



Planning and Zoning

ITEM:

Zoning Case #2009-21 - Zoning Text Amendment - Marine Sales and Service

DESCRIPTION:

This is a request by the County of Amherst for a zoning text amendment to allow Marine Sales and Service as a special exception use in the B-2 General Commercial District.

RECOMMENDATION:

Per Board of Supervisor direction.

ATTACHMENT(S)

- Memorandum from Jeremy Bryant, Director of Planning/Zoning
- Proposed Ordinance
- Zoning Text Amendment Process



153 Washington Street, P.O. Box 390
Amherst, Virginia 24521 • (434) 946-9303
FAX • (434) 946-9370

PLANNING DEPARTMENT

MEMORANDUM

DATE: November 10, 2009

TO: Board of Supervisors

FROM: Jeremy Bryant, Director of Planning and Zoning JSB

SUBJECT: 2009-21 - Zoning Text Amendment for Marine Sales and Service Use in the B-2 General Commercial District as a Special Exception Use

In the spring, Leane Schlemmer submitted a zoning permit to operate a marine sales and service business at 4588 South Amherst Highway (former Eddies Tire building). According to section 707.02 permitted uses, and 707.03 special exceptions in the B-2 General Commercial District, marine sales and service is not clearly stated as an allowed use, and would require a text amendment to fully allow the proposed use(s).

Recently the Planning Commission and Board of Supervisors considered a zoning text amendment that would act as a general use category in the A-1 Agricultural Residential District, B-2 General Commercial District and the M-1 Industrial District. The text amendment stated: "*Other compatible uses as reviewed by the Planning Commission and approved by the Board of Supervisors, provided that the use(s) is not a permitted or special exception use in another zoning district and should be consistent with the statement of intent of the A-1 Agricultural Residential District*". On September 15, 2009 the Board of Supervisors considered the text amendment and was concerned that the proposed ordinance may be too general in nature, as a result it was denied.

Therefore, the draft ordinance for *marine sales and service* is proposed to be a special exception use in the B-2 General Commercial District. Furthermore, a definition for *marine sales and service* has been added along with a definition for a *boat*.

The Planning Commission approved the draft ordinance as a "first reading" on October 15, 2009. This is a "first reading" for the Board of Supervisors, if approved it will proceed to the Planning Commission for a public hearing.

302.12. Boat. Any vehicle designed for travel on water, not exceeding thirty-five (35) feet in body length and nine (9) feet in width.

302.83.1. Marine Sales and Service. A marine retail sales and service use where boats are repaired, sold, and goods are sold primarily for use on boats. Examples of goods sold include navigational instruments, marine hardware and paints, marine engine fluids, nautical publications, nautical clothing, marine engines, parts, and other retail sales closely associated with boating activities.

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. Display of and sale of wholesale and retail modular homes;
- 17. Marine sales and service, provided all service 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.**

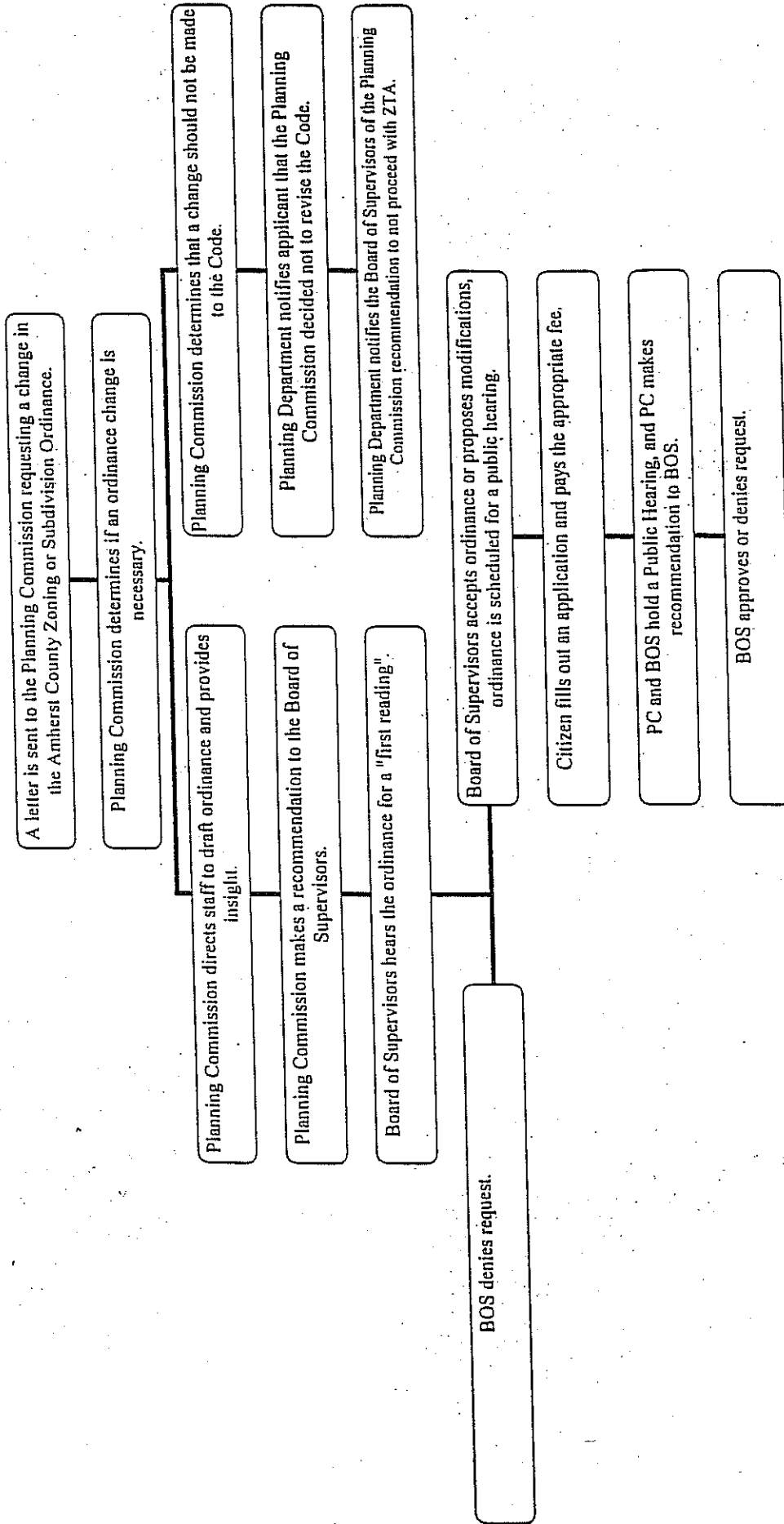
707.04. Site Plan. Before a building and zoning permit shall be issued for any use in the General Commercial District B-2, a site plan of the proposed development shall be approved by the commission or the zoning administrator, whichever is applicable, in conformance with Section 1003 and Article XI herein.

(Ord. of 8-20-02(2); Ord. of 11-19-02; Ord. of 10-17-06(4); Ord. of 7-17-07(3); Ord. of 7-15-08(1); Ord. of 9-16-08; Ord. of 4-21-09(1))

-Ordinance Drafted: 9/16/09

-Revised: October 2, 2009: Planning Commission recommended: modified the definition to allow general retail sales. Added to the use section: *"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"*.

Amherst County - Zoning Text Amendment Process



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