

Mayor Jacob P. Bailey called a regular monthly meeting of the Amherst Town Council to order on March 14, 2012 at 7:00 P.M. in the Council Chambers of the Town Hall at 186 S. Main Street. Council members Kenneth Bumgarner, J. Paul Kilgore, Mike Mozingo and Richard Wydner were present. Councilor Haney Mottley was absent. Town Manager Jack Hobbs, Police Chief Kelvin Brown, Office Manager Colan Davis, Director of Public Utilities Tom Fore and Town Attorney Tom Berry were present.

The Rev. Barbara Rodgers gave an invocation.

At 7:05 P.M. a duly advertised public hearing on a proposal to amend the Zoning and Subdivision Ordinance was opened.

It was reported that the proposal involves two sections of the Town Code:

1. The first item would include warehouses in Sec. 18.1-602.06f to clarify that warehousing uses are required to have one off-street parking space for each 1½ employees on the maximum working shift. Otherwise, one space would be required for each 1,000 SF of floor area devoted to enclosed storage per Sec. 18.1-602.06e.
2. The second would amend the loading dock requirement in Sec. 18.1-603.03 to require one “loading space” for each 25,000 SF in large buildings with at least two instead of one for every 10,000 SF.

It was noted that the Planning Commission had recommended approval of the amendments after its public hearing on March 7. There being no one present who wished to speak on the matter, the hearing was closed at 7:06 P.M.

At 7:07 P.M. a duly advertised public hearing on a proposal to sell land at Brockman Park pursuant to Sec. 15.2-1802 of the Code of Virginia was opened. There being no one present who wished to speak on the matter, the hearing was closed at 7:08 P.M.

The Town Manager gave a synopsis on a proposed “master development” agreement between the Town and The Hollingsworth Companies, proposed land option agreements for lots 15 & 14 at Brockman Park, proposed zoning ordinance amendments requested by the developer and requested amendments to the Brockman Park deed restrictions. It was noted that the Industrial Development Authority endorsed this series of proposals at its January 30 meeting.

Mr. Bumgarner made a motion that was seconded by Mr. Wydner and approved 4-0 to adopt an ordinance to change the Zoning and Subdivision Ordinance. Messrs. Bumgarner, Kilgore, Mozingo, and Wydner voted “Aye”; Mr. Mottley was absent. A copy of the ordinance is attached and made a part of these minutes.

Mr. Wydner made a motion that was seconded by Mr. Mozingo and approved 4-0 to authorize the Mayor to execute the proposed Brockman Park “master development” agreement with The Hollingsworth Companies. Messrs. Bumgarner, Kilgore, Mozingo, and Wydner voted “Aye”; Mr. Mottley was absent.

Mr. Wydner made a motion that was seconded by Mr. Bumgarner and approved 4-0 to authorize the Mayor to execute the option agreements for lots 15 and 14 at Brockman Park with The Hollingsworth Companies. Messrs. Bumgarner, Kilgore, Mozingo, and Wydner voted “Aye”; Mr. Mottley was absent.

Mr. Kilgore made a motion that was seconded by Mr. Mozingo and approved 4-0 to authorize the Mayor to sign the amended Brockman Park deed restriction document. Messrs. Bumgarner, Kilgore, Mozingo, and Wydner voted “Aye”; Mr. Mottley was absent.

Mr. Kilgore made a motion that was seconded by Mr. Wydner and approved 4-0 to approve the minutes from the February 8, 2012 meeting. Messrs. Bumgarner, Kilgore, Mozingo, and Wydner voted "Aye"; Mr. Mottley was absent.

After receiving a status report on the 60 West Water Line Replacement Project, Mr. Wydner made a motion that was seconded by Mr. Mozingo and approved 4-0 to authorize the Town Manager to execute contracts with WW Associates, W. Thomas Berry and BotkinRose. Messrs. Bumgarner, Kilgore, Mozingo, and Wydner voted "Aye"; Mr. Mottley was absent.

The Town Manager gave status reports on the N. Main Street Sewer, S. Main Street Sidewalk and Whitehead Drive/Maple Lane Water Line Project.

There was a discussion on the possible relocation of a cemetery in Brockman Park.

The Councilors discussed ways to fund utility construction with General Fund monies.

