AMHERST TOWN COUNCIL
AGENDA
Wednesday, June 8, 2022
Meeting at 7:00 p.m.
Town Hall, 174 S. Main Street, Amherst, VA 24521

A. **Call to Order for the Town Council– 7:00 p.m. -** *Mayor Tuggle*

B. **Pledge of Allegiance -** *I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.*

C. **Invocation -** *Any invocation that may be offered before the official start of the Amherst Town Council meeting shall be the voluntary offering to, and for, the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the audience is required to attend or participate in the invocation, and such decision will have no impact on their right to participate actively in the business of the Council. Copies of the policy governing invocations and setting forth the procedure by which a volunteer may deliver an invocation are available upon request at the Town Hall.*

D. **Public Hearings and Presentations**

1. **Public Hearing for a Request to the Virginia Department of Transportation (VDOT) to maintain Lynchburg Road (Pgs. 1-2)** *Sara McGuffin- Council set this public hearing to grant VDOT right of way for the maintenance of Lynchburg Road, which was accepted as fee simple property by the Town from the County last month.*

2. **Public Hearing for FY 22 Budget Amendment (Pgs. 3-15)-** *Sara McGuffin- With the receipt of grant and ARPA funds, the Town has exceeded the adopted FY 22 budget expenditures by more than 1%, triggering a requirement to adopt an amended budget. There are no new expenses contemplated by this amendment, only recognition of the additional monies and appropriation of those funds.*

3. **Public Hearing for Zoning Ordinance Recodification (Pgs. 16-160)-** *Sara McGuffin- The Planning Commission held a public hearing on the proposed recodified Zoning Ordinance recodification and recommends the attached changes to the previous version of the Code.*

4. **Public Hearings for Ordinance Amendments Regulating Skateboards on Sidewalks (Pgs.161-166)-** *Eric Lansing- A public hearing has been set and advertised for two options for regulating skateboards on sidewalks. There are two proposed ordinances with a scheduled public hearing for each.*
   a. **Ordinance 220608A** *revises the Town's existing Code that prohibits bicycles and skateboards on sidewalks in the Town's Central Business District and imposes a civil penalty for a violation.*
   b. **Ordinance 220608B** *provides that skateboarders and bicyclists must yield to pedestrians, among other provisions related to protecting businesses and properties.*

E. **Citizen Comments -** *Per the Town Council's policy, any individual desiring to speak before the Council who has not met the agenda deadline requirement will be allowed a maximum of three minutes to speak before the Town Council. Any individual representing a bona fide group will be allowed a maximum of five minutes to speak before the Town Council. Placement on the agenda is at the Mayor's discretion.*

F. **Consent Agenda –** *Items on the consent agenda can be voted on as a block if all are in agreement with the recommended action or discussed individually.*

1. **Town Council Minutes (Pgs. (Pgs. 167-212)***- Draft of the May 11, 2022 meeting minutes are **attached**. Please let Vicki Hunt know of any concerns by Wednesday morning such that any needed corrections can be presented at the meeting.*

G. Correspondence and Reports

a. **Staff Reports (Pgs. 213-224)**
b. Town Manager Monthly Report - ***attached***
c. Police Chief Monthly Report - ***attached***
d. Office Manager Monthly Report - ***attached***
e. Clerk of Council Monthly Report- ***attached***
f. Public Works Monthly Reports- ***attached***

2. Council Committee Reports (Pg. 225)

a. Finance Committee – *Mrs. Carton*
b. Utilities Committee – *Mr. Watts, met May 24, 2022, minutes attached*

3. Other Reports (Pgs.) 226-235

a. Planning Commission- *met June 1, 2022, minutes forthcoming*
b. Economic Development Authority
c. Board of Zoning Appeals- *met May 16, 2022, minutes attached*
d. Property Maintenance Investigation Board- *met May 26, 2022, minutes attached*
e. Robert E. Lee SWCD- *met March 24, 2022, minutes attached*

H. Discussion Items

1. **Special Exception on Kenmore Road-** *Eric Lansing and Sara McGuffin- The Board of Supervisors approved a Special Use Permit for a special events venue, wedding venue, short term rentals, and hunting and fishing retreat at Kenmore Farm, just outside of Town limits on Kenmore Road. There have been questions regarding impacts to the Town's water system and the surrounding community.*

2. **Reappointments-** *Sara McGuffin- There are currently two slots open on existing boards. There is a need for an appointment to the Board of Zoning Appeals and the Economic Development Authority.*

I. Matters from Staff

J. Matters from Town Council

K. Citizen Comments

L. Adjournment

§33.2-339 – Town Addition to Secondary Route
Extension of Lynchburg Road (Route 1125)

RESOLUTION

WHEREAS, the Town of Amherst has authority pursuant to §33.2-339, *Code of Virginia*, to request the addition of mileage to the Secondary System of State Highways as long as all proposed mileage conforms to specific Virginia Department of Transportation (VDOT) requirements addressing widths of right-of-way and not exceeding the 0.25 mile limitation of maximum allowable new Secondary System mileage per VDOT fiscal year.

WHEREAS, the Town of Amherst and the Virginia Department of Transportation have entered into an agreement on the 23rd day of May, 2022 for stormwater detention for Lynchburg Road, which applies to this request for addition.

NOW THEREFORE BE IT RESOLVED, the Town Council of the Town of Amherst requests the Virginia Department of Transportation to add the segment(s) described on the attached Form AM-4.3 to the Secondary System of State Highways.

BE IT FURTHER RESOLVED, the Town Council of the Town of Amherst does guarantee to the Commonwealth of Virginia a clear and unrestricted right-of-way of 40 feet, as required by VDOT Secondary Highway System policy and including all necessary easements for cuts, fills and drainage structures for the segment(s) requested to be added.

In Town of Amherst

38281909

by Resolution of the governing body adopted June 08, 2022

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes to the secondary system of state highways.

A Copy Testee Signed (Town Official):_____

Report of Changes in the Secondary System of State Highways

Project/Subdivision: Lynchburg Road Extension

Addition - Town 1/4 mpy, pre-existing street §33.2-339, §33.2-705

Rte Number	Street Name	From Termini	To Termini	Length	Number Of Lanes	Recordation Reference	ROW Width
1125	Lynchburg Road	(Node B) 0.09 Mi. N. Route 659	(Node C) 0.16 Mi. N. Route 659	0.07	2	Instr.# 220001892 May18, 2022	40
1125	Lynchburg Road	(Node C) 0.16 Mi. N. Route 659	(Node D) Rte. 60 Int. - 0.23 Mi. N. Route 659	0.07	2	Instr.# 220001892 May18, 2022	40

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TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087

MEMO

Date: June 3, 2022

To: Mayor Dwayne Tuggle and Members of Town Council

From: Sara McGuffin, Town Manager

Re: FY 22 Town of Amherst Budget Amendment

This budget amendment is being presented to Council as a result of expenditures in the FY 21-22 fiscal year exceeding the adopted budget by more than 1%. This change is due to the inclusion of federal funds into the budget and the commensurate spending increases.

This revised budget does not include any new spending that was not approved by Council. It shows the addition of funds from grants and the associated spending. While the budget is being amended, end of the year line transfers are being made that do not change totals or spending amounts, but reflect normal end of year adjustments.

The sources of the additional funds are CARES Act funding, a grant for police cameras from DCJS, and a grant for a police camera from VML.

AN ORDINANCE TO ESTABLISH THE BUDGET FOR THE TOWN OF AMHERST, VIRGINIA FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022 MAKING REVENUE ESTIMATES AND APPROPRIATIONS FOR SAME.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF AMHERST, VIRGINIA:

A. SOURCES OF FUNDS

That for the support of the Town Government and its General Fund, for the tax year beginning on January 1, 2021, all taxes, fees, charges and penalties shall remain as heretofore set out by Ordinance, Resolution or other appropriate action of the Town Council except as the Town Council may establish or amend herein.

B. FUND ACCOUNTING

That the following projected sources and use of funds are hereby approved as the FY22 Town of Amherst budget and approved appropriations for the respective funds.

Estimated Revenues

General Fund	$1,463,489
Water Fund	$1,271,188
Sewer Fund	$942,052
Garbage Fund	$143,642
IDA Fund	$83,826

Estimated Expenditures

General Fund	$1,463,489
Water Fund	$1,271,188
- Operations	$841,196
- Debt Service and Capital Projects	$429,992
Sewer Fund	$942,052
- Operations	$644,312
- Debt Service and Reserve	$297,740
Garbage Fund	$143,642
IDA Fund	$83,826

C. CONDITIONS

The intent being to authorize spending according to this budget, all appropriations articulated herein are declared to be maximum and conditional such that outlay shall be made only in the event the aggregate revenues collected and other resources available to the Town in the respective funds are sufficient. All debts of the Town shall be paid in full when due and payable. All expenditures shall be made in accordance with the Ordinance, the Town Charter, Town Code and Purchasing Policy and administrative rules and procedures.

This Ordinance was passed by a vote of the Amherst Town Council on the 8th of June, 2021 and shall become effective immediately.

_____

Mayor

Attest:

_____

Clerk of Council

PUBLIC HEARING NOTICE

The Town of Amherst Town Council will hold a public hearing at 7:00 PM on June 8, 2022 in the Council Chambers of the Town Hall at 174 South Main Street, Amherst, VA, on the following matters:

Amended Fiscal Year 2021/2022 Town of Amherst Budget
This budget synopsis is prepared and published for informative planning purposes only. The inclusion of any item does not constitute an obligation or commitment on the part of the Town Council to appropriate funds for that purpose. There is no allocation or designation of Town of Amherst funds for any purpose until an appropriation for that purpose has first been made by the Town Council.

Estimated Revenues

General Fund	$1,463,489
Water Fund	$1,271,188
Sewer Fund	$942,052
Garbage Fund	$143,642
IDA Fund	$83,826

Estimated Expenditures

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The proposed budget maintains the previously adopted tax and utility rates and levies.
A document containing the complete budget proposal, implementing Ordinance and supporting documentation is available online at www.amherstva.gov and for inspection in the Town Hall during normal working hours.

GENERAL FUND					
		FY 22 BUDGET			
Account Name	Account Code	FY 22 FC and TM Recommended	FY 22 Approved	FY 22 Amendment	FY 22 Amended Total
GENERAL FUND REVENUES					
Local Sales & Use Tax	12010-0001	120,000.00	120,000.00		120,000.00
Consumer Utility Tax-Gas, Elec	12020-0001	24,000.00	24,000.00		24,000.00
Electric Consumption Tax	12020-0002	18,000.00	18,000.00		18,000.00
Business License Tax	12030-0006	100,000.00	100,000.00		100,000.00
Business Lic Tax-Interest & Pen	12030-0007	1,000.00	1,000.00		1,000.00
Motor Vehicle Licenses	12050-0001	40,000.00	40,000.00		40,000.00
Motor Vehicle Licenses Penatlies/Interest	12050-0002	100.00	100.00		100.00
Bank Stock Fee	12060-0001	62,500.00	62,500.00		62,500.00
Lodging Tax	12100-0001	8,400.00	8,400.00		8,400.00
Meals Tax	12110-0001	480,000.00	480,000.00		480,000.00
Meals Tax-Pen & Int.	12110-0002	600.00	600.00		600.00
Zoning Permits	13030-0007				0.00
Fines & Forfeitures	14010-0001	6,000.00	6,000.00		6,000.00
Interest on Bank Deposits	15010-0001	6,000.00	6,000.00		6,000.00
Interest on Investments	15010-0002	43,200.00	43,200.00		43,200.00
VIP Unrealized Gain/Loss	15010-0003				0.00
Tower Lease	15020-0005	9,403.56	9,403.56		9,403.56
Rent-Firing Range	15020-0006				0.00
Police Security	16030-0001			2,100.00	2,100.00
Refunds	18030-0001				0.00
Credit Card Transaction Fee	18030-0004				0.00
Returned Check Fee	18030-0005	100.00	100.00		100.00
Accident Reports	18030-0006	200.00	200.00		200.00
Misc Rev	18030-0007				0.00
Collection Fee	18030-0008	3,000.00	3,000.00		3,000.00
Donations-Police	18990-0003	200.00	200.00		200.00
Sale of Surplus Property/Salvage	18990-0005			9,955.95	9,955.95
DMV Stop Fees	19020-0005	500.00	500.00		500.00
Rolling Stock Tax	22010-0007	2,400.00	2,400.00		2,400.00
Personal Property Tax Relief	22010-0009	17,455.00	17,455.00		17,455.00
Rental Tax	22010-0010	2,400.00	2,400.00		2,400.00
Game of Skills Tax					0.00
Communication Tax from State	22010-0030	78,000.00	78,000.00		78,000.00
DCJS Grants	24010-0001				0.00
State Police Aid	24010-0003	56,608.00	56,608.00		56,608.00
Fire Programs Grant	24020-0001	15,000.00	15,000.00		15,000.00
Other Public Safety Grants	24020-0004			2,000.00	2,000.00
DCJS Federal Justice Grants	33010-0009			20,756.00	20,756.00
CARES Act Funding	33020-0002			226,063.00	226,063.00
Insurance Claims	41010-0001				0.00
Sale of Land/Vehicles/Buildings	41020-0001				0.00
Carryover from previous year for budget balance					0.00
Transfers from Other Funds	41050-0006				0.00
Reserve Funds	42000-0000	107,547.19	107,547.19		107,547.19
General Fund Revenues Totals		1,202,613.75	1,202,613.75	260,874.95	1,463,488.70

Account Name	Account Code	FY 22 FC and TM Recommended	FY 22 Approved	FY 22 Amendment	FY 22 Amended Total
GENERAL FUND EXPENSES					
TOWN COUNCIL					
Wages	11010-1100	11,400.00	11,400.00		11,400.00
FICA	11010-2100	872.10	872.10		872.10
Travel-Milage/Hotels/Conference	11010-5501	1,500.00	1,500.00	2,237.65	3,737.65
Employee Recognition	11010-5811				0.00
Town Council Totals		13,772.10	13,772.10	2,237.65	16,009.75
TOWN MANAGER					
Wages	12110-1100	27,073.74	27,073.74		27,073.74
PT Wages	12110-1300	35,882.04	35,882.04		35,882.04
FICA	12110-2100	4,816.12	4,816.12		4,816.12
VRS	12110-2200	5,685.49	5,685.49		5,685.49
Health Insurance	12110-2300	2,553.12	2,553.12		2,553.12
Group Life Insurance	12110-2400	362.79	362.79		362.79
STD/Long-Term Disability	12110-2500	142.95	142.95		142.95
Unemployment Insurance	12110-2600	25.00	25.00		25.00
Worker's Comp	12110-2700	144.11	144.11		144.11
Professional Svcs	12110-3150			7,448.26	7,448.26
Printing & Binding	12110-3500				0.00
Advertising	12110-3600	1,000.00	1,000.00		1,000.00
Contingency requirement	12110-5000	36,078.12	36,078.12	12,477.61	48,555.73
CARES Act Expenses	12110-5001				0.00
Postage	12110-5210	200.00	200.00	87.50	287.50
Telecommunications	12110-5230	540.00	540.00		540.00
Crime & Cyber Insurance	12100-5307	2,956.00	2,956.00		2,956.00
Travel-Mileage/Hotel/Conference	12110-5501	2,000.00	2,000.00		2,000.00
Dues & Memberships	12110-5810	3,600.00	3,600.00		3,600.00
Capital Improvement Program	12110-8000	52,845.00	52,845.00	-43,313.00	9,532.00
Town Manager Totals		175,904.48	175,904.48	(23,299.63)	152,604.85
Town Attorney	12210-3150	20,000.00	20,000.00	5,000.00	25,000.00
Independent Auditor	12240-3150	20,000.00	20,000.00		20,000.00
FINANCE DEPARTMENT					
Wages	12420-1100	42,626.35	42,626.35		42,626.35
PT Wages	12420-1300	4,422.57	4,422.57		4,422.57
FICA	12420-2100	3,599.24	3,599.24		3,599.24
VRS	12420-2200	6,820.22	6,820.22		6,820.22
Health Insurance	12420-2300	6,902.88	6,902.88		6,902.88
Group Life Insurance	12420-2400	571.19	571.19		571.19
Unemployemnt Insurance	12420-2600	45.00	45.00		45.00
Worker's Comp	12420-2700	120.37	120.37		120.37
DMV Stops	12420-3009	1,000.00	1,000.00		1,000.00
Professional Svcs	12420-3150	2,800.00	2,800.00		2,800.00
Banking Service Charges	12420-3160	200.00	200.00		200.00
VIP Management Fee	12420-3170	4,000.00	4,000.00		4,000.00
Service Contracts	12420-3320	4,250.00	4,250.00		4,250.00
Advertising	12420-3600	200.00	200.00		200.00
Postage	12420-5210	2,000.00	2,000.00		2,000.00
Telecommunications	12420-5230	1,080.00	1,080.00		1,080.00
Travel-Mileage/Hotel/Conference	12420-5501	1,000.00	1,000.00		1,000.00
Dues & Memberships	12420-5810	200.00	200.00		200.00
Office Supplies	12420-6001	3,500.00	3,500.00		3,500.00
Finance Totals		85,337.83	85,337.83	0.00	85,337.83

