

Notice of Public Hearing of the Amherst County Board of Supervisors

The Amherst County Board of Supervisors will conduct a public hearing during its regular meeting on Tuesday, May 20, 2014, at 7:00 p.m., in the Amherst County Administration Building, 153 Washington Street, Amherst, Virginia, 24521, to consider adoption of the following ordinances:

No. 2014-0005: Amending sections 703 and 705, specifically subsections 703.02 and 705.02 of Appendix A to the Code of the County of Amherst, to clarify that townhouses are not by right uses in the limited residential district (R-1) and are distinct uses that are permissible by right in the multifamily residential district (R-3).

No. 2014-0006: Adding subsection 1003.06 to section 1003 of Appendix A to the Code of the County of Amherst, to provide that the existence of delinquent charges shall render certain zoning permit applications incomplete.

No. 2014-0007: Amending section 302 by adding a definition, and amending sections 702, 706, 707, and 708, specifically subsections 702.03, 706.03, 707.02, and 708.02, of Appendix A to the Code of the County of Amherst, to define breweries and establish them as a permitted use in the general commercial and industrial districts, and as a special exception use in the agricultural residential and village center districts.

No. 2014-0008: Repealing Articles VII and VIII in Chapter 4 and replacing the provisions contained in those Articles by adding a new Article V to Chapter 10 of the Amherst County Code. This ordinance moves the provisions governing weeds, garbage, and refuse from Chapter 4 (Building Regulations) to Chapter 10 (Offenses and Miscellaneous Provisions), modifies the provisions to clarify their meaning and simplify enforcement, lowers the notice period for garbage from 10 days to three days, adds new provisions relating to occupied properties that the County can enforce beginning July 1, 2014, and consolidates responsibility for enforcement of these Code provisions in the Sheriff's Office. The ordinance eliminates criminal penalties and establishes the maximum civil penalties permissible under State Code. The ordinance amends Section 14-9 of the Amherst County Code to make internal references to County Code consistent with the changes made by this ordinance.

No. 2014-0009: Clarifying the definitions of drug and alcohol treatment facilities and amending the provisions governing uses in a shopping center. The ordinance amends the name and existing definition of "clinics and medical offices", amends the definition of "substance abuse treatment facility", and adds a definition of "substance abuse treatment clinic" to describe a facility that provides services solely on an outpatient basis. The ordinance authorizes substance abuse treatment clinics as a special exception use in the general commercial (B-2) district. The ordinance eliminates the undefined use "medical facilities" from the permitted uses in a shopping center and adds the defined use "medical clinic or office" as a permitted use in shopping centers. The ordinance adds churches, community centers, and day care centers as permitted uses in shopping centers. The ordinance defines "health club" and adds it as a permitted use in shopping centers. The ordinance eliminates "Other compatible uses approved by the board of supervisors" as a permitted use in a shopping center and establishes as a special exception use any use which the zoning administrator determines is consistent with the statement of intent for a shopping center and is of the same general character as a permitted use for a shopping center.

2014-0010: Amending Article VI of Chapter 4 of the Amherst County Code, containing provisions governing the abatement of public nuisances. The ordinance eliminates criminal sanctions in favor of civil actions, changes the date by which a hearing must be requested from 48 hours prior to the abatement date to five business days after issuance of a notice of abatement, and authorizes the Sheriff to enforce against nuisances.

2014-0011: Establishing authority for the County to recover the costs of cleaning up a methamphetamine lab from persons convicted of manufacturing methamphetamine, making technical corrections to other provisions contained in the same article, and repealing Article III of Chapter 10 of the Amherst County Code because it contains provisions duplicative of those in Chapter 11.5.

The proposed ordinances are available for review Monday through Friday during regular working hours in the Office of the County Administrator at the above address.

Accommodations for disabled persons can be made with the Office of the County Administrator by calling 434-946-9400 or (TTD) 434-946-9335 at least five (5) days prior to the hearing date.

Clarence C. Monday
Amherst County Administrator



**Amherst County Board of Supervisors
County Ordinance No. 2014-0005**

AN ORDINANCE, NO. 2014-0005

Amending sections 703 and 705, specifically subsections 703.02 and 705.02 of Appendix A to the Code of the County of Amherst, to clarify that townhouses are not by right uses in the limited residential district (R-1) and are distinct uses that are permissible by right in the multifamily residential district (R-3).

Approved as to form and legality by the County Attorney

FIRST READING: Planning Commission, April 3, 2014
PUBLIC HEARING: Planning Commission, April 17, 2014
FIRST READING: Board of Supervisors, May 6, 2014
PUBLIC HEARING: Board of Supervisors, May 20, 2014

THE COUNTY OF AMHERST HEREBY ORDAINS:

§1. That §§ 703 and 705, specifically subsections 703.02 and 705.02 of Appendix A to the Code of the County of Amherst be and hereby are amended, as follows:

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

1. Single-family dwellings, other than townhouses subject to Section 912, that are built in accordance with the Virginia Statewide Building Code.
2. Accessory structures.
3. Home occupations, so long as the following criteria are met, are permitted: no outside storage, no signage, no employees or customers may come to the property, no increase in neighborhood traffic or change in type of traffic may occur.
4. Utilities that are for the purpose of serving the community, not merely for transferring the utility through the community; including but not limited to sewer, water, gas, electricity, cable television, telephone.
5. Public streets.
6. Personal wireless service facilities as provided in Section 919.

7. Group home. The zoning administrator may impose conditions on group homes to ensure their compatibility with other permitted uses; however, such conditions shall not be more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption.

8. Family day home which serves no more than five (5) children. The zoning administrator may impose conditions on such family day homes to ensure their compatibility with other permitted uses; however, such conditions shall not be more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption.

9. Temporary family health care structure. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as follows:

a. Any person proposing to install a temporary family health care structure shall first obtain a zoning permit from the county. The county may not withhold such permit if the applicant provides sufficient proof of compliance with the requirements of this section.

b. Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

c. Any temporary family health care structure shall be removed within thirty (30) days after which the mentally or physically impaired person is no longer receiving or is no longer in need of the caregiver's assistance.

d. The county may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the county of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

e. Any temporary family health care structure installed pursuant to this section may be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

f. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

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

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

1. Those allowed in R-1 and R-2.

2. Multi-family dwellings as provided in Sections 906, 911 ~~or~~ 912.

3. Townhouses, as provided in Section 912.

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

Adopted this 20th day of May, 2014.

Donald W. Kidd, Chairman
Amherst County Board of Supervisors

ATTEST:

Clarence C. Monday, Clerk
Amherst County Board of Supervisors

Ayes ____

Nays ____

Abstentions ____