Mr. Bumgarner made a motion that was seconded by Mr. Mozingo and approved 4-0 to adopt a resolution endorsing an application for monies to fund a project that would replace water lines on Lake Drive and Vista Drive. Messrs. Bumgarner, Kilgore, Mozingo, and Wydner voted "Aye"; Mr. Mottley was absent. A copy of the resolution is attached and made a part of these minutes.

By consensus, the Councilors agreed that the spring dog confinement period should be advertised in the Amherst paper this year.

The Council discussed the reappointment and/or appointments several committee members whose terms expire on June 30.

Due to changed work commitments, Mr. Mozingo asked the Council to appoint another individual to replace him on regional boards. Mr. Wydner made a motion that was seconded by Mr. Kilgore and approved 4-0 to appoint Mr. Bumgarner to the Region 2000 Local Government Council and Central Virginia Metropolitan Planning Organization boards for the remainder of the Council term. Messrs. Bumgarner, Kilgore, Mozingo, and Wydner voted "Aye"; Mr. Mottley was absent.

Mr. Wydner made a motion that was seconded by Mr. Bumgarner and passed 4-0 to approve a vacation and altered work schedule for the Town Manager and otherwise endorse his pursuit of a professional development opportunity. Bumgarner, Kilgore, Mozingo, and Wydner voted "Aye"; Mr. Mottley was absent.

There being no further business, the meeting adjourned at 9:00 P.M.

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Jacob P. Bailey  
Mayor

Attest:

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Clerk of Council

**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF AMHERST BY AMENDING SECTIONS 18.1-602 (OFF-STREET PARKING) AND SECTION 18.1-603 (OFF STREET LOADING AND UNLOADING SPACE) OF THE ZONING AND SUBDIVISION ORDINANCE.**

Be it Ordained by the Council of the Town of Amherst:

- 1. That the Code of the Town of Amherst is hereby amended by amending Sec. 18.1-602 of the Town Code to read as follows:*

**Sec. 18.1-602 Off-street Parking**

**Sec. 18.1-602.01. Off-street parking required.**

- Every use or building instituted, constructed, erected, enlarged or structurally altered shall provide off-street parking and loading facilities in accordance with the provisions of this article.
- Such off-street parking and loading facilities shall be maintained as approved and continued as long as the main use is continued.
- No owner or operator of any structure affected by this article shall discontinue, change or dispense with the required parking and loading facilities without establishing alternative vehicular parking and loading facilities which meet the requirements of this article.
- No person shall utilize any building or use any parcel of land without providing the off-street parking and loading facilities as required by this article, except when a building or use is legally nonconforming as to required parking.
- When a permitted use is legally nonconforming as to required parking, and said use is enlarged, additional parking shall be required only on the basis of the enlargement of the permitted use. The additional parking shall meet all applicable requirements of this article.
- In lieu of compliance with the regular parking regulations contained in this article, property owners may submit a parking master plan for approval as a special use permit.

**Sec. 18.1-602.02. Location of parking.**

- The off-street parking facilities required by this article shall be located on the same lot or parcel of land that they are intended to serve. Where practical difficulties prevent such location or where the public safety or the public convenience would be better served by an alternate location, the planning commission may authorize the alternate or cooperative location as a part of a site plan approval. Any authorization shall be subject to the following:
  - An alternate location provides parking only for the use in question.
  - A cooperative location provides parking for two or more uses, and shall have combined parking spaces equal to the sum required for the separate uses.
  - Such parking spaces shall be conveniently and safely accessible to pedestrians.
  - All such parking spaces shall be on property zoned properly for the use or uses which require the parking spaces.
  - The right to use such property for parking shall be established by deed, easement, lease or similar recorded covenant or agreement; shall be approved as to form and content by the town attorney; shall be recorded in the clerk's office of the circuit court of the County of Amherst so as to ensure the availability of such spaces for a minimum time period of at least five years.
  - Should such off-street parking spaces become unavailable for use at some future time, an equal number of parking spaces shall be constructed and provided on either the primary site or by another offsite arrangement meeting the requirements of this ordinance. Failure to provide or construct such replacement parking spaces within 90 days from the date on which the use of the previously available off-street spaces was terminated shall be a violation of this chapter.
  - For churches and other permanent buildings used for religious worship, alternate or cooperative parking agreements may be approved that do not provide exclusive parking rights, provided

that such agreement provides adequate parking at appropriate times to meet the parking needs of the church or other permanent building used for religious worship.