Account Name	Account Code	FY 22 FC and TM Recommended	FY 22 Approved	FY 22 Amendment	FY 22 Amended Total
Information Technology					
I.T. Services	12510-3150	13,880.00	13,880.00		13,880.00
Phone Maintenance	12510-3330	500.00	500.00		500.00
Website Maintenance	12510-3340	1,000.00	1,000.00		1,000.00
Microsoft Office Service	12510-5600	6,300.00	6,300.00		6,300.00
I.T. Supplies	12510-6002	3,000.00	3,000.00	-600.24	2,399.76
I.T. Equipment	12510-8001	1,000.00	1,000.00	600.24	1,600.24
I.T. Totals		25,680.00	25,680.00	-	25,680.00
POLICE DEPARTMENT					
Wages	31100-1100	330,468.67	330,468.67	7,951.29	338,419.96
Overtime	31100-1200	3,500.00	3,500.00		3,500.00
PT Wages	31100-1300	12,826.59	12,826.59	24,300.00	37,126.59
Other Pay/Holiday	31100-1400	14,021.69	14,021.69		14,021.69
Security Wages	31100-1500			1,732.50	1,732.50
FICA	31100-2100	29,460.30	29,460.30		29,460.30
VRS	31100-2200	52,874.99	52,874.99		52,874.99
Health Insurance	31100-2300	58,344.00	58,344.00		58,344.00
Group Life Insurance	31100-2400	4,428.28	4,428.28		4,428.28
Unemployment Insurance	31100-2600	70.00	70.00		70.00
Worker's Comp	31100-2700	14,474.39	14,474.39	-2,700.00	11,774.39
LODA Insurance	31100-2710	6,125.00	6,125.00		6,125.00
Repair & Maint. Svcs	31100-3310	8,500.00	8,500.00		8,500.00
CODE RED	31100-3400	0.00	0.00	2,700.00	2,700.00
Advertising	31100-3600	400.00	400.00		400.00
Postage	31100-5210	500.00	500.00		500.00
Telecommunications	31100-5230	11,700.00	11,700.00		11,700.00
Motor Vehicle Insurance	31100-5305	3,722.96	3,722.96		3,722.96
Other Property Insurance	31100-5306	545.42	545.42		545.42
Tuition Reimbursement	31100-5400	8,000.00	8,000.00	-8,000.00	0.00
Travel-Mileage/Conference/Hotel	31100-5501	10,000.00	10,000.00		10,000.00
Rent of Builidng	31100-5600				0.00
Public Safety Event	31100-5700	5,000.00	5,000.00	1,000.00	6,000.00
Fire Range Fees	31100-5800	3,000.00	3,000.00		3,000.00
Attorney Fees	31100-5801	3,000.00	3,000.00		3,000.00
Dues & Memberships	31100-5810	5,500.00	5,500.00		5,500.00
Office Supplies	31100-6001	2,000.00	2,000.00		2,000.00
Fuel	31100-6008	15,000.00	15,000.00		15,000.00
Vehicle/Power Equipment Supplies	31100-6009	9,000.00	9,000.00		9,000.00
Police Supplies	31100-6010	10,000.00	10,000.00	24,459.95	34,459.95
Uniforms	31100-6011	5,000.00	5,000.00		5,000.00
Crime Prevention	31100-6030	5,000.00	5,000.00		5,000.00
Investigation Expense	31100-6032	1,000.00	1,000.00		1,000.00
Vehicles	31100-8005			91,812.84	91,812.84
Police Department		633,462.29	633,462.29	143,256.58	776,718.87
PUBLIC SAFETY					
Fire Dept Contributions	32200-5600	12,250.00	12,250.00		12,250.00
Fire Programs Grants	32200-5701	15,000.00	15,000.00		15,000.00
Public Safety		27,250.00	27,250.00	0.00	27,250.00
Streetlights	41320-5100	26,000.00	26,000.00		26,000.00

Account Name	Account Code	FY 22 FC and TM Recommended	FY 22 Approved	FY 22 Amendment	FY 22 Amended Total
GENERAL PROPERTIES					
Wages	43200-1100	20,395.67	20,395.67		20,395.67
PT Wages	43200-1300	13,447.46	13,447.46		13,447.46
Other Pay/Holiday	43200-1400	318.56	318.56		318.56
FICA	43200-2100	2,613.37	2,613.37		2,613.37
VRS	43200-2200	3,263.31	3,263.31		3,263.31
Health Insurance	43200-2300	5,863.20	5,863.20		5,863.20
Group Life Insurance	43200-2400	273.30	273.30		273.30
Long-Term Disability	43200-2500	0.00	0.00		0.00
Unemployment Insurance	43200-2600	60.00	60.00		60.00
Worker's Comp	43200-2700	183.20	183.20		183.20
Maintenance Contracts	43200-3310	0.00	0.00		0.00
Electric	43200-5100	8,000.00	8,000.00		8,000.00
Heating Services	43200-5110	5,000.00	5,000.00		5,000.00
Water/Sewer	43200-5120	2,970.92	2,970.92		2,970.92
Telecommunication	43200-5230	11,120.00	11,120.00		11,120.00
Property Insurance	43200-5304	563.21	563.21		563.21
Motor Vehicle Insurance	43200-5305	1,474.64	1,474.64		1,474.64
Other Property Insurance	43200-5306	1,307.21	1,307.21		1,307.21
General Liability Insurance	43200-5308	14,783.00	14,783.00		14,783.00
Lease of Equipment	43200-5410	2,000.00	2,000.00		2,000.00
Travel-Mileage/Conference/Hotel	43200-5501	1,000.00	1,000.00	915.11	1,915.11
Dues & Memberships	43200-5810				0.00
Office Supplies	43200-6001	750.00	750.00		750.00
Janitorial Supplies	43200-6005	3,000.00	3,000.00	-915.11	2,084.89
Repair & Maint. Supplies	43200-6007	21,500.00	21,500.00	-3,615.57	17,884.43
Fuel	43200-6008	15,000.00	15,000.00		15,000.00
Vehicle/Power Equipment Supplies	43200-6009	24,000.00	24,000.00		24,000.00
Uniforms	43200-6011	3,000.00	3,000.00		3,000.00
Christmas Decorations	43200-6012	2,000.00	2,000.00	3,615.57	5,615.57
Ag Supplies	43200-6013	2,000.00	2,000.00		2,000.00
Equipment/Vehicles	43200-8005			83,114.00	83,114.00
General Properties Totals		165,887.06	165,887.06	83,114.00	249,001.06
Village Garden Club Contri.	72100-5600	3,000.00	3,000.00		3,000.00
Museum Contributions	72200-5600	2,500.00	2,500.00		2,500.00
Planning/Zoning					
Advertising	81100-3600	200.00	200.00		200.00
Postage	81100-5210	75.00	75.00		75.00
Dues/Memberships	81100-5810	1,045.00	1,045.00		1,045.00
General Properties Totals		1,320.00	1,320.00	0.00	1,320.00
Community Development					
Neighbors Helping Neighbors Contri.	83500-5600	2,500.00	2,500.00		2,500.00
Community Development Totals		2,500.00	2,500.00	0.00	2,500.00
Purchase of Land/Buildings	94000-8000			50,566.35	50,566.35
					0.00
General Fund Expense Total		1,202,613.75	1,202,613.75	260,874.95	1,463,488.70

WATER FUND					
		FY 22 Budget			
Account Name	Account Code	FY 22 Town Manager Recommended	FY 22 Approved	FY 22 Amendment	FY 22 Amended Total
WATER FUND REVENUE					
Water In-Town Base Charges	16080-0005	$ 245,907.94	245,907.94		245,907.94
Water OT Base Charges	16080-0006	$ 175,554.62	175,554.62		175,554.62
Water In-Town Usage Charge	16080-0007	$ 390,858.85	390,858.85		390,858.85
Water OT Usage Charges	16080-0008	$ 291,729.53	291,729.53		291,729.53
Penalties	16080-0009	$ 18,000.00	18,000.00		18,000.00
Trip Charges	16080-0010	$ 10,000.00	10,000.00		10,000.00
Dormant Acct Fee	16080-0011	$ 3,856.83	3,856.83		3,856.83
Fire Sprinklers	16080-0012	$ 4,781.00	4,781.00		4,781.00
Avalability Fee	16080-0013				-
Water Charges-SBC	16080-0014	$ 119,488.32	119,488.32		119,488.32
Transfer from Reserve	41040-0006			11,011.37	11,011.37
Revenue Totatls		1,260,177.09	1,260,177.09	11,011.37	1,271,188.46
WATER FUND EXPENSES TOWN MANAGER					
Wages	12110-1100	$ 40,109.24	40,109.24		40,109.24
PT Wages	12110-1300	$ 4,485.25	4,485.25		4,485.25
FICA	12110-2100	$ 3,411.48	3,411.48		3,411.48
VRS	12110-2200	$ 8,422.94	8,422.94		8,422.94
Health Insurance	12110-2300	$ 3,782.40	3,782.40		3,782.40
Group Life Insurance	12110-2400	$ 537.46	537.46		537.46
STD/Long-Term Disability	12110-2500	$ 211.78	211.78		211.78
Contingency	12110-5000	$ 25,000.00	25,000.00	(3,851.28)	21,148.72
Town Manager Totals		$ 85,960.56	$ 85,960.56	$ (3,851.28)	$ 82,109.28
FINANCE DEPARTMENT					
Wages	12420-1100	$ 37,680.66	37,680.66		37,680.66
PT Wages	12420-1300	$ 8,845.14	8,845.14		8,845.14
FICA	12420-2100	$ 3,559.22	3,559.22		3,559.22
VRS	12420-2200	$ 6,028.91	6,028.91		6,028.91
Health Insurance	12420-2300	$ 6,719.20	6,719.20		6,719.20
Group Life Insurance	12420-2400	$ 504.92	504.92		504.92
Unemployment Insurance	12420-2600				-
Professional Services	12420-3120				-
Banking Service Charges	12420-3160	$ 100.00	100.00		100.00
Support Contracts	12420-3320	$ 3,700.00	3,700.00		3,700.00
Postage	12420-5210	$ 3,710.00	3,710.00		3,710.00
Supplies	12420-6001	$ 2,200.00	2,200.00		2,200.00
Finance Totals		$ 73,048.04	$ 73,048.04	$ -	$ 73,048.04

Account Name	Account Code	FY 22 Town Manager Recommended	FY 22 Approved	FY 22 Amendment	FY 22 Amended Total
WATER OPERATIONAL DEPARTMENT					
Wages	44000-1100	133,883.24	133,883.24		133,883.24
Overtime	44000-1200	30,000.00	30,000.00	(24,150.00)	5,850.00
PT Wages	44000-1300	14,758.57	14,758.57		14,758.57
Other/Holiday	44000-1400	5,424.25	5,424.25	5,000.00	10,424.25
FICA	44000-2100	14,081.05	14,081.05		14,081.05
VRS	44000-2200	21,421.32	21,421.32		21,421.32
Health Insurance	44000-2300	23,640.00	23,640.00		23,640.00
Group Life Insurance	44000-2400	1,794.04	1,794.04		1,794.04
Long-Term Disability	44000-2500	199.75	199.75	100.00	299.75
Unemployment Insurance	44000-2600			50.00	50.00
Worker's Comp	44000-2700	6,174.24	6,174.24		6,174.24
Water Shed Mgmt	44000-3100				-
Testing Services	44000-3140	31,000.00	31,000.00		31,000.00
Professional Svcs	44000-3150	3,200.00	3,200.00		3,200.00
Repair & Maint. Svcs	44000-3310	10,000.00	10,000.00		10,000.00
Advertising	44000-3600	2,000.00	2,000.00		2,000.00
Electrical Svcs	44000-5100	35,000.00	35,000.00	11,000.00	46,000.00
Water & Sewer	44000-5120	3,883.29	3,883.29	5,000.00	8,883.29
Postage	44000-5210	2,000.00	2,000.00		2,000.00
Telecommunications	44000-5230	5,040.00	5,040.00		5,040.00
Property Insurance	44000-5304	3,106.98	3,106.98		3,106.98
Motor Vehicle Insurance	44000-5305	472.06	472.06		472.06
Travel-Mileage/Hotel/Conference	44400-5501	4,000.00	4,000.00		4,000.00
Permits	44000-5600	4,000.00	4,000.00		4,000.00
Dues & Memberships	44000-5810	2,000.00	2,000.00	3,000.00	5,000.00
Office Supplies	44000-6001	2,500.00	2,500.00		2,500.00
Lab Supplies	44000-6004	15,000.00	15,000.00		15,000.00
Repair & Maint. Supplies	44000-6007	25,000.00	25,000.00		25,000.00
Fuel/Oil	44000-6008	2,000.00	2,000.00		2,000.00
Vehicle & Equip Supplies	44000-6009	5,000.00	5,000.00		5,000.00
Uniforms	44000-6011	1,500.00	1,500.00		1,500.00
Chemicals	44000-6051	68,000.00	68,000.00		68,000.00
Equipment	44000-8005	25,000.00	25,000.00		25,000.00
Operational Totals		501,078.78	501,078.78	0.00	501,078.78

Account Name	Account Code	FY 22 Town Manager Recommended	FY 22 Approved	FY 22 Amendment	FY 22 Amended Total
WATER MAINTENANCE DEPARTMENT					
Wages	45000-1100	101,978.35	101,978.35		101,978.35
PT Wages	45000-1200	650.97	650.97		650.97
Other Pay/Holiday	45000-1300	1,592.82	1,592.82		1,592.82
FICA	45000-2100	7,972.99	7,972.99		7,972.99
VRS	45000-2200	16,316.54	16,316.54		16,316.54
Health Insurance	45000-2300	5,264.18	5,264.18		5,264.18
Group Life Insurance	45000-2400	1,366.51	1,366.51		1,366.51
Worker's Comp	45000-2700	7,348.03	7,348.03		7,348.03
Miss Utility	45000-5130	800.00	800.00		800.00
Motor Vehicle Insurance	45000-5305	1,474.64	1,474.64		1,474.64
Lease of Equipment	45000-5410	2,000.00	2,000.00		2,000.00
Travel-Mileage/Conference/Hotel	45000-5501	2,000.00	2,000.00		2,000.00
Dues & Memberships	45000-5810	200.00	200.00		200.00
Repair & Maint. Supplies	45000-6007	20,000.00	20,000.00		20,000.00
Maintenance Totals		168,965.04	168,965.04	-	168,965.04
Revenue Refund	92000-9000			14,862.65	14,862.65
Debt Payments					
60W W/L Principle	95000-9000	16,210.00	16,210.00		16,210.00
60W W/L Interest	95000-9001	12,836.00	12,836.00		12,836.00
Mainstreet W/L Principle	95000-9004	76,620.00	76,620.00		76,620.00
Mainstreet W/L Interest	95000-9005	46,332.95	46,332.95		46,332.95
Sterling Debt Refi Prin	95000-9006	95,640.00	95,640.00		95,640.00
Sterling Debt Refi Interest	95000-9007	31,565.00	31,565.00		31,565.00
Debt Reserve		150,788.34	150,788.34		150,788.34
Capital Improvement Program	95000-9010				-
Debt Totals		429,992.29	429,992.29	-	429,992.29
Water Fund Expense Totals		1,259,044.72	1,259,044.72	11,011.37	1,270,056.09

SEWER FUND					
		FY 22 Budget			
Account Name	Account Code	FY 22 Town Manager Recommended	FY 22 Approved	FY 22 Amendment	FY 22 Amended Total
SEWER REVENUE					
Sewer In-Town Base Charges	16080-0005	327,844.37	327,844.37		327,844.37
Sewer OT Base Charges	16080-0006	155,026.20	155,026.20		155,026.20
Sewer In-Town Usage Charge	16080-0007	255,899.08	255,899.08		255,899.08
Sewer OT Usage Charges	16080-0008	126,189.06	126,189.06		126,189.06
Penalties	16080-0009	18,000.00	18,000.00		18,000.00
Dormant Acct Fee	16080-0011	5,382.01	5,382.01		5,382.01
Avalability Fee	16080-0012				-
SBC-Rut. Creek Operations	19020-0003	42,000.00	42,000.00		42,000.00
SBC Sewer Rehab	19020-0004				-
Reimbursement of Const. Cost	19020-0005				-
Nutrient Credit	24040-0003	700.00	700.00		700.00
CARES Act Utility Forgiveness	33020-0002			11,011.37	11,011.37
Transfer from Other Funds	41040-0006				-
Revenue Totals		931,040.71	931,040.71	11,011.37	942,052.08
SEWER EXPENSES					
TOWN MANAGER					
Wages	12110-1100	30,081.93	30,081.93		30,081.93
PT Wages	12110-1300	4,036.73	4,036.73		4,036.73
FICA	12110-2100	2,610.08	2,610.08		2,610.08
VRS	12110-2200	6,317.21	6,317.21		6,317.21
Health Insurance	12110-2300	2,836.80	2,836.80		2,836.80
Group Life Insurance	12110-2400	403.10	403.10		403.10
STD/Long-Term Disability	12110-2500	158.83	158.83		158.83
Contingency	12110-5000	18,208.17	18,208.17	(4,623.70)	13,584.47
Town Manager Totals		64,652.85	64,652.85	(4,623.70)	60,029.15
FINANCE DEPARTMENT					
Wages	12420-1100	29,724.15	29,724.15		29,724.15
PT Wages	12420-1300	8,624.01	8,624.01		8,624.01
FICA	12420-2100	2,933.63	2,933.63		2,933.63
VRS	12420-2200	4,755.86	4,755.86		4,755.86
Health Insurance	12420-2300	5,106.24	5,106.24		5,106.24
Group Life Insurance	12420-2400	398.30	398.30		398.30
Banking Service Charges	12420-3160	100.00	100.00		100.00
Service Contracts	12420-3320	3,710.00	3,710.00		3,710.00
Postage	12420-5210	3,710.00	3,710.00		3,710.00
Supplies	12420-6001	2,200.00	2,200.00		2,200.00
Finance Totals		61,262.21	61,262.21	-	61,262.21

