



**Amherst County Board of Supervisors  
County Ordinance No. 2016-0012**

**AN ORDINANCE, NO. 2016-0012**

Amending §§302, and 702, specifically subsection 702.02, of Appendix A to the Amherst County Code, to define limited breweries and limited distilleries, and to establish them as a permitted use in the agricultural residential district. In a technical amendment not shown in the text of the ordinance, numbered paragraphs under 702.02 have been replaced with bulleted paragraphs.

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Approved as to form and legality by the County Attorney

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**PUBLIC HEARING: Planning Commission, July 21, 2016**

**FIRST READING: Board of Supervisors, August 2, 2016**

**PUBLIC HEARING: Board of Supervisors, August 16, 2016**

**THE COUNTY OF AMHERST HEREBY ORDAINS:**

**§ 1. That Sections 302, and 702, specifically subsection 702.02, of Appendix A to the Code of the County of Amherst be and hereby are amended, as follows:**

**302. - Specific definitions.**

*Limited brewery.* A brewery operating under a limited brewery license issued pursuant to section 4.1-208 of the Code of Virginia (1950), as amended.

*Limited distillery.* A distillery operating under a limited distiller's license issued pursuant to section 4.1-206 of the Code of Virginia (1950), as amended.

**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:

- Agriculture and forestry operations; crop production, livestock production, except no confinement facility may be closer than one thousand (1,000) feet to a property line; sale of

agricultural and forestall products grown in the county; agritourism; and other activities or events that are usual and customary at Virginia agricultural operations.

- Temporary sawmills, only for timber on-site or proximate to site.
- Single-family dwellings that are built in accordance with the statewide building code.
- Manufactured homes as provided in Section 908.
- Accessory structures.
- Emergency services.
- Home occupations.
- Reserved.
- Camping for less than four (4) consecutive weeks in portable facilities; i.e., tent or camper or per Section 904.
- 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.
- Bed and breakfast lodging.
- Public streets.
- Confined livestock facilities ("CLF") subject to the following conditions:
  - Located more than one thousand five hundred (1,500) feet from any house not on the property owned by the applicant;
  - Located more than two thousand five hundred (2,500) feet from a public place such as a school or church;
  - Located more than one thousand (1,000) feet from a perennial stream as indicated on the 7.5 minute U.S.G.S. topographic survey maps;
  - Located more than one thousand (1,000) feet from a state maintained road;
  - A maximum of two hundred fifty (250) animal units may be confined per fifty (50) acres of contiguous property;
  - The CLF must be approved by all necessary state agencies prior to county approval;
  - The applicant for all permits must be a county resident and the property owner;
  - It cannot be visible from a state maintained road;
  - A zoning permit must be issued prior to any development of the CLF.
- Flag lot as provided in Section 1301.04(6).
- Personal wireless service facilities as provided in Section 919.
- Farm winery.
- 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.

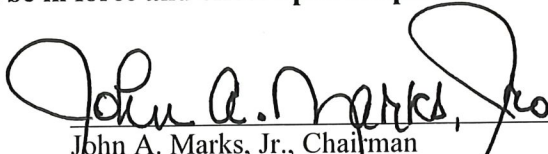
- Family day home which serves no more than five (5) children. The zoning administrator may impose conditions on such family day homes to ensure their compatibility with other permitted uses; however, such conditions shall not be more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption.
- 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:
  - 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.
  - Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.
  - 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.
  - 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.
  - 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.
  - 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.

Club, hunt.


- Limited brewery.
- Limited distillery.

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

Adopted this 16<sup>th</sup> day of August, 2016.

  
 John A. Marks, Jr., Chairman  
 Amherst County Board of Supervisors

**ATTEST:**

  
 Dean C. Rodgers, Clerk  
 Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0

**ADOPTED**

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