**Sec. 18.1-602.03. Size of parking spaces.**

- (a) Parallel spaces shall have minimum dimensions of eight feet by 22 feet.
- (b) All other parking spaces shall have minimum dimensions of nine feet by 18 feet, except as follows:
  - (1) Spaces in a parking garage shall have minimum dimensions of eight and one-half feet by 18 feet.
  - (2) Planning commission, as a part of the site plan review process, may approve spaces with minimum dimensions of eight and one-half feet by 18 feet for vehicle storage lots for automobile dealers, overflow parking areas and other low turnover parking facilities.
- (c) Overhang over landscape areas shall not be counted toward the minimum dimensions stated above.

**Sec. 18.1-602.04. Access to off-street parking spaces.**

Every parking space shall afford satisfactory ingress and egress for a motor vehicle without requiring another motor vehicle to be moved, except for parking spaces for single-family detached, duplex and townhouse dwellings where the parking spaces are located on the same lot as the dwelling unit.

**Sec. 18.1-602.04.1. Surfacing**

- a. Parking spaces and driveways for single family dwelling units shall be constructed of gravel, compacted stone, concrete, asphalt, brick or paving stones.
- b. Parking spaces and driveways for other than single family dwelling units shall be constructed of concrete, asphalt, brick or paving stones.

**Sec. 18.1-602.05. Calculation of number of off-street parking spaces.**

In calculating the number of required parking spaces, the following rules shall govern:

- (1) Floor area shall mean the gross floor area of the specific use, measured from the exterior faces of exterior walls or from the centerline of walls separating two attached buildings. Unless otherwise specified, floor area shall include associated corridors, utility rooms and storage space.
- (2) When the units of measurements determining the number of required parking spaces results in the requirement of a fractional space, any fraction less than one-half shall be disregarded, and fractions of one-half or over one-half shall require one additional parking space.
- (3) The parking space requirement for a use not specifically mentioned shall be the same as required for a use of similar nature, as determined by the zoning administrator.
- (4) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

**Sec. 18.1-602.06. Amount of off-street parking required.**

The off-street parking required by this article shall be provided and maintained on the basis of the following table, except as otherwise provided in this article:

Use Type	Required Parking Spaces
<b>(a) Residential uses:</b>	
1 Single-family, two family and multifamily dwelling	2 for each dwelling unit
2 Townhouses and planned unit developments	2 for each dwelling unit, plus 0.25 for each dwelling unit for visitor parking
<b>(b) Group quarters:</b>	
1 Lodging houses and rooming houses	1 for each room rented
2 Nursing homes	1 for each 3 beds

3	Dormitory, fraternity or sorority	1 for each 2 beds
<b>(c) <i>Transient lodgings:</i></b>		
1	Hotels/motels:	1 for each bedroom
2	Meeting rooms, banquet rooms and restaurants located within a hotel/motel	1 for each 350 square feet of floor area
<b>(d) <i>Educational uses:</i></b>		
1	Kindergarten, day care center, nursery school	1 for each 200 square feet of floor area
2	Elementary, middle and high schools, college or preparatory school	1 for each 4 seats of maximum capacity in the auditorium or main place of assembly; or 1 for each 100 square feet of floor area in the main place of assembly in places which do not have fixed seats
<b>(e) <i>Business:</i></b>		
1	Retail establishments (unless otherwise specified)	1 for each 200 square feet of floor area
2	Automobile sales and rental establishments, automobile service center, service stations and tire stores	1 for each 500 square feet of enclosed sales/rental floor area, plus 2 for each service bay (bay area not counted)
3	Furniture, hardware, home furnishings, automobile parts and supplies	1 for each 500 square feet of floor area
4	Pharmacy, freestanding, with a drive-through window for drop off and pick up of prescriptions	1 for each 400 square feet of floor area
5	Shopping centers, but excluding theaters (unless otherwise specified)	1 for each 300 square feet of floor area
6	Restaurant or nightclub	1 for each 100 square feet of floor area, plus 1 for each 100 square feet of outdoor dining area in excess of 1,000 square feet
7	Outdoor sales and display	1 for each 500 square feet of open sales and display area
8	Wholesale, inventory and storage uses not otherwise classified	1 for each 1,000 square feet of floor area devoted to enclosed storage
<b>(f) <i>Industrial uses:</i></b>		
1	Manufacturing, <u>warehousing</u> , industrial uses and laboratories	1 for each 1 1/2 employees on the maximum working shift
<b>(g) <i>Cultural, entertainment and recreational uses:</i></b>		
1	Auditoriums, assembly halls, community centers, dancehalls and theaters:	1 for each 4 seats based on maximum seating capacity
2	Amphitheaters, sports arenas, stadiums or gymnasiums	1 for each 5 seats or 10 feet of bench space
3	Art galleries, libraries, museums	1 for each 400 square feet of floor area
4	Bowling	4 for each alley
5	Golf course or miniature golf course	2 for each hole
<b>(h) <i>Office uses:</i></b>		
1	Offices, but not including medical	1 for each 400 square feet of floor area

