



**Amherst County Board of Supervisors
County Ordinance No. 2016-0004**

AN ORDINANCE, NO. 2016-0004

Amending §§ 302, 707, and 708 of Appendix A to the Amherst County Code to clarify the intent of the general commercial district; eliminate newsstands, oil and gas activities, and video sales and rental businesses as permitted uses in that district; define call centers and warehousing and distribution facilities; make those facilities and governmental facilities permitted uses in that district; authorize oil and gas activities as special exception uses; and clarify screening requirements for permitted and special exception uses. The ordinance also clarifies the intent of the industrial district; defines corporate offices, data centers and research and development facilities; authorizes those facilities and call centers and contractor facilities as permitted uses in that district; and authorizes emergency services and governmental facilities as special exception uses in that district. The ordinance also authorizes the Zoning Administrator to determine whether a specific use not listed in County Code as a permitted or special exception use in the general commercial district is similar to specified uses and hence eligible to locate in that district, and makes non-substantive amendments to Code structure to better alphabetize some use listings.

Approved as to form and legality by the County Attorney

PUBLIC HEARING: Planning Commission, March 17, 2016
FIRST READING: Board of Supervisors, April 5, 2016
PUBLIC HEARING: Board of Supervisors, April 19, 2016

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Sections 302, 707, and 708 of Appendix A to the Code of the County of Amherst be and hereby are amended, as follows:

302. - Specific definitions.

Call center. A structure in which mail-order catalog companies, telemarketing companies, computer product help desks, and other entities that provide sales or services by telephone screen, forward, and log a high volume of customer and other telephone calls simultaneously, usually with the aid of computer automation.

Corporate office. One or more structures housing a company's internal office administration services and not supplying direct customer service, such as a corporation's headquarters or regional office.

Data center. A structure housing computer systems and associated components such as telecommunications and storage systems, including redundant or backup power supplies, redundant data communications connections, environmental controls such as air conditioning or fire suppression, and security devices.

Research and development facility. One or more structures which a company uses (i) to conduct research and development activities into, or make controlled production of, electronic, industrial, or scientific products or commodities, or (ii) as laboratories for purposes of conducting educational or medical research or testing.

Retail stores and shops. Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood, and lumber yards) ~~such as the following which will serve as illustration only and are not to be considered exclusive:~~ including but not limited to a department or clothing store, electronic sales and repair stores, drug store, ~~newsstand~~, food store, candy shop, milk, dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop, and beauty ~~shop~~ salon or day spa.

Warehousing and distribution facility. A structure or outdoor lot used for storage, warehousing, or dispatching of goods, including warehouses for wholesale distributors, storage warehouses, and moving or storage companies.

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, service or contracting business, for siting of public facilities, and for other similar uses as determined by the Zoning Administrator. ~~Those with Uses requiring extended hours of operation and generating high volumes of traffic are permitted in this zone district.~~ The permitted and special exception uses identified in subsection 707.02 and 707.03 may not be listed in alphabetical order.

707.02 Permitted uses. Within the General Commercial District B-2, the following uses are permitted:

- Accessory buildings and uses as provided in Section 901;
- Banks and savings and loan institutions;
- Clinics and medical offices;
- Clubs and lodges, fraternal, civic and patriotic;
- Drug stores and other establishments for the filling of prescriptions and sale of pharmaceutical and similar supplies;
- Emergency services;
- Food stores;
- General convenience stores;
- ~~Newsstands;~~
- ~~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;~~

- Professional office buildings;
- Public utilities such as poles, lines, transformers, pipes, meters and related or similar facilities; water sewer distribution lines;
- Retail nurseries and greenhouses;
- 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;
- Signs as provided in Section 907;
- U.S. post offices;
- ~~Wearing apparel stores;~~
- Antique and gift shops;
- Automobile service stations as provided in Section 902;
- Cemeteries;
- Churches, manses, parish houses and adjacent cemeteries;
- Day care centers;
- Garages, public;
- Hardware stores;
- Motels, motor hotels and motor inns;
- Restaurants;
- Retail stores and shops;
- Schools;
- School support facilities;
- Shopping center, subject to restrictions of Section 909;
- Shopping complex;
- 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;~~
- Telephone repeater substations, with no external antennas;
- 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;
- Bakeries employing not more than ten (10) persons other than clerks and vehicle drivers;
- Cabinet making shops;
- Catering establishments;

