



Planning and Zoning

ITEM:

2009-12 Liquefied Petroleum Gas Containers

DESCRIPTION:

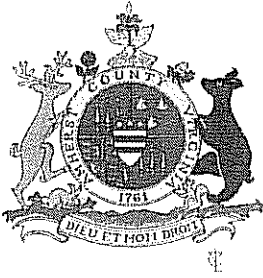
This is a zoning text amendment request by the County of Amherst to allow above ground liquefied petroleum gas containers as a special exception use in the V-1 Village Center District and the B-2 General Commercial District.

RECOMMENDATION:

Per Board of Supervisors direction.

ATTACHMENT(S)

- Memorandum from Jeremy Bryant, Director of Planning/Zoning.
- Proposed draft ordinance.
- Zoning Text Amendment Process.



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PLANNING DEPARTMENT

MEMORANDUM

DATE: November 10, 2009

TO: Board of Supervisors

FROM: Jeremy Bryant, Director of Planning and Zoning *JJB*

SUBJECT: Case # 2009-12 Liquefied petroleum gas containers text amendment

This is a zoning text amendment request by the County of Amherst to allow above ground liquefied petroleum gas containers to refill individual's propane tanks. The Planning Commission heard the amendment on February 19th and discussed it again on March 19th, requesting staff to bring back a draft ordinance. The ordinance was drafted taking into consideration requirements from the Occupational Safety and Health Administration, the National Fire Protection Agency, the Virginia Statewide Building Code and Fossil Fuels; all of which are attached. The following attached ordinance allows such containers up to two-thousand (2,000) gallons in water capacity with a twenty-five (25) foot setback from roads and lot lines and fifty (50) feet from structures, as well as three (3) feet between each container. The ordinance also defines liquefied petroleum gas containers with a definition combined from OSHA's container definition and the State Building Code's LP-gas definition. On April 16, 2009 the Planning Commission requested that the amendment proceed to the Board of Supervisors for consideration.

On May 5, 2009 the Board of Supervisors considered the request and directed staff to conduct a survey of business that sells Liquefied Petroleum Gas Containers. The study¹ revealed that a total of fifteen (15) businesses in Amherst County trade the individual propane tanks. A total of three (3) businesses re-fill empty propane tanks, they are: 1) Madison Heights Memorials on Route 29, 2) The Store on Route 29, and 3) Campbell's Convenience Store in Elon (which has recently removed the tanks). Staff recommended that the proposed ordinance regulate the larger propane tanks used to re-fill individual tanks. To better define the size of those tanks, staff amended the proposed ordinance to regulate tanks between one hundred and twenty five (125) gallons water capacity and two

¹ The survey was conducted by a window survey. If other filling stations exist, staff was unaware of any other liquefied petroleum gas filling stations at that time.

thousand (2,000) gallons water capacity. Staff further recommended that the businesses that trade individual propane tanks should not be further regulated and those tanks should be considered part of the retail portion of the business.

At the June 16, 2009 Board of Supervisors (BOS) meeting the BOS directed the Planning Commission to re-review the ordinance and consider adding setbacks that exceeded the provisions set forth in the previously proposed document. At the July 2, 2009 Planning Commission meeting, the setback from structures was increased to fifty (50) feet.

At the October 15, 2009 meeting, the Planning Commission approved the zoning text amendment.

302. Specific Definitions.

302.25.2. Container, liquefied petroleum gas. A vessel, such as a tank, cylinder or drum used for storage of liquefied petroleum gas composed predominately of propane, propylene, butanes or butylenes, or mixtures thereof that are gaseous under normal conditions, but are capable of being liquefied under moderate pressure at normal temperatures.

707. General Commercial District B-2.

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.

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 herein;
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 herein;
16. U. S. Post Offices;
17. Wearing apparel stores;
18. Antique and gift shops;
19. Automobile service stations as provided in Section 902 herein;
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 herein;
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. Automobile laundry or 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 (provided the tower is so located that its minimum distance from any lot line shall equal 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. Wireless communication facilities as provided in Section 914 herein;
69. Short-term tourist rental of dwelling;

707.03. Special Exceptions.

1. Bulk storage and sale of sand, gravel and rock;
2. Automobile sales, used;
3. Building and excavating contractor facilities with outside storage;
4. Automobile laundry or 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. Above ground liquefied petroleum gas containers between one-hundred and 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 setback 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. All requirements shall be in accordance with Chapter 4, Article II, Section 4-27 of the Amherst County Code, as amended.

706. Village Center District V-1.

706.01. Intent of the Village Center District. This district is designed to allow minimal concentrations of commercial activity and residential-type development within a large agricultural or residential area. As an adjunct to the Public Lands District P-1 and Agricultural District A-1, it is the intent to encourage cluster development of residential, commercial and public uses, thereby helping to discourage random scattering of these uses throughout agricultural and forested areas. To this end, retail activity is greatly limited to neighborhood convenience sales and services and tourists-oriented specialties, thereby protecting against encroachment of general commercial or other similar uses likely to generate noise, light, odors, smoke, or other obnoxious influences.