offices

**(i) Medical uses:**

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|---|--|--|
| 1 | Doctor's or dentist's office, clinic and outpatient clinic | 1 for each 200 square feet of floor area   |
| 2 | Hospital   | 2 for each bed, plus 1 for each 300 square feet of floor area devoted to patient care services, such as cardiopulmonary, physical therapy, radiology, surgery and laboratory |
| 3 | Veterinary hospital  | 1 for each 400 square feet of floor area   |

**(j) Service uses:**

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|---|----------------------------|---|
| 1 | Barbershop or beauty salon | 1 for each 200 square feet of floor area  |
| 2 | Laundry, self-service      | 1 for each 200 square feet of floor area  |
| 3 | Laundry, dry cleaning      | 1 for each 400 square feet of floor area  |
| 4 | Funeral home               | 1 for each four seats in chapels or parlors with fixed seats; or 1 for each 100 square feet of floor area for assembly rooms without fixed seats that are used for services |

**(k) Institutional uses:**

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|---|--|---|
| 1 | Churches and other places of worship; and civic, fraternal, political, private, religious and social nonprofit organizations | 1 for every 10 seats of maximum seating capacity in the main place of assembly  |
| 2 | Governmental buildings   | 1 for every 4 seats of maximum seating capacity in the main place of assembly plus 1 for each 400 square feet of other floor area |
| 3 | Jails  | 1 for every rated bed space plus 1 for each 400 square feet of other floor area   |

**Sec. 18.1-602.07. Reduction of amount of off-street parking required**

- (a) In lieu of compliance with the regular parking regulations contained in this section, property owners may submit a parking master plan for approval as a special use permit.
- (b) The parking master plan shall be prepared by a qualified professional traffic consultant and, in addition to the normal special use permit criteria, shall address the following:
- (1) Anticipated average and peak demand and how this is addressed by the parking master plan.
  - (2) Location of existing and proposed parking lots.
  - (3) Location of existing and proposed on-street parking.
  - (4) Pedestrian circulation.
  - (5) Mass transit facilities provided.
- The town council may, at its discretion and at the applicant's expense, employ a qualified professional traffic consultant to evaluate the parking master plan, and to make recommendations as to what, if any, modifications should be made to the plan.
- (c) The parking plan shall include an area map at a scale of not less than one inch equals 100 feet, showing the location of:
- (1) Major traffic generators.
  - (2) Existing and proposed parking lots, including number and size of spaces and any existing or proposed limitation on use of the parking lots.
  - (3) Existing and proposed on-street parking.
  - (4) Pedestrian circulation system.
  - (5) Mass transit circulation system.
  - (6) Geographic area to be served by the parking master plan.

- (d) The parking master plan shall include a written description of all uses to be served by the plan, a table listing the floor areas devoted to the various types of uses, and a comparison of the parking plan with the parking normally required by this article.
- (e) The master parking plan, when approved, shall be valid only for the types of uses specifically listed in the approved plan. Any changes in types of uses, or modification of parking provided, shall require an amendment of the special use permit. However, minor changes may be approved by the zoning administrator or, at his option, referred to the planning commission for consideration at a regular meeting without a public hearing. A change shall be considered minor if it:
  - (1) Does not change the general character of the approved master parking plan.
  - (2) Does not reduce the number of parking spaces provided.
  - (3) Does not increase the floor areas devoted to the various types of uses as specified in the approved master parking plan.
  - (4) Does not adversely affect the development or use of adjacent properties and surrounding neighborhoods.