- Cold storage plants and frozen food lockers not including lard rendering and abattoirs;
- Dry cleaning plants;
- Funeral homes;
- Furniture stores;
- Printing plants and newspaper offices;
- Radio and TV offices and studios;
- Retail automotive parts stores;
- Satellite dish antenna sales and service establishments;
- Theaters, indoor;
- ~~Videotape sales and rental establishments;~~
- Wholesale and jobbing establishments, with all material stored entirely in buildings enclosed on all sides or screened in accordance with Section 1607;
- 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;
- Call centers;
- Colleges;
- Community centers;
- 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~~ screened in accordance with Section 1607;
- Dormitories;
- Excavation contractor's facilities and yards for storage of equipment intended for off-site use;
- Feed and seed stores;
- Golf driving range;
- Governmental facilities;
- Kennels;
- 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~~ public lands district; shall not store or otherwise maintain any parts or waste material outside such building unless such parts or waste material are screened in accordance with Section 1607; 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;

- Pest exterminating businesses;
- 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;
- Radio and TV transmission towers which are set back from any lot line at a distance equal to the maximum height of the tower above ground level;
- Radio and TV transmitters;
- Sign manufacturing;
- Truck stop;
- Veterinary hospitals and clinics;
- Libraries;
- Public utilities;
- Public streets;
- Personal wireless service facilities as provided in Section 919;
- Short-term tourist rental of dwelling;
- Breweries;
- Use, temporary;
- Museums;
- Warehousing and distribution facilities, with all material stored entirely in buildings enclosed on all sides or screened in accordance with Section 1607.

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

- Bulk storage and sale of sand, gravel and rock;
- Automobile sales, used;
- Building and excavating contractor facilities with outside storage;
- 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;
- Building materials dealer, not including handling of bulk materials such as sand and gravel;
- Farm machinery display, sales and services;
- Machinery sales and services;
- Arenas, auditoriums or stadiums;

- 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 unless such parts or waste material are screened in accordance with Section 1607;
- 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;
- Adult entertainment establishments in accordance with Section 915;
- Tattoo establishments;
- Auction house;
- Self-service mini-storage and warehouse facilities;
- Travel trailer sales;
- Display of and sale of wholesale and retail modular homes;
- Small wind energy systems as provided in Section 918;
- Substance abuse treatment facility;
- 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;
- Off-site directional signs compliant with the requirements of Section 907.04;
- Pawnbrokers;
- 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;
- Oil and gas exploration, extraction and production, provided the entity conducting these activities complies with Chapter 22.1 of Title 45.1 (§§ 45.1-361.1 et seq.) of the Code of Virginia, 1950 (as amended), and adheres to the oil and gas rules and regulations promulgated by the Virginia Department of Labor and Industry;
- Personal wireless service facilities as provided in Section 919;
- Substance abuse treatment clinic; and

- Any other use which the ~~planning director~~ 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;
- ~~Personal wireless service facilities as provided in Section 919;~~
- ~~Substance abuse treatment clinic.~~

708. - Industrial District M-1.

708.01. Intent of Industrial District M-1. This district is covers areas intended to allow uses for the production, wholesale, storage or distribution of products, and proprietary office and business support facilities not intended to be generally accessible to the general public.

708.02. Permitted uses. Within the Industrial District M-1, the following uses are permitted:

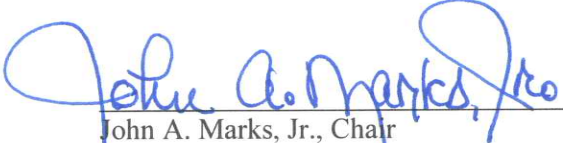
- All wholesalers;
- Breweries;
- Call centers;
- Contractor facilities;
- Corporate offices;
- Data centers;
- Manufacturing, processing, fabricating, assembling, distributing or packaging of products, including an on-site retail store for products manufactured or distributed by the permitted business provided that such store is an accessory use to the permitted use and does not exceed twenty (20) percent of the floor area of the permitted facility;
- Personal wireless service facilities as provided in Section 919;
- Printing establishments;
- Public utilities and all attendant structures necessary for transmission or storage;
- Public streets;
- Research and development facilities.
- Signs as provided in Section 907;
- Truck and freight facility;
- Utilities;
- Warehousing operations not open to the general public;
- ~~Utilities;~~
- ~~Public streets;~~
- ~~Personal wireless service facilities as provided in Section 919;~~
- Breweries.

708.03. *Special exceptions* (Industrial District - M-1 zone):

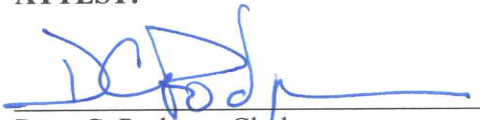
- Emergency services;
- Governmental facilities;
- Salvage yards;
- Quarries;
- Paper mills;
- Wholesale and retail modular homes;
- Small wind energy systems as provided in Section 918;
- Off-site directional signs compliant with the requirements of Section 907.04.;
- Personal wireless service facilities as provided in Section 919;
- Any other use which the ~~planning director~~ 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.
- ~~Personal wireless service facilities as provided in Section 919.;~~

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

Adopted this 19th day of April, 2016.


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

ATTEST:


Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0