Account Name	Account Code	FY 22 Town Manager Recommended	FY 22 Approved	FY 22 Amendment	FY 22 Amended Total
SEWER OPERATIONAL DEPARTMENT					
Wages	44000-1100	127,197.95	127,197.95		127,197.95
PT Wages	44000-1300				-
Other/Holiday	44000-1400	5,051.42	5,051.42		5,051.42
FICA	44000-2100	10,117.08	10,117.08		10,117.08
VRS	44000-2200	20,351.67	20,351.67		20,351.67
Health Insurance	44000-2300	23,640.00	23,640.00		23,640.00
Group Life Insurance	44000-2400	1,704.45	1,704.45		1,704.45
Long-Term Disability	44000-2500	191.95	191.95		191.95
Worker's Comp	44000-2700	2,239.22	2,239.22		2,239.22
Sludge & Trash Removal-Rut.Crk	44000-3120	2,000.00	2,000.00		2,000.00
Testing Services	44000-3140	38,000.00	38,000.00		38,000.00
Professional Svcs	44000-3150	3,200.00	3,200.00		3,200.00
Repair & Maint. Svcs-Rut Crk	44000-3310	15,000.00	15,000.00	-408	14,592.00
Advertising	44000-3600	500.00	500.00		500.00
Electrical Svcs-Rut. Crk	44000-5100	35,000.00	35,000.00		35,000.00
Water, Sewer -Rut. Crk	44000-5120	6,000.00	6,000.00		6,000.00
Electrical Svcs-Pump Station	44000-5130	2,000.00	2,000.00		2,000.00
Water, Sewer-Pump Station	44000-5140	200.00	200.00		200.00
Postage	44000-5210	500.00	500.00		500.00
Telecommunications	44000-5230	4,080.00	4,080.00		4,080.00
Property Insurance	44000-5304	5,617.17	5,617.17		5,617.17
Motor Vehicle Insurance	44000-5305	448.05	448.05		448.05
Travel-Mileage/Hotel/Conference	44000-5501	4,000.00	4,000.00		4,000.00
Permits	44000-5600	4,000.00	4,000.00		4,000.00
Dues & Memberships	44000-5810	1,217.86	1,217.86	408	1,625.86
Office Supplies	44000-6001	2,500.00	2,500.00		2,500.00
Lab Supplies	44000-6004	6,000.00	6,000.00		6,000.00
Repair & Maint. Supplies-Rut. Crk	44000-6007	15,000.00	15,000.00		15,000.00
Fuel/Oil	44000-6008	2,000.00	2,000.00		2,000.00
Vehicle & Equip Supplies	44000-6009	3,000.00	3,000.00		3,000.00
Uniforms	44000-6011	1,500.00	1,500.00		1,500.00
Chemicals-Rut Crk	44000-6051	2,500.00	2,500.00		2,500.00
Treatment Totals		344,756.82	344,756.82	-	344,756.82
SEWER MAINTENANCE DEPARTMENT					
Wages	45000-1100	101,978.35	101,978.35		101,978.35
PT Wages	45000-1300	650.97	650.97		650.97
Other Pay/Holiday	45000-1400	1,592.82	1,592.82		1,592.82
FICA	45000-2100	7,972.99	7,972.99		7,972.99
VRS	45000-2200	16,316.54	16,316.54		16,316.54
Health Insurance	45000-2300	21,276.00	21,276.00		21,276.00
Group Life Insurance	45000-2400	1,366.51	1,366.51		1,366.51
Motor Vehicle Insurance	45000-5305	1,474.64	1,474.64		1,474.64
Lease of Equipment	45000-5410	2,000.00	2,000.00		2,000.00
Repair & Maint. Supplies	45000-6007	8,000.00	8,000.00		8,000.00
Maintenance Totals		162,628.83	162,628.83	-	162,628.83

Account Name	Account Code	FY 22 Town Manager Recommended	FY 22 Approved	FY 22 Amendment	FY 22 Amended Total
Reveue Refund	92000-9000			15,635.07	15,635.07
Debt Payments					
Sterling Bank WWTP Refi Prin	95000-9002	203,235.00	203,235.00		203,235.00
Sterling Bank WWTP Refi Int	95000-9003	67,075.00	67,075.00		67,075.00
Sewer Rehab Principle	95000-9004	11,450.00	11,450.00		11,450.00
Sewer Rehab Interest	95000-9005	15,980.00	15,980.00		15,980.00
Debt Totals		297,740.00	297,740.00	-	297,740.00
Sewer Fund Expense Totals		931,040.71	931,040.71	11,011.37	942,052.08

INDUSTRIAL DEVELOPMENT AUTHORITY

FY 22 Budget

Account Name	Account Code	FY 22 Town Manager Recommended	FY 22 Approved	FY 22 Amendment	FY 22 Amended Total
IDA REVENUES					
Lease/Sale of Lots	701-41020-0001	75,000.00	75,000.00		75,000.00
BP Recoupment Rev	701-41030-0001				-
Zoning Fees					-
Bond Issue	701-41040-0001	7,476.25	7,476.25		7,476.25
Home Owners Reimb	701-41060-0001	1,350.00	1,350.00		1,350.00
Transfer from Other Funds					-
Revenue Totals		83,826.25	83,826.25	-	83,826.25
IDA EXPENSES					
PT Wages	45000-1300	7,811.60	7,811.60		7,811.60
FICA	45000-2100	597.59	597.59		597.59
Worker's Comp	45000-2700	328.09	328.09		328.09
Repair & Maint. Svcs	81500-3310			3,750.00	3,750.00
Professional Services	81500-3150			1,250.00	1,250.00
Electrical Svcs	81500-5100	200.00	200.00		200.00
Dues & Membership	81500-5810	2,731.00	2,731.00		2,731.00
Transfer to IDA fund ba	81500-9200	65,157.97	65,157.97	(5,000.00)	60,157.97
Small Business Grant					-
Capital expenses		7,000.00	7,000.00		7,000.00
Expense Totals		83,826.25	83,826.25	-	83,826.25
Revenue Totals		3,513,752.84	3,621,300.03	3,395,619.58	366,723.94
Expense Totals		3,418,547.98	3,620,167.65	3,394,487.20	366,723.94

TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087

To: Mayor and Town Councilors

From: Sara McGuffin

Date: June 3, 2022

Re: Zoning Ordinance Recodification

The Planning Commission held a public hearing on the Zoning Ordinance Recodification on June 1, 2022. They have made all of the recommended changes from the Municode attorney and staff that were shown on the previous draft, with the exception of the following items:

- The Commission was evenly divided on Section 24-232, which provides a description of the Central Business District. Half of the participating Commissioners preferred the old definition, which is more outcome based, and half preferred the one recommended by Mr. Hobbs, which is more vision based.
- The Commission recommends that short term rentals should be Special Use Permits in the CBD, B-1, and B-2 districts.
- They did not add utility trailer and shed sales to the use table.
- The allowed location for kennels has been changed to a Special Use Permit in the Agricultural district.

These changes have been made and are reflected in the draft that is included in the packet. A public hearing on this recodification has been set and advertised for the June 8th meeting.

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PROOFS

Chapter 24

ZONING AND SUBDIVISIONS*

***Editor's note**—The 2003 Zoning Ordinance was adopted on May 14, 2003, and effective on June 1, 2003. It was amended on the following dates: May 12, 2004; March 14, 2007; September 12, 2007; June 11, 2008; August 11, 2010; March 14, 2012; July 10, 2013; February 18, 2014; December 10, 2014; October 14, 2015; September 12, 2018; January 9, 2019; December 11, 2019; and October 14, 2020. Subsequent amendments are indicated by history notes following amended sections.

State law reference—Planning, subdivision of land and zoning, Code of Virginia, § 15.2-2200 et seq.; zoning generally, Code of Virginia, § 15.2-2280 et seq.; land subdivision and development, Code of Virginia, § 15.2-2240 et seq.

ARTICLE I. IN GENERAL

~~Sec. 18-101. Authority to establish zoning.~~

~~Pursuant to Code of Virginia, § 15.2-2280, as amended, any locality may, by ordinance, classify the territory under its jurisdiction or any substantial portion thereof into districts of such number, shape and size as it may deem best suited to carry out the purposes of zoning, and in each district it may regulate, restrict, permit, prohibit, and determine the following:~~

- ~~The use of land, buildings, structures and other premises for agricultural, business, industrial, residential, floodplain and other specific uses;~~
- ~~The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;~~
- ~~The areas and dimensions of land, water, and air space to be occupied by buildings, structures and uses, and of courts, yards, and other open spaces to be left unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used;~~
- ~~The excavation or mining of soil or other natural resources.~~

PROOFS

~~(Zoning Ord. 2003, § 18.1-101)~~

~~Sec. 18-102. Authority to regulate the subdivision of land.~~

~~Pursuant to § 15.2-2240 of the Code of Virginia, 1950, as amended, the governing body of every locality shall adopt an ordinance to assure the orderly subdivision of land and its development. Pursuant to § 15.2-2241 of the Code of Virginia, 1950, as amended, a subdivision ordinance shall include reasonable regulations and provisions that apply to or provide:~~

- ~~For plat details which shall meet the standard for plats as adopted under § 42.1-82 of the Virginia Public Records Act (§ 42.1-76 et seq.);~~
- ~~For the coordination of streets within and contiguous to the subdivision with other existing or planned streets within the general area as to location, widths, grades and drainage, including, for ordinances and amendments thereto adopted on or after January 1, 1990, for the coordination of such streets with existing or planned streets in existing or future adjacent or contiguous to adjacent subdivisions;~~
- ~~For adequate provisions for drainage and flood control and other public purposes, and for light and air, and for identifying soil characteristics;~~
- ~~For the extent to which and the manner in which streets shall be graded, graveled or otherwise improved and water and storm and sanitary sewer and other public utilities or other community facilities are to be installed;~~
- ~~For the acceptance of dedication for public use of any right of way located within any subdivision or section thereof, which has constructed or proposed to be constructed within the subdivision or section thereof, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement dedicated for public use, and maintained by the locality, the Commonwealth, or other public agency, and for the provision of other site related improvements required by local ordinances for vehicular ingress and egress, including traffic signalization and control,~~

~~for public access streets, for structures necessary to ensure stability of critical slopes, and for stormwater management facilities, financed or to be financed in whole or in part by private funds only if the owner or developer (i) certifies to the governing body that the construction costs have been paid to the person constructing such facilities; (ii) furnishes to the governing body a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the governing body or its designated administrative agency, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned; or (iii) furnishes to the governing body a bank or savings institution's letter of credit on certain designated funds satisfactory to the governing body or its designated administrative agency as to the bank or savings institution, the amount and the form. The amount of such certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed twenty-five percent of the estimated construction costs.~~

~~If a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary plat and furnishes to the governing body a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the locality, the Commonwealth, or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary plat for a period of five years from the recordation date of the first section, or for such longer period as the local commission or other agent may, at the approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded. In the event a governing body of a county, wherein the highway system is maintained by the Department of Transportation, has accepted the dedication of a road for public use and such road due to factors other than its quality of construction is not acceptable into the secondary system of state highways, then such governing body may, if so provided by its subdivision ordinance, require the subdivider or developer to furnish the county with a maintenance and indemnifying bond, with surety satisfactory to the governing body or its designated administrative agency, in an amount sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways. In lieu of such bond, the governing body or its designated administrative agency may accept a bank or savings institution's letter of credit on certain designated funds satisfactory to the governing body or its designated administrative agency as to the bank or savings institution, the amount and the form, or accept payment of a negotiated sum of money sufficient for and conditioned upon the maintenance of such road until such time as it is accepted into the secondary system of state highways and assume the subdivider's or developer's liability for maintenance of such road. "Maintenance of such road" as used in this section, means maintenance of the streets, curb, gutter, drainage facilities, utilities or other street improvements, including the correction of defects or damages and the removal of snow, water or debris, so as to keep such road reasonably open for public usage;~~

PROOFS

~~For conveyance, in appropriate cases, of common or shared easements to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone and electric service to the proposed subdivision. Such easements, the location of which shall be adequate for use by public service corporations and franchised cable television operators which may be expected to occupy them, may be conveyed by reference on the final plat to a declaration of the terms and conditions of such common easements and recorded in the land records of the county or city;~~

~~For monuments of specific types to be installed establishing street and property lines;~~

~~That unless a plat is filed for recordation within six months after final approval thereof or such longer period as may be approved by the governing body, such approval shall be withdrawn and the plat marked void and returned to the approving official; however, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved~~

~~by the governing body or its designated administrative agency, or where the developer has furnished surety to the governing body or its designated administrative agency by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the governing body or its designated administrative agency, whichever is greater;~~

~~For the administration and enforcement of such ordinance, not inconsistent with provisions contained in this chapter, and specifically for the imposition of reasonable fees and charges for the review of plats and plans, and for the inspection of facilities required by any such ordinance to be installed; such fees and charges shall in no instance exceed an amount commensurate with the services rendered taking into consideration the time, skill and administrator's expense involved. All such charges heretofore made are hereby validated;~~

~~For reasonable provisions permitting a single division of a lot or parcel for the purpose of sale or gift to a member of the immediate family of the property owner in accordance with the provisions of § 15.2-2244; and 11 of the Code of Virginia, 1950, as amended. For the periodic partial and final complete release of any bond, escrow, letter of credit, or other performance guarantee required by the governing body under this section in accordance with the provisions of § 15.2-2245 of the Code of Virginia, 1950, as amended.~~

~~(Zoning Ord. 2003, § 18.1-102)~~

~~Sec. 18-103. Enactment.~~

~~For the purpose of promoting the health, safety, or general welfare of the public and of further accomplishing the objectives articulated above, the town council of the Town of Amherst has adopted this zoning and subdivision ordinance for the Town of Amherst, Virginia.~~

~~(Zoning Ord. 2003, § 18.1-103)~~

PROOFS

Sec. 24-1. Short title.

This chapter shall be known as the "Zoning and Subdivision Ordinance of the Town of Amherst, Virginia."

(Zoning Ord. 2003, § 18.1-104)

Sec. 24-2. Definitions and rules of construction.

(a) *Generally*. Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The masculine gender includes the feminine and neuter genders. The term "person" includes a firm, corporation, association, organization, trust or partnership. The term "lot" includes plot or parcel. The term "building" includes structure. The term "shall" is always mandatory. The term "used" or "occupied," as applied to any land or building, shall be construed to include the terms intended, arranged, or designed to be used or occupied.

(b) *Specific definitions*. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accessory building, use or structure means a building, use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Examples of accessory uses are private garages, storage sheds, playhouses and swimming pools and satellite dish antennas.

Administrator, zoning, means the town manager or his designee who is charged with the enforcement of this chapter.

Alley means a passage or way open to the public or for private travel, generally affording a secondary vehicular access to abutting lots or upon which service entrances or buildings abut, and not intended for general traffic.

Animal hospital. See *Veterinary hospital.*

Antique and gift shop means a commercial establishment which is used primarily for the indoor display and retail sale of merchandise, primarily furniture, silverware, glassware and other curios and collectibles, the value of

which is derived from age, rarity and materials of such items and/or the workmanship of a particular historic period; flea markets and furniture stores shall not be included.

Apartment means a unit in a multifamily dwelling for a single family in which separate access to the outside is usually not provided, and in which the major orientation of the unit is horizontal rather than vertical; or any condominium unit of similar physical character, appearance and structure.

Automobile graveyard means any lot or place, or part thereof, which is exposed to the weather and upon which more than five motor vehicles of any kind incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found.

Automobile service station means any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but excluding painting, major repair, or automatic washing.

Base map means a document on which property lines are depicted to the most accurate scale available.

