded organic materials; all "garbage" as defined in the Solid Waste Management Regulations of the Virginia Waste Management Board; 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 wastewater effluent, dissolved materials in irrigation return flows, or other common water pollutants.[Amended 12-18-1996; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

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 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 feet above the top floor level, and in which space not more than 2/3 of the floor is finished off for use.

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 contiguous street.[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

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.

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 — 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.

STRUCTURE, UNOCCUPIED INDUSTRIAL — Any structure that is part of an industrial business or operation, which is not designed, constructed, or intended for human habitation or occupation. **[Amended 3-16-2011]**

SUBDIVIDE — The partition or division of land into two 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 resubdivision and, when appropriate to the context, shall relate to the land subdivided. **[Amended 12-17-2003]**

A. All subdivisions shall be classified as either a minor subdivision or a major subdivision.

B. 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.
- (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.
- (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 40 acres.

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 12-17-2003]**

SUBDIVISION, MINOR — Any and all divisions of a parent tract which result in all lots equal to or in excess of 15 acres are considered minor subdivisions, regardless of the number of divisions.**[Amended 12-17-2003]**

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 50% 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 50% 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:

- A. 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
- B. 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 18 inches below the level of the surrounding land or an above-surface pool having a depth of more than 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 is primarily assembled at a location other than its site of installation; 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, Code of Virginia, as certified in writing by a physician licensed in the commonwealth; has no more than 300 gross square feet; and complies with applicable provisions of the Industrialized Building Safety Law (§ 36-70 et seq., Code of Virginia) and the Uniform Statewide Building Code (§ 36-97 et seq., Code of Virginia). 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 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 14 persons (in contrast to hotels and boardinghouses) and open to transients.

TRAVEL TRAILER — 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.**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

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.⁴

VARIANCE — A relaxation of the terms of this chapter 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 this chapter would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area and size of 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.

WIRELESS SUPPORT STRUCTURE — A freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service. Permits shall be required for all structures and building setbacks shall be 120% of the structure height from the property line or the minimum setbacks established for that zoning district, whichever is greater.**[Amended 2-21-2018]**

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.

4. Editor's Note: The original definition of "use, accessory," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I). See now the definition of "accessory use or structure."

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.

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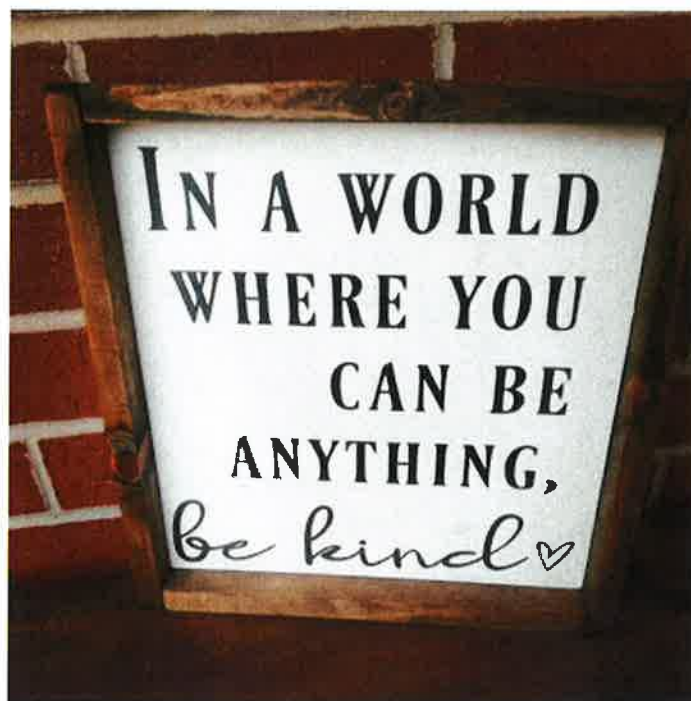
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