706.02. Permitted uses. Within the Village Center District V-1 the following uses are permitted:

1. Those allowed in R-1 Limited Residential;
2. Churches and adjacent cemeteries;
3. Signs as provided in Section 907;
4. General convenience stores;
5. 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;
6. Public streets;
7. Banks;
8. Emergency services;
9. Hair-cutting shops;
10. Laundromats.

706.03. Special exceptions:

1. Signs as provided for in Section 907.
2. Retail stores to include: antique, gift & craft, hair cutting, agricultural products, hardware and building supplies.
3. Cemeteries.
4. Private clubs.
5. Civic organization meeting facilities.
6. Parks and recreational facilities where land is owned privately.
7. Professional offices.
8. Restaurants.
9. Manufactured homes.
10. Dual use structure limited to a single-family dwelling use and a business use.
11. Nursing Homes.
12. Machine shops.
13. Short-term tourist rental of dwelling.
14. Above ground liquefied petroleum gas containers between one-hundred and 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 setback 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. All requirements shall be in accordance with Chapter 4, Article II, Section 4-27 of the Amherst County Code, as amended.

Draft: 4/7/09

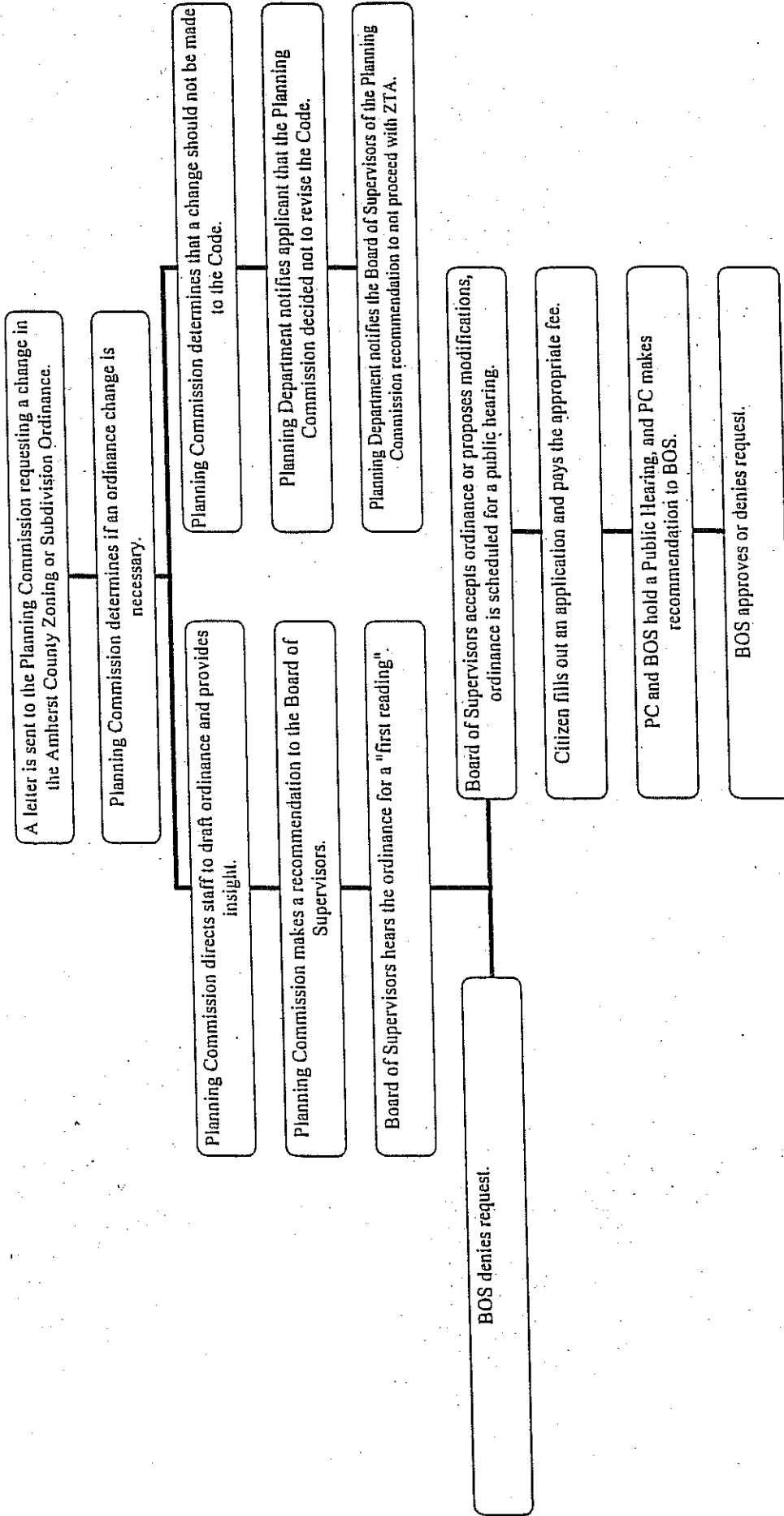
Amended: 4/23/09

Amended 6/9/09: Added 125 Gallons water capacity

Amended 6/17/09: Added use as a special exception in the B-2 Commercial District and the V-1 Village Center District.

Amended 7/2/09: Fifty (50) foot setback from structures, modified by PC.

Amherst County - Zoning Text Amendment Process



* Approved by the BOS by Resolution on 1/6/09