Bed and breakfast lodging means a single-family dwelling containing sleeping and breakfast accommodations as an accessory use to the principal use. Such lodging shall have no more than five room accommodations for transient persons and wherein a charge is normally paid for such accommodations.

Board of appeals. The town board of zoning appeals as established under this chapter.

Buffering or screening means any device or natural growth, or a combination thereof which shall serve as a barrier to vision or noise between adjoining properties wherever required by this chapter. Whenever used for screening or buffering purposes, the term "natural growth" shall be taken to mean evergreen trees, bushes and shrubbery.

Buildable area means the area of a lot remaining after required yards, open spaces, parking, loading and access areas have been provided.

Building means any structure designed or intended for support, enclosure, shelter, or protection of persons, animals, chattels or property.

PROOFS

Building, height of, means the vertical distance measured from the level of approved street grade opposite the middle of the front of the building to the highest point of roof surface of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof; in the case of a building set back from the street line 35 feet or more, the building height is measured from the average elevation of finished ground surface along the front of the building; and on corner lots exceeding 20,000 square feet in area, the height of the building may be measured from either adjoining curb grade.

Building inspector means the duly appointed building official responsible for enforcing the provisions of the Uniform Statewide Building Code within the town or his designated representative or agent.

Building, main, means a building in which is conducted the main or principal use of the lot on which said building is situated.

Building ~~a~~ permit means a permit which is issued by the building inspector before a building or structure is started, improved, enlarged or altered as proof that such action is in compliance with the county building code.

Bulk storage means aboveground storage of liquid in excess of 1,500 gallons.

Cemetery means ~~A privately or church owned and/or operated place for burial of the dead where lots may be sold and perpetual care of the graves is furnished~~ any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery.

State law reference—Mandatory provisions, Code of Virginia, §§ 15.2-2288.5, 54.1-2310.

~~Day~~ *Childcare center* means a facility operated for the purpose of providing care, protection and guidance to a group of children separated from their parents or guardians during part of the day only, and meeting the licensing requirements for childcare centers of ~~section 63.1-196 of the Code of Virginia, 1950~~ Code of Virginia, title 22.1, ch. 14.1, art. 3 (Code of Virginia, § 22.1-289.10 et seq.), as amended.

Circuit court means the Circuit Court of Amherst County, Virginia.

Club, private, means an establishment operated for the social, education, or recreation benefit of the members thereof, in which no enterprise is conducted, except for the convenience of the members thereof and their guests.

Commercial means a wholesale, retail, or service business activity established to carry on trade for a profit.

Commission means the planning commission of the town.

Condominium means a single unit in a multiple unit residential or commercial structure that is offered for sale and shall be part of a condominium project with general common elements as defined in Code of Virginia, § 55.1-2000, as amended.

County means Amherst County, Virginia.

Craft brewery means a facility that produces and distributes beer or other fermented malt beverages in quantities not exceeding 15,000 barrels (15,000 BBL) per year and at which beer, ale or other fermented beverages are served to customers for on-premises or off-premises consumption and at which food may be served.

Craft distillery means a facility that produces and distributes spirits, as defined in the Alcoholic Beverage Control Act, in quantities not exceeding 36,000 gallons of alcoholic beverages other than wine or beer per calendar year and at which such spirits produced at such facility are served to customers for on-premises or off-premises consumption and at which food may be served.

Cul-de-sac means a street with only one outlet terminating in a circular turning area.

Dance hall means a building open to the general public for purpose of providing a place for dancing and where an admission is charged for the purpose of making a profit, except when sponsored by civic, charitable or nonprofit groups.

Development means a tract of land developed or to be developed as a unit under single ownership of unified control which is to be used for any business or industrial purpose or is to contain five or more residential dwelling units.

PROOFS

District means a section or area of the town within which the zoning regulations are uniform.

Domestic use means normal family or household use of water, including drinking, laundering, bathing, cooking, heating, cleaning and flushing toilets.

Drainfield space means an area set aside and dedicated for use in the absorption and evaporation of fluid from an initial and/or existing on-site sewerage system.

Dwelling means any building or portion thereof which is designed for or used for residential purposes.

Dwelling, multifamily, means a building designed for or occupied exclusively by three or more families living independently of each other in three or more dwelling units; the term "multifamily dwelling" includes condominiums of similar physical appearance, character and structure.

Dwelling, semi-detached, means a residential unit on its own individual lot attached to one, and only one, other residential unit which is separated from the other unit by a common vertical wall with no openings.

Dwelling, single-family, means a building designed for and occupied exclusively by one family in a single dwelling unit.

Dwelling, two-family (duplex), means a building designed for or occupied exclusively by two families living independently of each other in two dwelling units.

Dwelling unit means one or more rooms in a residential building or in a mixed building which are arranged, designed, used or intended for use by one family, and which include lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

Easement means a grant by a property owner of the use of land for a specific purpose or purposes by the general public, a corporation, or a certain person.

Emergency services means emergency services include fire, police, rescue squads and other similar activities.

Engineer means a person designated as a licensed professional engineer by the Commonwealth of Virginia.

Family, except as provided in Code of Virginia, §§ 15.2-2292—15.2-2292.1, means one or more persons occupying a single dwelling unit, provided that, unless all members are related by blood or marriage, no such family shall contain more than five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family.

Flood means a general temporary inundation of lands not normally covered by water that are used or usable by man. Concurrent mudslides shall be deemed to be included in this definition.

Flood hazard areas means the maximum area of the floodplain which is likely to be flooded once every 100 years or for which mudslides can be reasonably anticipated.

Flood, 100-year, means a flood that, on the average, is likely to occur once every 100 years; that has one percent chance of occurring each year, although the flood may occur in any year.

Floodplain means an area, usually a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; or an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

Floodproofing means a combination of structural provisions, changes or adjustments to properties and structures subject to flooding required for new construction in the floodway by the county building code.

Floodway means the channel of a stream or other watercourse and the adjacent land areas required to carry and discharge the waters of the 100-year flood.

Floor area means the sum of the gross areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings.

(1) In particular, floor area includes:

a. Basement space except such space in a basement which has at least one-third of its height below curb level, and which is located in a residential building with not more than two stories entirely above curb level;

b. Elevator shafts or stairwells at each floor;

c. Floor space in penthouse;

d. Attic space (whether or not a floor has been laid) providing structural headroom of eight feet or more;

e. Floor space in interior balconies or mezzanines;

f. Floor space in open or roofed terraces, exterior balconies, breezeways, or porches, if more than 50 percent of the perimeter of such terrace, balcony, breezeway, or porch is enclosed;

g. Any other floor space used for dwelling purposes, no matter where located within a building, when not specifically excluded;

h. Floor space in accessory buildings except for floor space used for accessory off-street parking.

(2) Floor area of a building shall not include:

a. Cellar space, except that cellar space used for retailing shall be included for the purpose of calculating requirements for accessory off-street parking spaces and accessory off-street loading berths;

b. Elevator or stair bulkheads, accessory water tanks, or cooling towers;

c. Uncovered steps;

d. Attic space, whether or not a floor actually has been laid, providing structural headroom of less than eight feet;

e. Floor space in open or roofed terraces, exterior balconies, breezeways, or porches, provided that not more than 50 percent of the perimeter of such terrace, balcony, breezeway, or porch is enclosed;

PROOFS

f. Unenclosed floor space used for permitted or required accessory off-street parking spaces;

g. Floor space used for accessory off-street loading berths;

h. Floor space used for mechanical equipment.

Garage, private, means an accessory structure, or a portion of the main building, designed for the storage of automobiles owned and used by the occupants of the main building.

Garage, public, means a building or portion thereof, other than a private garage, designed or used for storing motor driven vehicles.

Gardening means any use of land unenclosed except for fencing for the raising of grass, flowers, vegetables, crops, trees, or other botanical objects of natural growth, but not including accessory structures used for the same purpose.

Gas means natural gas formed beneath the surface of the earth, including any gas or vapor, or both gas and vapor, indigenous to an oil stratum and produced from such stratum with oil, obtained from gas or combination wells regardless of its chemical analysis.

General convenience store means a single store, the ground floor area of which is 4,000 square feet or less and which offers for sale primarily most of the following articles: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a country general store and no more than four gasoline and/or diesel dispensers shall be permitted, subject to the restrictions in section 24-473(d) and (e).

Greenhouse means a structure for the raising of plants or flowers indoors for private or retail purposes.

Grocery store means a single store building with a ground floor area of not more than 10,000 square feet which primarily offers for sale food to be prepared and consumed off the premises.

Hazardous waste means solid or liquid waste which, because of concentration, quantity, physical, chemical or infectious characteristics may:

PROOFS

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Health department means the county health department or its designated agent or representative.

Home occupation means an accessory use of a dwelling unit, located either in the main building or an accessory building, for financial gain or support involving the manufacture, provision, or sale of goods and/or services which is clearly incidental to or secondary to the residential use of a dwelling unit.

Highway, primary means all state highways in the state highway system so designated by the state highway and transportation commission (board) under requirements of ~~section 33.1-25 of the Code of Virginia, 1950~~ Code of Virginia, § 33.2-214, as amended.

Highway, secondary, means all roads of the Commonwealth of Virginia not currently in the primary system of state highways. ~~as provided for in §33.1-67 of the Code of Virginia, 1950~~ Code of Virginia, § 33.2-214, ~~as amended.~~

Hospital means and includes sanatorium, preventorium, clinic or rest home, and is deemed to mean a place for the treatment of human disorders and ailments; an institution providing health services for inpatient medical or surgical care, care of sick or injured, and related laboratories, offices, and outpatient facilities and services.

Industrialized building means a combination of one or more sections or modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Manufactured homes, defined in Code of Virginia, § 36-85.3, as amended and certified under the provisions of the National Manufactured Housing Construction and Safety Standards Act, shall not be considered industrialized buildings for the purposes of this chapter.

Jail means any institution operated by or under authority of any local, regional, state or federal governmental authority whether obtained by purchase, lease, construction, reconstruction, restoration, conversion, improvement, alteration, repair or other means or any physical betterment or improvement relating to the housing of inmates. The term "jail" includes prisons and correctional facilities.

Junk means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste; or junked, dismantled or wrecked automobiles, or parts thereof; iron, steel and other old or scrap ferrous or nonferrous material.

Kennel means any location where raising, grooming, caring for or boarding of dogs, cats or other small animals for commercial purposes is carried on. Outdoor runs properly screened are included.

Lot means a measured portion or parcel of land separated from other portions or parcels by description in a site plan or a recorded plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, of transfer of ownership or of development or separate use. The term "lot" applies to units of land whether in a subdivision or a development.

[GRAPHIC--FIGURE 1]

Lot of record means a lot or parcel of land whose existence, location and dimensions have been legally recorded in the office of the clerk of the circuit court ~~at the time of the adoption of this ordinance~~ on May 14, 2003.

Lot, corner, means a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. (Item A in Figure 1.)

Lot coverage means the ratio of the horizontally projected area of the main and accessory buildings on a lot to the total area of the lot, except where otherwise defined herein.

Lot frontage width means the distance between side property lot lines measured at the front lot line.

Lot, interior, means a lot other than a corner lot with only one frontage on a street. (Item B in Figure 1.)

Lot, through, means a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots. (Item C in Figure 1.)

PROOFS

Lot line (property line) means the boundary of a lot.

Lot width means the average horizontal distance between side property lot lines.

Manufacture and/or manufacturing means the processing and/or converting of raw, unfinished materials or products or either of them into articles or substances of different character or for use for a different purpose.

Manufactured home means a structure subject to federal regulation, which is transportable in one or more sections; is eight body feet or more in width and 40 body feet or more in length in the travelling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

Manufactured home park means any site, lot, or tract of land which contains spaces for parking two or more mobile, manufactured, or modular homes or any combination thereof.

Mixed use development means property that incorporates two or more different uses, and may include a variety of housing types, within a single development.

Mobile home means a factory-assembled structure or structures equipped with the necessary service connections and made to be readily moveable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit without a permanent foundation and built before 1976. (See also *manufactured home*, *modular home*, and *industrialized building*.) This unit does not meet the requirements of the council of American Building Officials (CABO) or the uniform statewide building code Use Group R-4. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the manufactured home placed thereon will be moved from time to time at the convenience of the owner. Mobile homes are allowed only in manufactured home parks.

Modular home means a structure constructed to meet the state requirements of an industrialized building,

uniform statewide building code Use Group R-4, and Council of American Building Officials (not a mobile home or manufactured home). As such, a modular home shall be considered the equivalent of a residence built on-site for the purposes of this chapter.

Motel means a building or a group of buildings containing sleeping accommodations for rental primarily to automobile transients and in which ingress and egress to and from each sleeping room is generally to the outside of the building.

Natural resource means and includes soil, sand, gravel, stone or other mineral (other than oil and gas) naturally formed on or beneath the surface of the earth.

Nonconforming lot means an otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located, ~~whether at the effective date of this ordinance~~ whether on June 2, 2003, or as a result of subsequent amendments to ~~the ordinance~~ this chapter.

Nonconforming structure means an otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this chapter, or is designed or intended for a use that does not conform to the use regulations of this chapter, for the district in which it is located, either at the effective date of the ordinance from which this chapter is derived or as a result of subsequent amendments of the ordinance from which this chapter is derived.

Nonconforming use means the otherwise legal use of a building or of a tract of land that does not conform to the use regulations of the ordinance from which this chapter is derived for the district in which it is located, either at the effective date of the ordinance from which this chapter is derived or as a result of subsequent amendments to the ordinance from which this chapter is derived.

Non-public water system means a water system which, as a general rule, does not provide water to the public for drinking or does not meet the requirements for a public water system; or a well used for obtaining water for drinking or domestic use located on an individual lot for the purpose of serving the main dwelling on said lot, with any new well to be at least a Class IIIA drilled well as approved by the health department.

PROOFS

Normal pool elevation means the height above sea level of the water held in any reservoir as it begins to overflow its spillway structure.

Nursing home means ~~Includes rest homes and convalescent homes and shall mean a place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases, deformities, or injuries not requiring extensive and/or intensive care that is normally provided in a general hospital or other specialized hospital~~ an establishment that provides long-term care services, as defined in Code of Virginia, § 51.5-134, to older persons who reside in such establishment.

Oil means a liquid substance known as crude petroleum oil or petroleum.

On-site sewage system means a sewage system designed not to result in a point source discharge, including individual septic tanks used by the main dwelling on an individual lot, and approved by the health department.

Open space means a yard area which is not used for or occupied by a driveway, off-street parking, loading space, refuse storage space.

Owner means any person, agent, firm or corporation having a legal or equitable interest in the property.

Permanent tributary means any perennial, intermittent stream, including lakes or ponds, which provides natural drainage to a larger body of water, as officially indicated on U.S. Geological Survey topographic maps.

Permitted use means a use of the land which is allowed by right in the zoning district in which the land is situated.

Plat means the schematic representation of land divided or to be divided.

Prescriptive easement means an easement granted to the state department of transportation for the construction and maintenance of public roads owned by said department.

Preserved area means an area containing sensitive lands with features such as steep slopes, stream bottoms, critical viewshed, established trees or other vegetation or public ownership where the town council has determined

that such features are worthy of preservation by the inclusion of such in the comprehensive plan. No clearing or grading is allowed in a preserved area prior to specific approval by the town council or planning commission of a rezoning, special use permit or site plan. The minimum of clearing and grading necessary for sanitary sewer mains and other uses may be allowed provided that the approving authority has adequate assurances that appropriate vegetation will be reestablished. For the purposes of this definition, active management of a preserved area in the form of cutting grass or noxious weeds, clearing underbrush, maintaining trees or similar activities shall not be considered clearing or grading.

~~(Amended June 11, 2008)~~

Professional office means an office for the conduct of a professional use by persons generally engaged in rendering personal, executive, sales or administrative services or activities, including law, medicine, theology, architecture, accounting, engineering, insurance, real estate, stockbrokers, and administrative agencies considered professional in character. Characteristics of a professional office include desks, telephone and computer equipment, filing cabinets, and conference rooms and display areas. The term "professional office," however, does not include repairs or sales of tangible personal property stored or located within the structure nor any use which would create any loud noises or noxious odors, storage of salable materials, construction equipment or construction materials.

Proffer means an offer or proposal to which the property owner, or his agents, commits himself as additional requirements or restrictions on his property.

Public building means a building owned or leased and occupied and used by an agency or political subdivision of the United States of America, the Commonwealth of Virginia, or Amherst County.

Public sewerage system means a sewerage system owned and operated by the town; or any sewerage system resulting in a point source discharge and approved by the health department.

Public utilities means public service structures such as power plant substations; water lines, treatment plants or pumping stations, sewage disposal systems and treatment plants; or such similar operations publicly or privately owned furnishing electricity, gas rail transport, communication or related services to the general public.

PROOFS

Public water supply agency means the administrative organization, department or agency which manages the daily and long-term activities of public water systems.

