

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. 2014-0007**

AN ORDINANCE, 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.

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 § 302 of Appendix A to the Code of the County of Amherst be and hereby is amended by the addition of a single definition after the existing definition of “Boat”, as follows:

Sec. 302. Specific definitions.

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

§2. That §§ 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 be and hereby are amended, as follows:

702.03. Special exceptions (Agricultural Residential District - A-1 zone).

1. Public entertainment.
2. Schools.
3. Saw mills.

4. Pallet manufacturing.
5. Wood yards.
6. Feed mills.
7. Truck business.
8. Churches and related facilities.
9. Signs as provided in Section 907.
10. Planned unit developments.
11. Short-term tourist rental of dwelling.
12. Machinery sales and service.
13. Storage of biosolids as provided in Section 917.
14. Mineral extraction per Section 910.
15. Small wind energy systems as provided in Section 918.
16. Substance abuse treatment facility.
17. Off-site directional signs compliant with the requirements of Section 907.04.
18. Any other use which the planning director determines is consistent with the statement of intent for this district and is of the same general character as special exception uses in this district.
19. Personal wireless service facilities as provided in Section 919.
20. Breweries.

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

1. Signs for uses not specified in the permitted use section and as provided for in Section 907.
2. Cemeteries.
3. Private clubs.
4. Civic organization meeting facilities.
5. Parks and recreational facilities where land is owned privately.

6. Professional offices.
7. Restaurants.
8. Manufactured homes.
9. Dual use structure limited to a single-family dwelling use and a business use.
10. Nursing homes and assisted living facilities.
11. Machine shops.
12. Short-term tourist rental of dwelling.
13. Off-site directional signs compliant with the requirements of Section 907.04.
14. Above ground liquefied petroleum gas containers between one hundred twenty-five (125) gallons water capacity and two thousand (2,000) gallons water capacity, provided there is a distance of three (3) feet between other liquefied petroleum gas containers. Liquefied petroleum gas containers shall be set back twenty-five (25) feet from roads and lot lines of adjoining properties and fifty (50) feet from all structures and installed in a manner to reduce exposure and proximity to vehicular traffic. The board of supervisors may impose greater setbacks if above ground liquefied petroleum gas containers are located in close proximity to the following non-exhaustive list of land uses: dwellings, schools, churches, government facilities, or other uses in which higher densities of people gather. The board of supervisors may provide for a reduction in setbacks if engineered provisions are made for blast containment. All requirements shall be in accordance with Chapter 4, Article II, Section 4-27 of the Amherst County Code, as amended.
15. Automobile service stations as provided in Section 902 herein.
16. Day care centers.
17. Farm machinery display, sales and services.
18. Taxidermy.
19. Retail nurseries and greenhouses.
20. Museum.
21. Bed and breakfast.
22. Any other use which the planning director determines is consistent with the statement of intent for this district and is of the same general character as special exception uses in this district.
23. Personal wireless services facilities as provided in Section 919;
24. Breweries.

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

1. Accessory buildings and uses as provided in section 901
2. Banks and savings and loan institutions;
3. Clinics and medical offices;
4. Clubs and lodges, fraternal, civic and patriotic;
5. Drug stores and other establishments for the filling of prescriptions and sale of pharmaceutical and similar supplies;
6. Emergency services;
7. Food stores;
8. General convenience stores;
9. Newsstands;
10. Oil and gas exploration, extraction and production, provided the provisions of Sections 45.1-361.1 through 45.1-361.144, Code of Virginia, 1950, as amended, and the oil and gas rules and regulations promulgated by the Virginia Department of Labor and Industry are adhered to;
11. Professional office buildings;
12. Public utilities such as poles, lines, transformers, pipes, meters and related or similar facilities; water sewer distribution lines;
13. Retail nurseries and greenhouses;
14. Retail service stores such as bakeries, barber shops, beauty parlors, shoe shops, self-service laundries, and establishments for receiving and distributing articles for laundering, drying and dry cleaning;
15. Signs as provided in section 907;
16. U.S. Post Offices;
17. Wearing apparel stores;
18. Antique and gift shops;
19. Automobile service stations as provided in section 902;
20. Cemeteries;

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

44. Satellite dish antenna sales and service establishments;
45. Theaters, indoor;
46. Videotape sales and rental establishments;
47. Wholesale and jobbing establishments;
48. Bowling alleys, roller skating and ice skating rinks, billiard parlors, pool rooms, dance halls, game rooms, pinball parlors, electronic game centers, golf driving ranges and similar forms of amusement;
49. Colleges;
50. Community centers;
51. Contractor facilities and storage yards and establishments for installation and servicing the following: air conditioning, electrical service, flooring, heating, interior decorating, painting, plumbing, roofing, steel erection, tiling or ventilating with all material stored entirely in buildings enclosed on all sides or with walls or fences, supplemented by plantings as may be prescribed by the board of supervisors;
52. Dormitories;
53. Excavation contractor's facilities and yards for storage of equipment intended for off-site use;
54. Feed and seed stores;
55. Golf driving range;
56. Kennels;
57. Light manufacturing, processing or packaging of products (including machine shops without punch presses) provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or a school district; shall not store or otherwise maintain any parts or waste material outside such building; and shall not create conditions of smoke, fumes, noise, odor or dust detrimental to health, safety or general welfare of the community; and shall be permanently screened from adjoining residential lots and districts by a wall, fence, evergreen hedge and/or other suitable enclosure of a minimum height of seven (7) feet at the original elevation of the property line;
58. Pest exterminating businesses;
59. Public utilities: public water and sewer transmission lines, treatment facilities, and pumping stations; electrical power transmission lines and substations; oil and gas transmission pipelines and pumping stations; microwave and radio wave transmission and relay towers and substations; telephone exchange centers, offices, equipment storage, dispatch centers and warehouse facilities;
60. Radio and TV transmission towers which are set back from any lot line at a distance equal to the maximum height of the tower above ground level;

61. Radio and TV transmitters;
62. Sign manufacturing;
63. Truck stop;
64. Veterinary hospitals and clinics;
65. Libraries;
66. Public utilities;
67. Public streets;
68. Personal wireless service facilities as provided in section 919;
69. Short-term tourist rental of dwelling;
70. Breweries.

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

1. All wholesalers;
2. Manufacturing, processing, fabricating, assembling, distributing or packaging of products;
3. Printing establishments;
4. Public utilities and all attendant structures necessary for transmission or storage;
5. Signs as provided in Section 907;
6. Truck and freight facility;
7. Warehousing operations not open to the general public;
8. Utilities;
9. Public streets;
10. Personal wireless service facilities as provided in Section 919;
11. Breweries.

§3. 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 ____