

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. 2014-0009**

AN 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.

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 section 302 of Appendix A to the Code of the County of Amherst be and hereby is amended, by adding the following two new definitions, as follows:

Clinic, substance abuse treatment. Structures and land at which one (1) or more licensed practitioners render examination and treatment of patients for alcohol or drug abuse solely on an outpatient basis.

Club, health. A facility at which people use equipment or space for the purpose of physical exercise.

§ 2. That section 302 of Appendix A to the Code of the County of Amherst be and hereby is amended, by amending the following two existing definitions, as follows:

~~Clinics and medical offices. A facility operated by Medical clinic or office. Structures and land at which one (1) or more physicians, dentists, chiropractors or other licensed practitioners of the healing arts for the render examination and treatment of persons patients solely on an outpatient basis. This term does not mean or refer to "substance abuse treatment clinic" or "substance abuse treatment facility", both of which are separately defined in this section.~~

~~Substance abuse treatment facility. Structures and land used the treatment of alcohol or other drug abuse where one (1) or more patients are provided with care, at which one (1) or more licensed practitioners render examination and treatment of patients for alcohol or drug abuse on an inpatient basis that includes the provision of meals, and lodging.~~

§ 3. That section 707, specifically subsections 707.01 and 707.03, and section 900, specifically subsection 909.02 of Appendix A to the Code of the County of Amherst be and hereby is amended, as follows:

707.01. Intent of General Commercial District B-2. This district covers those areas intended for the conduct of any retail business. Those with extended hours of operation and generating high volumes of traffic are permitted in this zone. The permitted and special exception uses identified in subsection 707.02 and 707.03 may not be listed in alphabetical order.

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

1. Bulk storage and sale of sand, gravel and rock;
2. Automobile sales, used;
3. Building and excavating contractor facilities with outside storage;
4. Car wash, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process;
5. Building materials dealer, not including handling of bulk materials such as sand and gravel;
6. Farm machinery display, sales and services;
7. Machinery sales and services;
8. Arenas, auditoriums or stadiums;
9. Automotive repair garage, mechanical and body, provided all operations are conducted in a building which shall not have any opening other than a stationary window within one hundred (100) feet of a residential, agricultural or public lands district and which shall not store or otherwise maintain any parts or waste material outside such building;

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

§ 4. That § 900, specifically subsections 909.01 and 909.02, of Appendix A to the Code of the County of Amherst be and hereby is amended, as follows:

909.01. Intent of shopping center requirements. The shopping center requirements are necessary in order that a shopping center can be developed as a unit, with adequate off-street parking for customers and employees with appropriate landscaping and screening materials. The permitted uses identified in subsection 909.02 may not be listed in alphabetical order.

909.02. Permitted uses. ~~Within a shopping center, the following uses are permitted:~~ Uses.

A. Permitted uses. Within a shopping center, the following uses are permitted as by right uses:

1. Antique and gift shops.
2. Appliance stores.
3. ~~Apparel~~ Wearing apparel stores.
4. Artist supplies.
5. Automobile parking.
6. Bakery goods stores.
7. Banks.
8. Barber shops.
9. Beauty shops.
10. Book and/or stationery stores.
11. Bowling alleys.
12. Camera shops.
13. Catering establishments.
14. Cleaning and pressing establishments.
15. Drug store or fountain.
16. Dry ~~good~~ goods stores.
17. Dairy products or ice cream.

18. Delicatessen.
19. Department stores.
20. Florist shop.
21. Furniture store.
22. ~~Gift shops.~~
- ~~23.~~—Grocery stores.
- ~~24.~~ 23. Hardware stores.
- ~~25.~~24. Hobby stores.
- ~~26.~~25. Jewelry stores.
- ~~27.~~26. Liquor stores.
- ~~28.~~27. Meat markets.
- ~~29.~~—~~Medical facilities.~~ 28. Medical clinic or office.
- ~~30.~~29. Music stores.
- ~~31.~~30. Newspaper or magazine sales.
- ~~32.~~31. Notions stores.
- ~~33.~~32. Optometrist offices.
- ~~34.~~33. Package stores.
- ~~35.~~34. Paint and decorating shops.
- ~~35.~~35. Pet stores.
36. Photography studios.
37. Pharmacies.
38. Radio and television sales and service.
39. Restaurants.
40. Self-service laundry or dry cleaning.

41. Sewing machine sales and service.
42. Shoe store or repair shops.
43. Sporting goods sales.
44. Specialty shops.
45. Supermarkets.
46. Tailor shops.
47. Toy stores.
48. Variety stores.
- 48.1. Videotape sales and rental establishments.
49. Professional and business offices.
50. Public utilities lines.
51. Office uses, provided that the total floor area of such uses shall not exceed twenty-five (25) percent of the gross floor area of the shopping center.
52. Automobile service station, provided that it is designed as an integral part of the shopping center and meets the requirements within Section 902 herein.
53. Accessory buildings, structures and uses customarily incidental to the uses enumerated herein above.
54. Signs as provided in Section 907 herein.
55. ~~Other compatible uses approved by the board of supervisors.~~ Churches.
56. Community centers.
57. Day care centers.
58. Health clubs.

B. *Special exception use.* Within a shopping center, 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 may be permitted as a special exception use. Any provisions in the Code applicable to the permitted use which the zoning administrator determines is most consistent with the proposed use shall be made applicable to the proposed use to the greatest extent reasonable.

§ 5. 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 _____