Public water system means a water system owned and operated by the town or any water system for drinking or domestic use, approved by the health department, that generally has at least 15 connections or an average of 25 individuals for at least 60 days out of the year.

Ramada means a structure erected over a mobile home for the purpose of providing shade or shelter.

~~Home for the aged.~~ *Residential facility* ~~a building or place in which the establishment is providing housing, board, lodging and maintenance for four(4) or more aged persons who are not informed, chronically ill or incapacitated, with such establishment having separate sleeping quarters and common areas for dining, recreation and other similar facilities.~~ means as provided in Code of Virginia, § 15.2-2291.

Reserve drainfield space means an area set aside and dedicated for future use in the absorption and evaporation of fluid from an on-site sewerage system.

Reservoir means any impoundment of water, owned, operated or controlled by a public water supply agency to provide drinking water to citizens of their community at the present or in the future.

Resident engineer means the resident engineer for the town, employed by the state department of transportation, or his designated agent.

Residential use means a building or part of a building containing dwelling units or rooming units, including single-family or two-family houses, multiple-family dwellings, mobile homes, boardinghouses or roominghouses, dormitories, fraternity or sorority houses or apartment hotels; but not including monasteries, convents, transient accommodations, such as hotels, motels, tourist cabins, or travel trailer parks, or that part of a mixed building used for any nonresidential use, except accessory to residential uses.

Restaurant means any building in which, for compensation, food or beverage are dispensed to persons not residing on the premises including, among other establishments, cafes, delicatessens, refreshment stands, or drive-

in facilities.

Retail stores and shops means 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: 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.

Right-of-way means access over or across particularly described property for a specific purpose.

Right-of-way line means the dividing line between a lot, tract, or parcel of land and a contiguous street, railroad, or public utility right-of-way.

Right-of-way, state owned, means the right-of-way owned outright by the state department of transportation on which public roads are constructed and maintained.

Satellite dish antenna means an accessory use that is a combination of:

(1) Antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites or other extraterrestrial sources;

(2) A low noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and

(3) A coaxial cable whose purpose is to carry the signals to the exterior of the building.

Schools means an institution providing full-time instruction and including accessory facilities traditionally associated with a program of study which meets the requirements of the laws of the state. School support facilities shall not be included.

School support facilities means facilities which are required to maintain efficient operation of a school or school system but which are not directly related to the academic program of study and which may be characterized by potential nuisance factors such as fuel storage, noise or vibration. Such supportive facilities include school system administrative offices, maintenance shops, storage warehouses, vehicle storage lots and the like.

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Setback line means a line parallel to a street and extending the full width of the lot for a specified distance at all points from the street right-of-way line, and thus defining an area in which no building or structures or portions thereof may be constructed.

Shopping center means a group of commercial establishments, planned and developed as a unit, with common off-street parking provided on the property, located on a parcel of land ten or more acres in size.

Short term rental means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

Sign means any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade name or marks, or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a public business, a commodity, or product, which are visible from any public way and used as an outdoor display.

Sign area means the smallest square, rectangle, triangle, circle, or combination thereof, encompassing the entire advertising area, excluding architectural trim and structural supports.

Sign, commercial, means a sign informing or advertising products or activities for sale or profit.

Sign, directional, means a sign indicating only the name and direction to a business, farm or activity.

Sign, on-site, means a sign relating to its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.

Sign, off-site, means a sign, either free standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject not specific to the premises upon which it is located.

Sign, outdoor advertising, means a structural poster panel or painted sign, either free standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to

the premises upon which it is located.

Sign, temporary, means any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other materials with or without frames intended to be displayed for a period of not more than 60 consecutive days.

Special use means a use of the land which may be allowed in a zoning district in which the land is situated subject to the approval of the town council, after a public hearing thereon.

Special use permit means a legislative enactment by the Town Council authorizing (often with conditions) a special use on a particular lot or lots. The term “zoning certificate for a special use” refers to a special use permit.

Street means a strip of land comprising the entire area within the right-of-way intended for possible use as a means of vehicular and pedestrian circulation to provide access to more than one lot. The term "street" includes road, thoroughfare, parkway, avenue, lane, boulevard, expressway, highway (except as herein defined), place, throughway, square, alley, or however designated with the above-mentioned right-of-way.

Street centerline means a line generally parallel to the right-of-way lines that equally divide the street right-of-way.

Street, half, means a street that does not meet the minimum right-of-way width requirements set forth or referenced in this chapter.

Street, private, means any road, street, highway or other means of vehicular access to a parcel of land not maintained by the state department of transportation (or any other public agency) regardless of ownership.

Street, public, means a strip of land comprising the entire area within the right-of-way intended for public use as a means of vehicular and pedestrian circulation to provide access to more than one lot and which is presently a portion of the state department transportation's street and road system, or is a proposed addition to the state department of transportation's street and road system in which case the improvement of which shall meet the construction standards of the state department of transportation.

Structure means anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.

Subdivider means any person owning a tract or parcel of land to be subdivided.

Subdivision means any division of a piece of land or alteration of the boundary lines of any piece of land. The term "subdivision" includes condominiums, wherein the purchaser acquires both ownership of the condominium units and ownership of an interest in common elements.

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Surveyor means a land surveyor certified by the Commonwealth of Virginia.

Theater, indoor, means a building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of displays, acts, dramas by actors and/or actresses.

Theater, outdoor, means an area not to exceed five acres containing a screen projection booth, refreshment stand, parking spaces and sound transmission devices to individual parking spaces only for the purpose of commercial exhibition of motion pictures.

Time-share means a time-share estate or a time-share use plus its incidental benefits.

Time-share estate means a right to occupy a unit or any of several units during five or more separated time periods over a period of at least five years, including renewal options, coupled with a freehold estate for years in a time-share project of a specified portion thereof.

Time-share instrument means any document, however denominated, which creates the time-share project and program, and which may contain restrictions or covenants regulating the use, occupancy, or disposition of time-shares in a project.

Time-share program (or program) means any arrangement of time-shares in one or more time-share projects whereby the use, occupancy, or possession of real property has been made subject to either a time-share estate or time-share use in which such use, occupancy, or possession circulates among owners of the time-shares according to a fixed or floating time schedule on a periodic basis occurring over any period of time in excess of five years.

Time-share project means all of the real property subject to a time-share program created by the execution of a time-share instrument.

Time-share unit (or unit) means the real property or real property improvement in a project which is divided

into time-shares and designated for separate occupancy and use.

Time-share use means a right to occupy a time-share unit or any of several time-share units during five or more separated time periods over a period of at least five years, including renewal options, not coupled with a freehold estate or an estate for years in a time-share project or a specified portion thereof. The term "time-share use" shall not mean a right to use which is subject to a first-come, first-served space available basis as might exist in a country club, motel, hotel, health spa, campground, or membership or resort facility.

Town means the governmental entity of the town.

Town building code means the uniform statewide building code.

Town comprehensive plan means a document prepared and adopted in accordance with Code of Virginia, title 15.2, ch. 22, art. 3 (Code of Virginia, § 15.2-2223 et. seq.), as amended, for the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the town.

Town council means the elected governing body of the Town of Amherst, Virginia.

Town development area means areas defined in the comprehensive plan that are appropriate for higher density development, redevelopment, or infill development due to their proximity to transportation facilities, public water and sewer systems and existing areas of higher density development.

Townhouse means a residential unit in a series of from three to 12 single-family attached dwellings separated from one another by common vertical walls with no openings.

Townhouse lot means a lot upon which a townhouse is or is to be erected.

Town manager means the town manager of the town.

Travel trailer means a vehicular, portable structure designed as a temporary dwelling for travel, recreational and vacation uses which is not more than eight feet in body width and is of any weight provided its body length does not exceed 29 feet.

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Urban development area means areas defined in the comprehensive plan that are appropriate for higher density development, redevelopment, or infill development due to their proximity to transportation facilities, public water and sewer systems and existing areas of higher density development.

Use means the principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is or may be used, occupied, or maintained.

Variance means a reasonable deviation from those provisions regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of this chapter would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of this chapter. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

~~(Amended October 14, 2015)~~

Veterinary hospital means a structure or series of structures used for the treatment of diseases and injuries of animals by a veterinarian licensed by the Commonwealth of Virginia, without outdoor runs except for exercise purposes.

Watershed means any area drained by a stream and its tributaries upstream from a public water supply intake structure.

Yard means a space on the same lot with a main building, such space being open, unoccupied, and unobstructed by buildings from ground to sky except where encroachments and accessory buildings are expressly permitted.

[GRAPHIC--Figure 2]

Yard, front, means an open, unoccupied space on the same lot with the main structure, extending the full width of the lot and situated between the right-of-way line and the front line of the structure projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the structure and the right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main structure and shall

not project into a required front yard. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension. (See figure 2).

Yard, rear, means an open space on the same lot with the main structure, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main structure projected to the side lines of the lot. On all corner lots the rear yard shall be at the opposite end of the front yard. (See figure 2).

Yard, side, means an open, unoccupied space on the same lot with a main structure, situated between the side line of the structure and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot. On the corner lots, the side yard shall be considered as parallel to the street upon which the lot has its greatest dimension. (See figure 2).

Zoning map means the official zoning district map for the town.

(Zoning Ord. 2003, §§ 18.1-301, 18.1-302)

~~Sec. 18-201. Purpose.~~

~~This ordinance is designed to assist the citizens, the town council, Planning Commission, and administrative officials of the Town of Amherst in guiding land development of the Town. The ordinance has been formed with a spirit of concern for the individual rights of landowners, but at the same time with a recognition that orderly development of natural growth rates is essential for the preservation and protection of the safety, health and general welfare of the citizens of the Town of Amherst.~~

~~The purpose of this ordinance shall be for the general purpose of promoting the health, safety or general welfare of the public and of furthering the comprising the objectives of §15.2-2200 et. seq. of the Code of Virginia, 1950, as amended. To these ends, such ordinances shall be designed to give reasonable consideration to each of the following purposes, where applicable: (i) to provide for adequate light, air, convenience of access, and safety from fire, flood, crime and other dangers; (ii) to reduce or prevent congestion in the public streets; (iii) to facilitate the creation of a convenient, attractive and harmonious community; (iv) to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements; (v) to protect against destruction of or encroachment upon historic areas; (vi) to protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers; (vii) to encourage economic development activities that provide desirable employment and enlarge the tax base; (viii) to provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment; (ix) to protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities; and (x) to promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated. Such ordinance may also include reasonable provisions, not inconsistent with applicable state water quality standards, to protect surface water and ground water as defined in §62.1-255 of the Code of Virginia, 1950, as amended.~~

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~~(Zoning Ord. 2003, § 18.1-201)~~

Sec. 24-3. Nonexclusionary intent.

It is not the intent of this chapter to exclude any economic, racial, religious, or ethnic group from enjoyment of residence, land ownership, or tenancy within the town; nor is it the intent of this chapter to use public powers in any way to promote the separation within the town of economic, racial, religious, or ethnic groups, except as may be the incidental result of meeting the purposes of this chapter.

(Zoning Ord. 2003, § 18.1-202)

Sec. 24-4. Uniform application of regulations.

The regulations established herein shall be minimum regulations and be uniformly applied to each class of structure or land, except as hereinafter provided.

(Zoning Ord. 2003, § 18.1-401)Sec. 24-5. Subdivision of land.

Any owner or owners of any tract of land located within the town, in whole or in part, who subdivides the same as provided herein shall cause a plat of such subdivision to be made in accordance with procedures set forth in this chapter.

(Zoning Ord. 2003, § 18.1-402)

Sec. 24-6. Use.

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, constructed, moved, or structurally altered except in conformity with the regulations herein specified for the district in which it is or is to be located.

(Zoning Ord. 2003, § 18.1-403)

Sec. 24-7. Permitted uses.

A permitted use is one allowed in the district in which the land is situated. Where the proposed use is permitted and is in accordance with other regulations herein, a zoning certificate will be issued by the zoning administrator, without hearing thereon, in accordance with section 24-38(2).

(Zoning Ord. 2003, § 18.1-403.01)

Sec. 24-8. Special uses.

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A special use is one which may be allowed when the town council, after review of the application and hearing thereon, finds as a fact that the proposed use of uses are consistent with the comprehensive plan and the policies of the town council and the public interest. Where the use is a special use, a zoning certificate will be issued by the zoning administrator, in accordance with section 24-38(3), after such special use has been approved by the town council.

(Zoning Ord. 2003, § 18.1-403.02)

Sec. 24-9. Buildings.

No building shall hereafter be erected, constructed, or altered so as to exceed the height limit, to accommodate or house a greater number of families, or to occupy a greater percentage of the lot area than is required or specified in the regulations herein for the district in which it is located.

(Zoning Ord. 2003, § 18.1-404)

Sec. 24-10. Lots and yards.

(a) No new lot nor yard shall hereafter be created, nor shall any lot or yard existing ~~at the time of enactment of this ordinance~~ on May 14, 2003, be moved so that lot width, depth, or area requirements; front, side or rear yard requirements; inner or outer court requirements; or other requirements of this chapter are not maintained, except when a portion of a lot is acquired for public use. No new building lot shall hereinafter be created unless such lot adjoins at least 25 feet on a public street except that this provision shall not apply to:

(1) Any property designated for business use and involving the sale of individual sites designated for business use; or

(2) Situations involving joint or shared use access in any business district as approved by the planning commission.

(b) No part of a yard nor other open space required for any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except

for the ordinary projections of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend into the required yard areas for a distance exceeding two feet.

(Zoning Ord. 2003, § 18.1-405)

~~(Amended June 11, 2008)~~

Sec. 24-11. Nonconforming lots, buildings and uses and vested rights.

(a) As provided in the Code of Virginia, nothing in this chapter shall be construed to impair any vested right, except that this chapter recognizes that the elimination of existing lots, buildings and structures or uses that are not in conformity with the provisions of this chapter is as much a subject of health, safety, and general welfare as if the prevention of the establishment of new uses that would violate the provisions of this chapter. It is, therefore, the intent of this chapter to permit these nonconformities to continue, but not to encourage their survival or permit their uses as grounds for adding other structures or uses prohibited elsewhere within the same district.

(b) Therefore, any structure or use of land existing at the time of the enactment of the ordinance from which this chapter is derived, and amendments thereto, but not in conformity with its regulations and provisions, may be continued subject to the following provisions:

(1) *Lots of record*. Where a lot of record at the time of enactment of the ordinance from which this chapter is derived or amendment thereof does not contain land of sufficient area or width to permit conformity with dimensional requirements of this chapter, the following provision shall apply: When a lot was legally created and platted at the time of enactment of the ordinance from which this chapter is derived, or amendments thereto, and the lot has width or lot area less than is required by the district in which it is located, such lot may be used as a single-family building site, provided that yard dimensions, and requirements other than those applying to area or width of the lot shall conform to the regulation for the district in which such lot is located and safe provision and appropriate permitting has been made for water and wastewater. Variances of yard requirements may be obtained only through an appeal to the board of appeals, as outlined in section 24-132.

~~(Amended September 12, 2018)~~

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(2) *Nonconforming structures*. Where a lawful structure exists at the time of enactment or amendment of this chapter that could not be built in the district in which it is located by reasons of restrictions on area, lot coverage, height, yard dimensions or other requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

a. Any structure or portion thereof declared unsafe by the building inspector, or destroyed, damaged or demolished in any way by any means, may be restored to a safe condition or replaced in the same location, provided that the requirements of this section are met and the restoration or replacement work is underway with two years after the declaration, destruction, damage or demolition.

b. A nonconforming structure may be enlarged or altered as necessary, provided such enlargement or alteration does not exceed a cumulative 50 percent of the floor area of the original nonconforming structure, and provided all yard and other appropriate requirements herein are met; any structure or portion thereof may be altered to decrease its nonconformity.

c. Notwithstanding the ~~provisions of section 601.02.2~~ above, whenever repairs on or installation of plumbing facilities in residential structures are required by law or administrative action of the health department or the building inspector, such alterations shall be permitted, provided that, where such alterations require an addition to the structure, such addition shall be no nearer the lot line than permitted by the requirements of this chapter. Where an existing residential structure exceeds these requirements, the said addition shall extend no nearer the lot line than the existing building line.

d. Should a nonconforming structure be moved, it shall thereafter conform to the yard dimension requirements of the district in which it is located after it is moved.

(3) *Nonconforming uses of land*. Where a lawful use of land exists at the time of enactment or amendment of this chapter that would not be permitted by the regulations imposed herein, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

a. A nonconforming use may be enlarged or increased or extended to occupy a greater area not exceeding 50 percent of the floor area that was occupied at the time of enactment of or amendment to this chapter.

b. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the time of enactment of or amendment to this chapter.

c. In the event that such use ceases for any reason for a period of more than ~~24 months~~ two years, any subsequent use shall conform to all requirements of this chapter for the district in which the land is located.

d. No additional structure not conforming to the requirements of this chapter shall be constructed in connection with such nonconforming use.

