



**Amherst County Board of Supervisors
County Ordinance No. 2024-5**

AN ORDINANCE, NO. 2024-5

Amending and reenacting §§ 702 of Article VII – Use Requirements by Zoning Districts, of
Appendix A – Zoning and Subdivisions Ordinance to the Code of the County of Amherst,
Virginia.

Approved as to form and legality by the Amherst County Attorney

PUBLIC HEARING: Planning Commission, July 18, 2024
FIRST READING: Board of Supervisors, August 6, 2024
PUBLIC HEARING: Board of Supervisors, August 20, 2024

WHEREAS, the Amherst County Board of Supervisors now deems it appropriate to amend the
Zoning and Subdivision Ordinance in order to revise the location requirements for confined livestock
facilities.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Amherst County Board of
Supervisors that the Amherst County Zoning and Subdivision Ordinance is hereby amended as follows:

702. Agricultural Residential District A-1.

702.01. Intent of the Agricultural Residential District A-1. This district is designed to
accommodate farming, forestry and limited residential use. While it is recognized that
certain rural areas may logically be expected to develop residentially, it is the intent
however to discourage the random scattering of residential, commercial or industrial uses
in this district.

702.02. Permitted uses. Within the A-1 district, the following uses are permitted:

1. Agriculture and forestry operations; crop production, livestock production, except no
confinement facility may be closer than six hundred (600) ~~one thousand (1,000)~~ feet
to a property line; sale of agricultural and forestal products grown in the county;
agritourism; and other activities or events that are usual and customary at Virginia
agricultural operations.
2. Temporary sawmills, only for timber on-site or proximate to site.
3. Single-family dwellings that are built in accordance with the statewide building code.
4. Manufactured homes as provided in Section 908.
5. Accessory structures.

6. Emergency services.
7. Home occupations.
8. Reserved.
9. Camping for less than four (4) consecutive weeks in portable facilities; i.e., tent or camper.
10. 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.
11. Bed and breakfast lodging.
12. Public streets.
13. Confined livestock facilities ("CLF") subject to the following conditions:
 - a. Located more than six hundred (600) ~~one thousand five hundred (1,500)~~ feet from any house not on the property owned by the applicant;
 - b. Located more than six hundred (600) ~~two thousand five hundred (2,500)~~ feet from a public place such as a school or church;
 - c. Located more than six hundred (600) feet or if the facility is enclosed and under roof one hundred (100) ~~one thousand (1,000)~~ feet from a perennial stream as indicated on the 7.5 minute U.S.G.S. topographic survey maps;
 - d. Located more than one hundred and twenty-five (125) ~~one thousand (1,000)~~ feet from a state maintained road;
 - e. Located more than six hundred (600) feet from residentially zoned districts and boundaries of any incorporated town;
 - fe. A maximum of two hundred fifty (250) animal units may be confined per fifty (50) acres of contiguous property;
 - gf. The CLF must be approved by all necessary state agencies prior to county approval;
 - hg. The applicant for all permits must be a county resident and the property owner;
 - ih. Confined livestock facilities shall prepare and follow a nutrient management plan for
responsible and environmentally safe management of all animal wastes. Such plan shall be
approved by the Virginia Department of Environmental Quality, and any other required agencies.
 - h. ~~It cannot be visible from a state maintained road;~~
 - ji. A zoning permit must be issued prior to any development of the CLF.
 - k. Disposal of dead animals shall be handled in an approved manner as specified by the Division of Animal Health and the State Veterinarian.
14. Flag lot as provided in Section 1301.04(6).
15. Personal wireless service facilities as provided in Section 919.

16. Farm winery.
17. 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.
18. 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.
19. 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.
20. Club, hunt.
21. Limited brewery.
22. Limited distillery.
23. Short-term tourist rental of dwellings per Section 916, provided that: (i) the dwelling is served by a single-access driveway on a state maintained road, and (ii) is a distance of at least five hundred (500) feet from the nearest dwelling.
24. Time-share projects.
25. Small wind energy systems up to sixty (60) feet in height and at least five hundred (500) feet from property lines, as provided in Section 918.

26. Solar generation facilities, small.
27. Solar generation facilities, agricultural.
28. A single camper is allowed during the construction of a single-family dwelling for no longer than twelve (12) consecutive months or the issuance of a certificate of occupancy for the dwelling, whichever period is shorter, in a portable facility; i.e., camper or motorhome, so long as the following conditions are met:
 - a. The recreational vehicle or portable facility shall be located on the same lot as which the single-family dwelling is being constructed and meet all applicable setbacks in Section 804.
 - b. The recreational vehicle or portable facility shall have available onboard electrical service, plumbing, and waste management facilities.
 - c. A building, water and septic permit have been issued for the building site.
 - d. The recreational vehicle is an operative vehicle that has current state inspection.
29. Storm-water facility lots as provided in section 1207.04.
30. Recreational dwelling(s) subject to the following conditions:
 - a. All requirements from Chapters 4 and 11.5 of the code of the County of Amherst shall be met.
 - b. Any person(s) proposing a recreational dwelling shall have a primary residence that is not associated with the recreational dwelling(s).
 - c. Any recreational dwelling(s) proposed, shall comply with all applicable requirements of the Virginia Department of Health.

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 as provided in section 1207.04.
9. Signs as provided in Section 907.
10. Planned unit developments.
11. Short-term tourist rental of dwelling as provided in Section 916.
12. Machinery sales and service.
13. Storage of biosolids as provided in Section 917.
14. Mineral extraction per Section 910.

15. Small wind energy as provided in Section 918.
16. Substance abuse treatment facility.
17. Off-site directional signs compliant with the requirements of subsection 907.04.
18. Personal wireless service facilities as provided in Section 919.
19. Club, private.
20. Shooting range, outdoor.
21. Breweries.
22. Family day home which serves six (6) through twelve (12) children.
23. Single-family attached dwelling developments, as provided in Section 921.
24. Kennels.
25. Aviation facilities, private as provided in Section 922.
26. Retirement community.
27. Industrial landfill.
28. Solar generation facilities, utility-scale.
29. Campgrounds, as provided in Section 904.
30. Any other use which the zoning administrator 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.

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

Adopted this 20th day of August 2024.



Drew Wade, Chair
Amherst County Board of Supervisors

Member

Vote

Drew Wade, Chair	<u>aye</u>
Claudia D. Tucker, Vice-Chair.....	<u>aye</u>
David W. Pugh, Jr.	<u>aye</u>
Tom Martin	<u>aye</u>
Chris Adams.	<u>aye</u>

ATTEST:



Jeremy S. Bryant, Clerk
Amherst County Board of Supervisors