2. *That the Code of the Town of Amherst is hereby amended by amending Sec. 18.1-603 of the Town Code to read as follows:*

**Sec. 18.1-603. Off-street loading and unloading space.**

Off-street loading and unloading spaces shall be provided as hereinafter required by this ordinance.

- (a) Spaces designated for off-street loading shall not be counted toward the required number of off-street parking spaces.
- (b) Off-street loading spaces shall be located so that there is sufficient room for the turning and maneuvering of vehicles using said spaces.
- (c) Access to off-street loading spaces shall not be across required off-street parking spaces.

**Sec. 18.1-603.01**

*Size of off-street loading spaces.* Each off-street loading space shall have minimum dimensions of fourteen (14) feet in height, twelve (12) feet in width, and fifty (50) feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the zoning administrator may reduce the minimum length accordingly to as little as twenty-five (25) feet.

**Sec. 18.1-603.02**

*Connection to street or alley.* Each required off-street loading space shall have direct access to a street or alley or have a driveway which offers satisfactory ingress and egress for trucks and which shall meet the requirements of Section 33.1-198 of the Code of Virginia, 1950, as amended, and the Minimum Standards of Entrances to State Highways and be approved by the resident engineer prior to the final approval of the site plan.

**Sec. 18.1-603.03**

*Floor area over ten thousand (10,000) square feet.* There shall be provided for each hospital, hotel, commercial, or industrial building, or similar use requiring the receipt or distribution of materials or merchandise, and having a floor area of more than ten thousand (10,000) square feet, at least one off street loading space for each ten thousand (10,000) square feet of floor space or fraction thereof at least one off-street loading space for each twenty-five thousand (25,000) square feet of floor space or fraction thereof, but not less than two. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

**Sec. 18.1-603.04**

*Floor area less than ten thousand (10,000) square feet.* There shall be provided for each hospital, hotel, commercial, or industrial building requiring receipt or distribution of materials or merchandise and having a floor area of less than ten thousand (10,000) square feet sufficient off-street loading space (not

necessarily a full space if shared by an adjacent establishment) so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

**Sec. 18.1-603.05**

*Bus and truck terminals.* There shall be provided sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded at the terminal at any one time.

**Sec. 18.1-603.06**

*Location of off-street loading spaces.* All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve, or on an adjacent lot when shared with the use occupying an adjacent lot.

**Sec. 18.1-603.07**

*Permanent reservation.* Area reserved for off-street loading in accordance with the requirements of this article shall not be reduced in area or changed to any other use unless the use which is served is discontinued or modified, except where equivalent loading space is provided and is approved by the zoning administrator.

3. *That this Ordinance shall be effective on March 14, 2012.*

***This ordinance was adopted on March 14, 2012.***

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Mayor

ATTEST:

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Clerk of Council



**A RESOLUTION ENDORSING THE APPLICATION FOR FUNDING BY THE VIRGINIA DEPARTMENT OF HEALTH – OFFICE OF DRINKING WATER.**

**WHEREAS**, the Town of Amherst lacks adequate funds for needed capital improvement projects and intends to apply for such funding; and

**WHEREAS**, the Virginia Department of Health-Office of Drinking Water is able to fund a drinking water project in the Town of Amherst; and the Town Manager has determined that the pre-requirements have been met for submitting a construction funding application;

**THEREFORE, BE IT RESOLVED**, the Town Council of the Town of Amherst hereby authorizes the Town Manager to seek funding from the Virginia Department of Health-Office of Drinking Water for the Lake Drive/Vista Drive Water Line Replacement Project in an amount estimated not to exceed \$150,000 and

**THEREFORE, BE IT RESOLVED**, that the Town Manager shall immediately begin to develop a funding application for the Lake Drive/Vista Drive Water Line Replacement Project and is hereby authorized to sign the documents required to apply for such funding.

*This Resolution was adopted by the Town Council of the Town of Amherst on March 14, 2012.*

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Mayor Jacob P. Bailey

Attest:

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Clerk of Council