(4) *Nonconforming uses of structures*. Where a lawful use of individual structure, or of structures of premises in combination, exists at the time of enactment of or amendment to the ordinance from which chapter is derived that would not be permitted in the district in which it is located under the requirements of this chapter, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

a. A structure existing at the time of enactment of or amendment to the ordinance from which this chapter is derived devoted to a nonconforming use may be enlarged, extended, or structurally altered, provided such enlargement, extension or alteration shall not exceed 50 percent in the aggregate of the floor area of the original structure devoted to a nonconforming use and provided all yard and other appropriate requirements herein are met. The provision shall not apply to the changing of the use of a structure to a conforming use.

b. A nonconforming use of a structure may be extended to include use of the entire structure, or any enlargement, extension or alteration thereof provided herein, but shall not be extended to include either additional structures or land outside the structure.

c. When a nonconforming use of a structure and premises in combination is discontinued or abandoned for 24 consecutive months, except when government action impedes access to the premises, or when a nonconforming use is superseded by a permitted use, the structure and premises shall not thereafter be used except in conformity with the regulations of the district in which it is located.

d. Where a structure which is used in combination with its premises for a use not in conformity with the regulations herein is destroyed by any means, the use of the land shall be allowed to continue after reconstruction of the structure, provided such reconstruction of the structure adheres to the yard and other appropriate requirements of the district in which said structure is located as approved by the board of appeals in accordance with section 24-10, and provided the ownership of said structure remains the same as before such destruction.

(5) *Oil and gas leases*. If a property owner has legally executed a lease for oil and gas exploration prior to the enactment of the ordinance from which this chapter is derived, such lease for exploration, and any resultant development of the property for extraction and production of oil and gas, shall constitute the nonconforming use of such land as provided in section 24-11(3), and provided that there is compliance with ~~sections 45.1-106 through 45.1-144 [45.1-286 through 45.1-361], Code of Virginia, 1950, as amended, and such oil and gas general rules and regulations promulgated by the Virginia Department of Labor and Industry are met~~ all applicable state laws and rules.

(6) *Vested rights*.

a. Pursuant to Code of Virginia, § 15.2-2307, as amended, nothing in this chapter shall be construed to authorize the impairment of any vested right. Without limiting the time when rights might otherwise vest, a landowner's rights shall be deemed vested in a land use and such vesting shall not be affected by a subsequent amendment to a zoning ordinance when the landowner obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project; relies in good faith on the significant affirmative governmental

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act; and incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

b. For purposes of this chapter and without limitation, the following are deemed to be significant affirmative governmental acts allowing development of a specific project:

1. The governing body has accepted proffers or proffered conditions which specify use related to a zoning amendment;

2. The governing body has approved an application for a rezoning for a specific use or density;

3. The governing body or board of zoning appeals has granted a special exception or use permit with conditions;

4. The board of zoning appeals has approved a variance;

5. The governing body or its designated agent has approved a preliminary subdivision plat, site plan or plan of development for the landowner's property and the applicant diligently pursues approval of the final plat or plan within a reasonable period of time under the circumstances; ~~or~~

6. The governing body or its designated agent has approved a final subdivision plat, site plan or plan of development for the landowner's property; or

7. The zoning administrator or other administrative officer has issued a written order, requirement, decision or determination regarding the permissibility of a specific use or density of the landowner's property that is no longer subject to appeal and no longer subject to change, modification or reversal under Code of Virginia, § 15.2-2311(C).

~~Land, buildings, and structures and the uses thereof which do not conform to the zoning prescribed for the district in which they are situated may be continued only so long as the then existing or a more restricted use continues and such use is not discontinued for more than two years, and so long as the buildings or structures are maintained in their then structural condition; and that the uses of such buildings or structures shall conform to such regulations whenever they are enlarged, extended, reconstructed or structurally altered and may further provide that no nonconforming building or structure may be moved on the same lot or to any other lot which is not properly zoned to permit such nonconforming use.~~

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c. Land, buildings, and structures and the uses thereof which do not conform to the zoning prescribed for the district in which they are situated may be continued only so long as the then-existing or a more restricted use continues and such use is not discontinued for more than two years, and so long as the buildings or structures are maintained in their then structural condition; and that the uses of such buildings or structures shall conform to such regulations whenever, with respect to the building or structure, the square footage of a building or structure is enlarged, or the building or structure is structurally altered as provided in the uniform statewide building code (Code of Virginia, § 36-97 et seq.). If a use does not conform to the zoning prescribed for the district in which such use is situated, and if a business license was issued by the town for such use and the holder of such business license has operated continuously in the same location for at least 15 years and has paid all local taxes related to such use, the town shall permit the holder of such business license to apply for a rezoning or a special use permit without charge by the town or any agency affiliated with the town for fees associated with such filing. No nonconforming use may be expanded, and no nonconforming building or structure may be moved on the same lot or to any other lot which is not properly zoned to permit such nonconforming use.

d. Notwithstanding any ordinance to the contrary, if the town has issued a building permit, the building or structure was thereafter constructed in accordance with the building permit, and upon completion of construction, the town issued a certificate of occupancy or a use permit therefor, or the owner of the building or structure has paid taxes to the town for such building or structure for a period of more than the previous 15 years, such building or structure shall not be illegal and shall not be subject to removal solely due to such nonconformity. Such building or structure shall be

nonconforming.

e. The owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God may repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance as provided in Code of Virginia, § 15.2-2310. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the uniform statewide building code (Code of Virginia, § 36-97 et seq.) and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the local floodplain regulations adopted as a condition of participation in the National Flood Insurance Program. Unless such building is repaired, rebuilt or replaced within two years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the zoning ordinance of the locality. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then there shall be an additional two years for the building to be repaired, rebuilt or replaced as otherwise provided in this section. For purposes of this section, an "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under Code of Virginia, § 18.2-77 or 18.2-80, and obtain vested rights under this section.

f. Notwithstanding any ordinance to the contrary, an owner of real property shall be permitted to replace an existing on-site sewage system for an existing building in the same general location on the property even if a new on-site sewage system would not otherwise be permitted in that location, unless access to a public sanitary sewer is available to the property. If access to a sanitary sewer system is available, then the connection to such system shall be required. Any new on-site system shall be installed in compliance with applicable regulations of the state department of health in effect at the time of the installation.

g. Nothing in this section shall be construed to prevent the land owner or home owner from removing a valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD manufactured housing code. In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home. The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code. Any such replacement home shall retain the valid nonconforming status of the prior home.

(Zoning Ord. 2003, § 18.1-601; Ord. of 9-12-2007)

State law reference—Similar provisions, Code of Virginia, § 15.2-2307.

Sec. 24-12. Permits issued prior to effective date of ordinance from which this chapter is derived.

Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to ~~the effective date of this ordinance~~ June 2, 2003. However, if such construction does not commence within 30 days after ~~this ordinance becomes effective~~ June 2, 2003, or if construction is discontinued for a period of six months or more, further construction shall be in conformity with the provisions of this chapter for the district in which the operation is located.

(Zoning Ord. 2003, § 18.1-406)

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Sec. 24-13. Zoning certificates required; uses exempt from a zoning certificate.

(a) Except as provided in this Section, no new use shall be commenced without a zoning certificate for that use, certifying pursuant to Sec. 24-38 that the use complies with the provisions of this Chapter.

(b) Incidental agriculture is permitted without a zoning certificate in any district that allows residential uses, provided that such agricultural use shall not occupy over five acres and shall not be objectionable by reason of odor,dust, noise, pollution and erosion or drainage.

(c) Yard sales and garage sales by the resident owner, and bazaars, flea markets and sales conducted by nonprofit organizations shall be exempt from zoning certificate requirements, provided such sales are limited to 48 hours per sale and no more than one such sale per month.

(d) Within districts that permit commercial activity by right, wayside stands for the sale of agricultural or horticultural products shall not require a zoning certificate.

(Zoning Ord. 2003, § 18.1-407)

Sec. 24-14. Number of dwellings on a single lot.

Except for permitted apartments in single-family dwellings, two-family dwellings, multifamily dwellings and manufactured home parks where permitted, no more than one dwelling unit may be permitted on a lot or parcel of land.

(Zoning Ord. 2003, § 18.1-408)

Sec. 24-15. Access through another zoning district.

Private access to a parcel of land used appropriately in a zoning district as provided herein shall be prohibited through another zoning district. For the purposes of this section, access to a parcel of land shall not be considered a use and shall therefor be subject to the variance procedure as outlined herein.

(Zoning Ord. 2003, § 18.1-409)

Secs. 24-16--24-33. Reserved.

PROOFS

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 24-34. Town council.

The town council shall have the following responsibilities in the administration of this chapter:

(1) Review and decide requests for amendments to the text of this chapter as specified in section 24-39.

(2) Review and decide requests for amendments to the official zoning map as specified in this chapter.

(3) Review and decide requests for zoning certificates for special use approvals (special use permits), in accordance with section 24-38(3).

(Zoning Ord. 2003, § 18.1-1404)

Sec. 24-35. Appointment of zoning administrator.

This article shall be administered by the zoning administrator in accordance with the provisions herein. The zoning administrator for the town shall be the duly appointed town manager of the town or his designee.

(Zoning Ord. 2003, § 18.1-1001)

Sec. 24-36. Powers and duties of the zoning administrator.

(a) *Powers and duties relating to zoning*. The zoning administrator is authorized and empowered on behalf of and in the name of the town council to administer and enforce the provisions set forth herein to include receiving applications, inspecting premises, issuing zoning certificates for uses and structures which are in conformance with the provisions of this article. The zoning administrator shall have all necessary authority on behalf of the town council to administer and enforce this article, including the ordering in writing of the remedying of any condition found in violation of this article, and the bringing of legal action, including injunction, abatement, or the appropriate action proceeding, to ensure compliance with this article. The zoning administrator does not have the authority to

take final action on applications, of matters involving variances nor on special uses, on which final action is reserved to the town council.

(b) *Powers and duties relating to subdivision regulation*. The zoning administrator is authorized and empowered to act as the agent of the town council and planning commission in dealing with subdivision procedures and shall have the following duties and responsibilities:

(1) Establish such administrative rules and procedures as are necessary to the proper administration of subdivision procedures.

(2) Consult, as required in the performance of duties specified herein, with other departments or agencies of the town in considering details of any submitted plat.

(3) Waive procedural and design requirements, if appropriate, provided land subdivided is along a publicly dedicated and approved street accepted for maintenance by the resident engineer and where no new streets, water or sewer lines are involved.

(4) Verify that any conditions or stipulations made by the commission in the preliminary review are performed; and upon the satisfactory completion of such conditions and other requirements of the final plat as specified in section 24-758, approve the final plat.

(c) *Case management*.

(1) *Promulgation of ordinances, policies and regulations*. The zoning administrator shall make a copy of the zoning and subdivision ordinance and all other documents containing town policies and regulations that affect community development available for review by the town's residents and property owners.

(2) *Preapplication conference*. The zoning administrator is authorized and empowered to encourage and organize a preapplication conference or conferences, to be attended by the property owner and any individual that the zoning administrator or property owner may deem appropriate, prior to the formal initiation of any zoning or subdivision process. However, the preapplication conference shall not be organized until adequate information in the form of maps, studies, narrative description or other appropriate material, sufficient to show the location, type, scope and scale of development proposal, has been submitted in hard copy form to the zoning administrator. The purpose of the preapplication conference is to outline the specifics of the project proposed, to confirm what rules, regulations or processes apply, and to identify other issues that may affect the development or approval processes at the earliest practical time.

PROOFS

(3) *Single point of contact*. The zoning administrator is authorized and empowered to require the owner of any property for which any zoning or subdivision process is initiated, including any site plan, subdivision, special use permit, variance, conditional zoning, or rezoning, to name a project manager who would have the authority to represent him before the various agencies and committees of the town in the matter. As such, this individual shall be the town's sole point of contact from the time of appointment to the issuance of a certificate of occupancy. Such certification shall be in writing on a form provided by the zoning administrator, and the owner shall retain the right to certify another single individual to replace the previously certified project manager during the course of the project.

(4) *Notice signs; posting required*.

a. Signage for the purpose of notifying interested individuals of a requested action shall be posted on property for which any site plan, subdivision, special use permit, rezoning, conditional zoning, variance, appeal or similar action is to be considered by the planning commission, town council or board of zoning appeals. The signage shall be installed as soon as practical beforethe meeting date for which the matter is scheduled to be heard ~~but at least 21 days prior to the meeting~~. Such signage shall be located as near as is practical to the right-of-way of a public street or road upon which said the property and/or proposed use fronts.

b. The signage shall contain no additional advertisement or words other than that which is specified

herein. The signage shall remain posted and maintained until final action has been taken on the application or the application has been withdrawn. After final action has been taken or the application has been withdrawn, the signage shall be removed within ten calendar days at his expense.

~~Large sites. A sign meeting the requirements herein shall be required, but if the property involved in the application has more than 500 feet of road frontage then one sign shall be required for every 500 feet of road frontage or fraction thereof. The zoning administrator may reduce the required number of signs or approve the relocation of signs in those cases for which the applicant can present in writing a sufficient justification to warrant a deviation, provided the spirit and intent of the signage requirements are observed. Grounds for deviation of the requirements may include such items as a parcel of unusual size or shape, a peculiar location, severe topography, or other extraordinary situation or condition of the property that would make the strict application of these requirements unnecessary or impractical. The justification shall document that a reduction in the number or the relocation of signs would not reduce the effectiveness of the public notice. The sign shall read as follows:~~

~~ZONING NOTICE~~

~~Name of Applicant:~~

~~Telephone No.:~~

~~Address of Property:~~

~~Present Zoning:~~

~~Proposed Zoning:~~

~~Proposed Use of Property:~~

~~For additional information, Call Town Hall at 946-7885~~

~~The sign shall be made of sturdy wood, plastic or metal, the sign face at least 72 inches wide by 48 inches high in size; the top of the sign no less than six feet or more than eight (8) feet above the ground; and the lettering thereon shall be black letters at least three inches in height on a white background. Said sign may be single sided if the sign face is oriented parallel to the road.~~

~~Small sites. If the property involved in the application has less than 200) feet of road frontage then, in lieu of the signage required for large sites, one sign 24 inches wide by 18 inches high shall be required. Signs for small sites shall be provided by the zoning administrator who shall specify the content. Such signs shall be affixed to a pole, post, fence or other structure to be clearly visible from each public road abutting the property. If no public roads abut the property, then the sign shall be posted at a location where it would have the highest public visibility. Signs for small sites shall be returned to the zoning administrator immediately after their removal from the site by the applicant.~~

PROOF

(Zoning Ord. 2003, § 18.1-1002)

Sec. 24-37. Application deadlines.

(a) For any proposal which requires a public hearing, including those for zoning map amendments, variances, and special use permit, all application materials shall be submitted for review at least 45 days prior to a normal meeting date of the body that will hold the hearing.

(b) For any application which does not require a hearing but a decision by any public body other than the zoning administrator, including subdivisions and site plans requiring planning commission approval, all full applications received 14 days prior to a regular monthly meeting shall be reviewed at that first meeting and, barring irregular circumstances, a decision rendered at the next regular monthly meeting.

(Zoning Ord. 2003, § 18.1-1011)

Sec. 24-38. Zoning certificates.

Zoning certificate shall be issued in accordance with the following provisions and procedures:

(1) *Issuance and display*. The zoning administrator shall issue a zoning certificate, in conjunction with a building permit, if necessary, for any permitted use or structural alteration, provided such proposed use of land or structure, or structural alteration, is in conformance with the provisions set forth herein. The zoning certificate shall indicate whether the use is a permitted use, a special use, or a variance and shall be conspicuously posted and displayed on the premises during the period of construction or reconstruction. A zoning certificate must be obtained from the zoning administrator prior to the issuance of a building permit by the building inspector. All zoning certificates shall expire and be null and void 12 months after they are issued if construction has not begun.

(2) *Application procedures for permitted uses*. Applications for a zoning certificate shall be submitted to the zoning administrator according to the following provisions:

a. An application for a zoning certificate for a permitted use shall be accompanied by documentation appropriate to the application which shall include, at the sole discretion of the zoning administrator, floor plans, elevation plans, and plot plans showing setbacks and building size if a site plan is not otherwise required by this chapter.

b. If the proposed documentation is in conformity with the provisions set forth herein, and other appropriate codes and regulations of the town then in effect, the zoning administrator shall issue a zoning certificate. The zoning administrator shall retain the application and one copy of the documentation submitted with the application for a zoning certificate for his records.

c. If the application and site plan submitted describes work which does not conform to the requirements set forth herein, the zoning administrator shall not issue a zoning certificate, but shall return one copy of the site plan to the applicant along with a signed refusal in writing. Such refusal shall state the reasons for refusal and shall cite the portions of this chapter with which the submitted site plan does not comply. The zoning administrator shall retain one copy of the site plan and one copy of the refusal.

PROOFS

(3) *Application procedures for special use*. Applications for a zoning certificate for a special use (special use permit) shall be submitted to the zoning administrator, who shall refer the application to the planning commission, for apublic hearing. Applications for zoning certificates for special uses must be submitted in accordance withthe following procedures:

a. An application shall be accompanied by an approvable site plan with all associated documentation as required under article XI of this chapter.

b. The application shall be sent to the commission. The commission shall present its recommendations to the town council. Failure of the commission to report 100 days after the first meeting of the commission after the proposed special use permit has been referred to the commission shall be deemed approval unless the application has been withdrawn by the applicant prior to the expiration of the time period. In the event of and upon such withdrawal, processing of the proposed special use permit shall cease without further action as otherwise would be required.

c. The town council shall consider the proposed special use after notice and public hearing in accordance with Code of Virginia, § 15.2-2204, as amended. All motions, resolutions or petitions for the proposed special use permit shall be acted upon and a decision made within such reasonable time as may be necessary but not exceeding 12 months from the date the applicant files a complete application unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for a special use permit. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this section.

d. In addition to the specific requirements for special use as specified in this article, the town council shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the town's comprehensive plan and/or this article;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. Will not create excessive additional requirements at public costs for public facilities and services and will not be detrimental to the economic welfare of the community;
6. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or water pollution;
7. Will have vehicular approaches to the property which shall be so designed as not to create any interference with traffic on surrounding public streets or roads; and
8. Will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.

e. Conditions set forth above and in article XI of this chapter for the various special use are minimum. In approving a proposed special use, town council may stipulate such additional requirements as are necessary to the public interest. The town council may require the applicant to furnish a performance bond in an amount sufficient for and conditional upon the fulfilling of any and all conditions and requirements stipulated by the respective board.

PROOFS

f. If the town council approves the application for a zoning certificate for a proposed special use, the zoning administrator shall issue a zoning certificate in accordance with subsection (2) of this section, indicating the special nature of the use.

g. If the town council disapproves the application for a zoning certificate for a proposed special use, the town council shall inform the applicant of the decision in writing within 60 days from the date of the public hearing, stating the reasons for disapproval. The zoning administrator shall retain one copy of the site plan and two copies of the refusal and keep them as a public record.

h. Substantially the same petition affecting the same land shall not be considered within any 12-month period.

i. Prior to an expansion of an approved special use, the owner, or his agent, must submit an application for an amended zoning certificate application for a special use, in accordance with the special use provisions herein, whenever the cumulative expansion, or expansions, exceeds 25 percent in the aggregate of floor area of the structure, or use, originally approved for the current special use.

(4) *Expiration*. A zoning certificate shall automatically expire 12 months from the date of issuance if the persons, firm, or corporation to which the certificate was issued has not clearly demonstrated that the certificate is being exercised for the purpose for which it was issued, or if the work so authorized is suspended or discontinued for a period of 12 months.

(5) *Certificate of zoning compliance*. It shall be unlawful to use or occupy or permit the use of occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the zoning administrator, or his appointed agent, stating that the proposed use of the building or land conforms to the requirements of this chapter in accordance with the approved zoning certificate or variance. A certificate of use or occupancy, as required in section 119.0 of the county building code, shall not be issued by the building inspector until a certificate of zoning compliance has been issued. For

convenience and at the discretion of both the zoning administrator and the building inspector, the certificate of zoning compliance and certificate of use or occupancy may be combined as one certificate.

(Zoning Ord. 2003, § 18.1-1003)

Sec. 24-39. Procedure for requesting a zoning amendment.

The town council may, from time to time, after examination, review and public hearing thereon, amend, supplement or change the provisions herein or subsequently established. Proposals for zoning amendments, whether initiated by the town council, the commission, or by written petition of the owner, contract purchasers with the owner's written consent, or the owner's agent therefore, of the property which is the subject of the proposed zoning map amendment, shall be treated in accordance with the following procedure:

(1) An application must be submitted in writing to the zoning administrator on a form provided by him and must be accompanied by two copies of an approvable site plan, where applicable, of the proposed amendment in accordance with article XI of this chapter and with such other reasonable information shown thereon as be required by the zoning administrator. The zoning administrator shall submit said application to the commission.

(2) The commission shall consider the proposed amendment after notice and public hearing in accordance with Code of Virginia, § 15.2-2204, as amended. The commission shall present its recommendations to the town council. Failure of the commission to report 100 days after the first meeting of the commission after the proposed amendment or reenactment has been referred to the commission shall be deemed approval unless the proposed amendment or reenactment has been withdrawn by the applicant prior to the expiration of the time period. In the event of and upon such withdrawal, processing of the proposed amendment or reenactment shall cease without further action as otherwise would be required.

(3) The town council shall consider the proposed amendment after notice and public hearing in accordance with Code of Virginia, § 15.2-2204, as amended. All motions, resolutions or petitions for amendment to the zoning ordinance and/or map shall be acted upon and a decision made within such reasonable time as may be necessary but not exceeding 12 months from the date the applicant files a complete application unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this section.

PROOFS

(4) Any petition for a zoning amendment may be withdrawn prior to action thereon by the town council at the discretion of the person, firm, or corporation initiating such a request, upon written notice to the zoning administrator.

(5) Substantially the same petition affecting the same land shall not be considered within any 12-month period.

(Zoning Ord. 2003, § 18.1-1004)

Sec. 24-40. Conditional zoning.

(a) *Purpose of conditional zoning*. The purpose of conditional zoning is to provide a method for permitting the reasonable and orderly development and use of land in those situations in which peculiar specific circumstances indicate that the provisions herein are not adequate. In these cases more flexible and adaptable zoning methods are needed to permit differing land uses and at the same time to recognize effects of change. In such instances reasonable conditions voluntarily proffered by the owner of the subject property to which such conditions are applicable for the protection of the community (which conditions are not generally applicable to other land similarly zoned) when considered with existing zoning ordinance district regulations should cause the requested rezoning to be compatible with existing zoning and uses in the area.

(b) *Approval of conditions as part of an amendment to the zoning map*.

(1) The owner of the property which is the subject of a request of a zoning amendment under section 24-39 shall, if he elects to obtain conditional zoning, voluntarily proffer in writing such conditions as he deems appropriate at the time of filing an application to rezone the property or by such later date as the

commission shall establish, but in any event before the commission makes its recommendation to the town council. The written conditions shall be part of the site plan of the property required under article XI of this chapter.

(2) In the event that additions thereto or modifications thereof are desired by the owner of the property, which is the subject of the proposed zoning amendment, the same shall be made in writing no less than 21 days prior to the time at which the commission makes recommendation to the town council unless the commission:

a. Specifically waives such time period; or

b. Specifically establishes such greater or lesser time period as it deems reasonable.

(3) The town council may consider additional proffers, deletions, and/or amendments to all such conditions provided same have been voluntarily proffered in writing by the owner of the property which is the subject of the proposed zoning amendment prior to advertising the public hearing at which the town council renders its decision thereon.

(4) If the conditional zoning is approved the applicant must apply for a zoning certificate as required under section 24-38. The application for a zoning certificate may be submitted concurrently with the conditional zoning application.

(c) *Permitted conditions as part of an amendment to the zoning map*. The town council may approve reasonable conditions to a zoning amendment provided that the following criteria are met:

(1) The zoning amendment itself must give rise to the need for the conditions;

(2) Such conditions shall have a reasonable relation to the zoning amendment;

(3) Such conditions shall not include a cash contribution to the town;

(4) Such conditions shall not require mandatory dedication of real or personal property for open space, parks, schools, fire stations or other public facilities not otherwise authorized by law;

(5) No condition shall be proffered that is not related to the physical development or physical operation of the property;

(6) All such conditions shall be in conformity with the town's comprehensive plan; and

(7) The provisions of this article shall not be used for the purpose of discrimination in housing.

(d) *Records of conditional zoning*.

(1) The zoning map shall show by an appropriate symbol the existence of conditions attached to the zoning.

(2) The zoning administrator shall maintain a conditional zoning index which shall be available in the office of the zoning administrator for public inspection during office hours. The index shall provide ready access to the action taken by the town council creating such conditions in accordance with the provisions herein and shall clearly list all conditions applicable to each.

(3) Before any permits can be issued to begin construction or for the occupancy of an existing structure, the applicant shall file and record in the office of the clerk of the circuit court of the county the conditions approved by the town council.

These conditions shall be indexed under the names of the landowners of the property being conditionally zoned. The applicant shall submit a notarized letter to the zoning administrator and the building inspector certifying that the conditions have been recorded with the clerk of the circuit court.

(e) *Enforcement and guarantees*. In order to ensure the intent and purpose of conditional zoning approved in accordance with the provisions herein, the zoning administrator shall be vested with all necessary authority on behalf of the town council to administer and enforce conditions attached to an amendment to the zoning map including:

(1) Ordering, in writing, compliance with such conditions;

(2) Bringing of appropriate legal action or proceeding to ensure compliance;

PROOFS

(3) ~~Requiring a guarantee or contract or both for construction of physical improvements approved as condition of the zoning amendment~~ Requiring a guarantee, satisfactory to the town council, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of the improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the town council, or agent thereof, upon the submission of satisfactory evidence that construction of the improvements has been completed in whole or in part. Failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy, or building permits, as may be appropriate;

(4) Denial of a zoning certificate prior to the issuance of any occupancy or building permit; and

(5) Making an annual compliance report to the commission and town council on the anniversary of such approval certifying compliance with such conditions.

(f) *Review of decision by the zoning administrator*. ~~Any applicant who is aggrieved by any order, requirement, or decision made by the zoning administrator relating to the administration or enforcement of this ordinance may appeal the order, requirement, or decision to the board of zoning appeals. The decision on such appeal shall be based on the board's judgment of whether the zoning administrator was correct. The board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision. A petition documenting such appeal shall be filed with the zoning administrator who shall forward the petition and justification for the decision to the board of zoning appeals at the earliest practical date. Notice of the hearing on the matter shall be given as required by the Code of Virginia, 1950 as amended.~~ Any zoning applicant or any other person who is aggrieved by a decision of the zoning administrator made pursuant to the provisions of Code of Virginia, § 15.2-2299 may petition the town council for review of the decision of the zoning administrator. All petitions for review shall be filed with the zoning administrator and with the town clerk within 30 days from the date of the decision for which review is sought and shall specify the grounds upon which the petitioner is aggrieved. A decision by the town council on an appeal taken pursuant to this section shall be binding upon the owner of the property which is the subjectof such appeal only if the owner of such property has been provided written notice of the zoning violation, writtendetermination, or other appealable decision.

PROOFS

An aggrieved party may petition the circuit court for review of the decision of the governing body on an appeal taken pursuant to this section. The provisions of Code of Virginia, § 15.2-2285(F) shall apply to such petitions to the circuit court, mutatis mutandis.

(g) *Amendments and variations of conditions.*

~~All amendments and/or variations of adopted conditions shall be made in accordance with provisions of section 18.1-1004 herein and other applicable law.~~

~~After the town council has taken official action either granting, denying, or permitting withdrawal of a petition for any change in zoning involving zoning conditions, or any change of zoning conditions, no other petitions for substantially the same change shall again be considered in less than 12 months from the date of such official action.~~

(1) Subject to any applicable public notice or hearing requirement of subsection (g)(2) of this section but notwithstanding any other provision of law, any landowner subject to conditions proffered pursuant to Code of Virginia, § 15.2-2297, 15.2-2298, 15.2-2303, or 15.2-2303.1 may apply to the town council for amendments to or variations of such proffered conditions provided only that written notice of such application be provided in the manner prescribed by Code of Virginia, § 15.2-2204(B). Further, the approval of such an amendment or variation by the governing body shall not in itself cause the use of any other property to be determined a nonconforming use.

(2) There shall be no such amendment or variation of any conditions proffered pursuant to Code of Virginia, § 15.2-2297, 15.2-2298, 15.2-2303, or 15.2-2303.1 until after a public hearing before the town council advertised pursuant to the provisions of Code of Virginia, § 15.2-2204. However, where an amendment to such proffered conditions is requested pursuant to subsection (g)(1) of this section, and where such amendment does not affect conditions of use or density, a local governing body may waive the requirement for a public hearing under this section and under any other statute, ordinance, or proffer requiring a public hearing prior to amendment of such proffered conditions.

(3) Once amended pursuant to this section, the proffered conditions shall continue to be an amendment to the zoning ordinance and may be enforced by the zoning administrator pursuant to the applicable provisions of Code of Virginia, title 15.2, ch. 22 (Code of Virginia, § 15.2-2200 et seq.).

(4) Notwithstanding any other provision of law, no claim of any right derived from any condition proffered pursuant to Code of Virginia, § 15.2-2297, 15.2-2298, 15.2-2303, or 15.2-2303.1 shall impair the right of any landowner subject to such a proffered condition to secure amendments to or variations of such proffered conditions.

(5) Notwithstanding any other provision of law, the town council may waive the written notice requirement of subsection (g)(1) of this section in order to reduce, suspend, or eliminate outstanding cash proffer payments for residential construction calculated on a per-dwelling-unit or per-home basis that have been agreed to, but unpaid, by any landowner.

(Zoning Ord. 2003, § 18.1-1005)

State law reference—Conditional zoning, Code of Virginia, § 15.2-2296 et seq.

Sec. 24-41. Administrative fee structure.

In order to cover costs incurred by the town council, the commission, the board of zoning appeals and the zoning administrator incidental to the review, hearing and reporting of the processing applications for a zoning certificate for a permitted use or a special use permit, a zoning amendment, an administrative review, a variance, a site plan and subdivision plats, ~~the following~~ fees as may be adopted by the town council shall ~~be required to~~ accompany appropriate applications.

~~Application Type~~	~~Application Fee~~
~~Permitted Use~~	~~No fee~~
~~Special use permit~~	~~$ 300~~
~~Zoning Ordinance Amendment~~	~~$ 300~~
~~Variance~~	~~$ 150~~
~~Any other application to the board of zoning appeals~~	~~$ 300~~
~~Site Plan subject to special review under section 1103~~	~~$ 200~~
~~Other Site Plan~~	~~No fee~~
~~Subdivision Pre-application review~~	~~No fee~~
~~Preliminary Plat~~	~~$ 40~~
~~Final Plat~~	~~$60+$15/lot~~

PROOFS

(Zoning Ord. 2003, § 18.1-1009)

Sec. 24-42. Traffic impact review.

(a) *Purpose.*

(1) A direct correlation exists between land development decisions and traffic operations. Development pressures within the town have created the potential for the inadequate operation of roadways within the town. The intent of this section is to establish requirements for the analysis and evaluation of transportation impacts created by proposed developments. Development involving significant amounts of traffic shall be evaluated to ensure that adequate capacity is provided to safely and conveniently accommodate traffic demands.

(2) A traffic impact study assesses the impact of a proposed development, zoning change, or special use approval on the transportation system. Its purposes are to ensure that proposed developments or zoning

changes do not adversely affect the existing transportation network, to identify any traffic problems associated with access from the site to the existing transportation network, to outline solutions to potential problems, and to present improvements to be incorporated into the proposed development.

(3) In order to facilitate the planning necessary to accomplish an effective and efficient transportation system, the town has developed guidelines for a traffic impact study ("study") which identifies general criteria that applicants should address in assessing the transportation impacts of their proposed developments. The purpose of the study guidelines is to standardize the submission of information regarding the impact resulting from development on the immediate transportation network. A study, if required, is to be submitted with a rezoning application or special use permit application or submittal of a subdivision plan or site plan.

(b) *Responsibility*. The owner/developer (applicant) has the responsibility for assessing the traffic impacts for a proposed development. The town, with assistance from the local state department of transportation (VDOT) office serves in a review capacity only. This determination should be made in the early planning stages of a project through the use of the preliminary conference.

(c) *Determination of need*. Each proposed development will be evaluated based on the conditions surrounding the location and the future land use plans as shown in the comprehensive plan. Those applications (rezoning and special use permits) and plans (subdivision or site plan) whose development will generate greater than 500 vehicle trips per day shall submit a study that addresses the criteria outlined in this section. Applications and plans whose development will generate less than 500 vehicle trips per day shall submit a study that addresses the criteria unless such is waived by the zoning administrator who may use several factors in determining whether a study is required. These factors include, but are not limited to, the following: access onto a roadway classified as an arterial road, the potential impact upon the local and regional road network, the capacity and level of service on the adjacent roadways that will serve the development, roadway geometrics, the type and size of the proposed development, traffic operations at all intersections which provide access to the site, and issues of safety and/or traffic operations.

PROOFS

(d) *Study area*. The study area to be addressed by the applicant should be regional in nature and should include all roadways and major intersections affected by the proposed development. The area to be studied should be discussed with during the preapplication conference. The extent of the study area will be determined by the size of the proposed development, type of development, existing and future land uses in the area, and the existing and future transportation network. All traffic proposed to be generated by approved, but unbuilt, development in the study area should be included in the transportation network analysis. This includes all approved subdivision plans, site plans and zoned property. The duration of the study period should include the anticipated build-out of the project plus one additional year to ensure accurate projection of traffic impacts.

(e) *Trip generation rates.*

(1) Trip generation rates may be obtained from the Institute of Transportation Engineers (ITE) Trip Generation Manual (average trip generations), except for residential land uses which should use the following rates:

Housing Type	*Trip Generation Rate*
Single-family dwelling unit	10 trips/day/unit
Townhouse	8 trips/day/unit
Apartment/condominium	6 trips/day/unit

(2) Applicants may use other generally accepted documents (such as the Federal Highway Administration's Development of Trip Generation Rates or the Virginia Highway and Transportation Research Council's Special Land Use Trip Generation in Virginia) to obtain trip generation rates, but supporting documentation relative to the rationale for those rates must also be provided. These same general guidelines shall apply to the generation of peak hour flows at major intersections. In the determination

of these rates, applicants are encouraged to provide up-to-date (within 12 months from the application date) peak hour traffic counts for all applicable intersections. This may be accomplished through the applicant preparing actual traffic counts (utilizing VDOT performance criteria) or adjusting older VDOT traffic counts (not to be more than three years old) with appropriate population projection data.

(3) In determining the "build out" for undeveloped parcels in the area, three-fourths (75%) of the maximum allowable residential density should be assumed along with a floor area ratio of 0.25 for retail uses, and 0.4 for office uses, except in cases where the town has been given assurances as to the total residential and commercial development perceived for a given tract of land. Reductions to the figures on external roadways relative to undeveloped parcels in the area may be allowable to allot for internal development trips. Reduction of the figures for internal capture of vehicle trips within the project may be considered. However, the rationale for these reductions should be documented.

(f) *Process*. The applicant shall submit copies of the study to the zoning administrator in a reproducible format at the time of application or plan submittal. The zoning administrator will distribute the study and may request opinions and/or decisions either verbal or written, from other departments, divisions, agencies, or authorities of the town or state. All agencies shall act in an expeditious manner to review the study and provide comments to the town. The applicant will be notified in writing of the acceptance of the study.

(g) *Study submission criteria*. The study shall be prepared by a person or person professionally qualified to do such work, the identity and qualification to be included. The study shall contain the following information and be provided in the recommended format below.

(h) *Study contents*.

(1) *Introduction*. A brief description of the size and location of the project, general terrain features, roadways that provide access to the site, and other pertinent information. Study area map, including proposed use of the site along with existing uses in the vicinity of the site shall be included. The outline shall include:

a. Site location and study area.

b. Existing and proposed site uses.

c. Existing and proposed nearby uses.

d. Existing roadways and programmed improvements.

PROOFS

(2) *Analysis of existing conditions*. Existing and proposed zoning for the area, including adjacent parcels, average daily traffic (ADT), peak hour traffic volumes (a.m. and p.m.), evaluation of level of service (LOS) and volume/capacity ratio for all intersections and road segments within the study area. All assumptions, which determine projected background traffic and rationale for all assumptions shall be provided. Specific development project names and respective development square footage or residential units shall be provided where appropriate. The phasing of development, as it relates to traffic generation projections, shall be described. All traffic counts and level of service worksheets shall be included as a part of the traffic study. The traffic-modeling program used shall be identified. The outline shall include:

a. Daily and peak hour traffic volumes.

b. Capacity analyses at critical points.

c. Levels of service at critical points.

(3) *Analysis of future conditions without development*. Describe the anticipated traffic volumes in the future and the ability of the transportation network to accommodate this traffic. The study should look at both short-term (three to five years) forecasts and long-term (ten to 15 years) forecasts. The traffic study shall include maps depicting the preferred alternative. One map should depict existing versus proposed conditions, drawn to scale. One map should depict existing versus proposed right-of-way. Under most circumstances, the applicant, minimizing disruption to adjoining properties, should implement improvements. In areas of complex traffic patterns, the applicant may propose to implement part of a larger scale solution. The outline shall include:

a. Daily and peak hour traffic volumes.

b. Capacity analyses at critical points.

c. Analysis should include programmed improvements.

d. Level of service at critical points.

(4) *Trip generation*. The directional distribution of trips generated by the proposed development both internally and externally at major intersections should be documented. The rationale for the distribution should also be provided (i.e., access to major transportation arteries or location of commercial centers). Applicants should give consideration to limiting factors that will affect the capacity of the roadways in the study area and make the appropriate adjustments to the transportation network trip generation rates. These factors include, but should not be limited to, severe horizontal and vertical curvature, heavy truck traffic, poor lateral clearance, poor surface condition, poor shoulder condition, and signalization.

(5) *Analysis of future conditions with development.* Documentation of the level of service post development. The applicant may incorporate projected new approach and turn lanes, and pedestrian, transit, and paratransit transportation modes to be provided by the applicant or otherwise assured to the town through approved site plan, subdivision plans, rezonings, or special use permits. Documentation as to the reasons for traffic generation being mitigated from these projects should be incorporated into the study. Access crossovers, speed limit changes, or traffic signal locations/installations may only be considered upon approval by VDOT. The outline shall include:

a. Future daily and peak hour traffic volumes.

b. Capacity analyses at critical points.

c. Analysis should include proffered improvements.

d. Levels of service at critical points.

(6) *Recommended improvements*. If unsatisfactory levels of service are to occur, then the applicant should provide the town with any proposed improvements (including project phasing) which will mitigate any negative impacts generated by the proposed development. The applicant shall document to the town some form of assurance that these improvements will be in place prior to the proposed negative impacts being generated. The outline shall include:

PROOFS

a. Proposed improvements.

b. Capacity analyses at critical points (with improvements).

c. Levels of service at critical points (with improvements).

(7) *Conclusions*. Executive summary of study's findings.

(i) *Alternative requirements*. The requirements in this section are intended to supplement requirements imposed by the Commonwealth. As such:

(1) The study or studies required by traffic impact review regulations shall be submitted to the reviewing authority, as required, and a full written response by the appropriate reviewing authority submitted to the zoning administrator along with the application for approval of the development proposal prior to the application being considered complete. As such, the time required for the traffic impact review shall not overlap with the time required for the return of a decision by any town agency.

(2) All fees required for the traffic impact review shall be paid by the person submitting the development proposal.

(Zoning Ord. 2003, § 18.1-919)

Secs. 24-43--24-72. Reserved.

DIVISION 2. SITE PLAN REVIEW*

***State law reference**—Site plans, Code of Virginia, § 15.2261.1.

Sec. 24-73. Intent.

Site plan review is intended to ensure proper design in types of development which can have deleterious effects on their surroundings. These effects are subject to modification or reduction through the physical design of such development. Review of the design, therefore, is aimed at the greatest possible benefit to the community as a result of building and site design.

(Zoning Ord. 2003, § 18.1-1101)

Sec. 24-74. Procedure for site plan review.

(a) Whenever the owner or proprietor of any tract of land located within the town desires to develop any class of use listed in section 24-75, he shall submit a plan of the proposed development to the zoning administrator for processing.

(b) The owner or his representative is encouraged to consult with the zoning administrator for advice and assistance on the development. The owner may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout of the development. The zoning administrator shall return a copy of the submitted sketch plans to the developer with written comments indicating where the plans do not comply with the requirements set forth herein. Submission of said sketch plans and accompanying data shall not constitute the official filing of a proposed subdivision.

(c) When the zoning administrator determines that an application involves development requiring site plan review, the zoning administrator shall notify the applicant that such review is required and shall require the documentation listed in this section. Any development meeting the criteria in section 24-75 shall be reviewed and be made subject to approval by the planning commission. The planning commission may approve, approve with conditions, or deny approval of a site plan.

(d) Any person proposing a development that requires a site plan under section 24-75 shall submit to the zoning administrator six copies of a site plan showing the general design and layout of the development. The zoning administrator shall transmit copies of the site plan to VDOT, the health department, the erosion and sediment control officer, or any other relevant agency or department.

PROOFS

(e) The site plan shall be reviewed in accordance with the procedures set forth in this section.

(f) Within 45 days after submission of the site plan and accompanying documents to the zoning administrator, the commission shall approve, approve with conditions, or disapprove the site plan; the commission shall cause to have prepared two copies of a statement noting reasons for commission disapproval or conditional approval, if applicable, and shall return one copy of statement and plat to the developer with notification in writing of the action of the commission. One copy of said statement and preliminary plat shall be retained by the zoning administrator for comparison with future site plans, where applicable, submitted by the developer.

(g) The approval for any site plan approved by the planning commission shall expire and be null and void 12 months after the vote for approval if construction has not begun.

(h) The approval of site plans solely involving parcels of commercial real estate by the planning commission or other agent shall be governed by subsections (i) through (m) of this section. For the purposes of this section, the term "commercial" means all real property used for commercial or industrial uses.

(i) The planning commission shall act on any proposed site plan within 60 days after it has been officially submitted for approval by either approving or disapproving the plan in writing and giving with the latter specific reasons therefor. The planning commission or other agent shall not delay the official submission of any site plan by requiring presubmission conferences, meetings, or reviews. The commission or agent shall thoroughly review the plan and shall in good faith identify, to the greatest extent practicable, all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plan by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the plan to the appropriate state agency for review within ten business days of receipt of such plat or plan. Specific reasons for disapproval shall be contained either in a separate document or on the plan itself. The reasons for disapproval shall identify deficiencies in the plan that caused the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify, to the greatest extent practicable, modifications or corrections that will permit approval of the plan.

(j) In the review of a resubmitted site plan that has been previously disapproved, the planning commission or other agent shall consider only deficiencies it had identified in its review of the initial submission of the plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. In the review of the resubmission of a plan, the planning commission or other agent shall identify all deficiencies with the proposed plan that caused the disapproval by reference to specific duly adopted ordinances, regulations or policies and shall identify modifications or corrections that will permit approval of the plan. Upon the second resubmission of such disapproved plan, the local planning commission or other agent's review shall be limited solely to the previously identified deficiencies that caused its disapproval.

(k) The local planning commission or other agent shall act on any site plan that it has previously disapproved within 45 days after the plan has been modified, corrected and resubmitted for approval. The failure of the planning commission or other agent to approve or disapprove a resubmitted plat or plan within the time periods required by this section shall cause the plan to be deemed approved.

(l) Notwithstanding the approval or deemed approval of any site plan, any deficiency in any proposed plat or plan that, if left uncorrected, would violate local, state or federal law, regulations, mandatory state department of transportation engineering and safety requirements and other mandatory engineering and safety requirements, shall not be considered, treated or deemed as having been approved by the planning commission or other agent. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the state department of transportation or by a state agency or public authority authorized by state law, then the planning commission or other agent's review shall not be limited to only the previously identified deficiencies identified in the prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

PROOFS

(m) Upon receipt of the approvals from all state agencies and other agencies, the local agent shall act upon a plat within 35 days.

(Zoning Ord. 2003, § 18.1-1102)

State law reference—Site plan approval, Code of Virginia, § 15.2-2259.

Sec. 24-75. Developments subject to special site plan review.

The following types of development shall be subject to the site plan review provisions under section 24-76:

(1) All commercial, industrial and institutional buildings that have 2,000 square feet or more in floor area, including buildings converted from any other use to commercial, industrial or institutional use.

(2) All institutional facilities such as schools, hospitals and clubs.

(3) All residential developments involving more than four dwelling units in one building or three on one lot.

(4) Mobile home parks.

(5) Special use applications involving more than 2,000 square feet of new building area.

(6) Conditional zoning applications.

(7) Townhouse development projects.

(8) Any proposed building that has 2,000 square feet or less in floor area will require only an informational sketch for review.

(9) Any use listed as specifically requiring a site plan.

(Zoning Ord. 2003, § 18.1-1103)

Sec. 24-76. Documentation.

The following requirements shall govern documents submitted for site plan review:

(1) Site plans shall be submitted at a scale of not less than one inch equals 100 feet.

(2) Six clearly legible blue-line or black-line copies of the site plan shall be submitted. Additional copies may be required by the zoning administrator if deemed necessary by the zoning administrator.

(3) The names and addresses of owner and developer and a scale and north arrow shall be included on all maps.

(4) The following information shall be included on the map of existing conditions:

a. Names and addresses of owners of record of all adjacent properties;

b. Current zoning boundaries, including surrounding areas to a distance of 100 feet from the property in question;

c. Easements, rights-of-way, or other reservations affecting the property;

d. Topography;

e. Location of watercourses, marshes, rock outcroppings and wooded areas;

f. Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of 100 feet, indicating whether existing buildings on the tract are to be retained, modified or removed; and

g. Location of existing water mains, culverts, drains, pipe sizes, grades and direction of flow.

(5) The following information shall be included on the map of proposed development:

PROOFS

a. Stormwater management and erosion control measures as required by relevant law and regulations Approval of the measures by the applicable regulatory agency shall not be required prior to the town's site plan review, but confirmation of drawings have been delivered to such agencies shall accompany the site plan;

b. Location and size of proposed buildings and uses thereof;

c. Proposed topography;

d. Proposed streets and other access and egress facilities (indicating curblines, sidewalk lines and public right-of-way lines); profiles and cross-sections of streets. Certification from VDOT that the site plan meets all appropriate VDOT criteria shall be included in the site plan application package.

e. Layout of off-street parking;

f. Location of proposed utility lines, indicating where they already exist and whether they will be underground;

g. Proposed water and sanitary sewer facilities, including pipe type, size, grades and design factors as appropriate. Certification from the town that a satisfactory plan to install the proposed new facilities has been provided shall accompany the site plan;

h. Proposed location, direction of, power, and time and use of outdoor lighting. Lighting facilities shall be provided and arranged so that light is directed downward and not horizontally or at adjacent properties with special care to as to not negatively impact residential areas;

i. Proposed planting, including all landscaping and screening, and indicating existing trees to be retained and areas to be left undisturbed;

j. Location, size and design of proposed signs;

k. Facilities for disposal of trash and other solid waste;

l. Elevations of buildings to be built or altered on site; and

m. Vicinity map at a scale no smaller than 600 feet to one inch, showing all streets and property within 1,000 feet of the property for which the application is made. All properties owned or controlled by the applicant in this area shall be identified.

(6) The planning commission may require additional information for a special use to determine its eligibility under this chapter.

(Zoning Ord. 2003, § 18.1-1104)

Sec. 24-77. General site plan review.

For those permitted uses not requiring special site plan review under section 24-75, two copies of an acceptable site plan and sketch reasonable information shown thereon shall be submitted to the zoning administrator along with the zoning certificate application. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon, location and size of existing and proposed structures; yard dimensions and the use of structures; easements (private and public); watercourses; fences; street names and street right-of-way lines; and such other information regarding abutting property as directly affects the application.

(Zoning Ord. 2003, § 18.1-1105)

Secs. 24-78--24-97. Reserved.

DIVISION 3. PLANNING COMMISSION*

***State law reference**—Local planning commissions, Code of Virginia, § 15.2-2210 et seq.

Sec. 24-98. Creation.

The town planning commission is hereby reestablished and continued in order to promote the orderly development of the town and its environs. In accomplishing the objectives of Code of Virginia, § 15.2-2200, as amended, the planning commission shall serve primarily in an advisory capacity to the town council.

(Zoning Ord. 2003, § 18.1-1403.01)

~~**Sec. 18-1403.02. Cooperation of planning commission with other agencies.**~~

~~The planning commission may cooperate with other local planning commissions or legislative and administrative bodies and officials of other localities so as to coordinate planning and development among the localities. The planning commission may appoint committees and may adopt rules as needed to effect such cooperation. The planning commission may also cooperate with state and federal officials, departments and agencies. The planning commission may request from such departments and agencies, and such departments and agencies of the Commonwealth shall furnish, such reasonable information which may affect the planning and development of the Town of Amherst.~~

PROOFS

~~(Zoning Ord. 2003, § 18.1-1403.02)~~

Sec. 24-99. Qualifications, appointment, removal, terms and compensation of members of the planning commission.

The planning commission shall consist of seven members~~, appointed by the town council of the Town of Amherst, all of whom shall be residents of the Town of Amherst, qualified by knowledge and experience to make decisions on questions of community growth and development; provided, that at least one-half of the members so appointed shall be owners of real property~~. Planning commissioners shall be required to take an oath of office before the clerk of the circuit court before assuming their duties.

~~One member of the commission may be a member of the town council of the Town of Amherst, and one member may be an appointed member of the administrative branch of government of the Town. The term of each of these two members shall be coextensive with the term of office to which he has been elected or appointed, unless the town council, at the first regular meeting each year, appoints others to serve as their representatives. The remaining members of the commission first appointed shall serve respectively for terms of one year, two years, three years, and four years, divided equally or as nearly equal as possible between the membership. Subsequent appointments shall be for terms of four years each. The town council may establish different terms of office for initial and subsequent appointments including terms of office that are concurrent with those of the appointing Town Council. Vacancies shall be filled by appointment for the unexpired term only. Members may be removed for malfeasance in office.~~

~~The town council may provide for compensation to commission members for their services, reimbursement for actual expenses incurred, or both.~~

(Zoning Ord. 2003, § 18.1-1403.03)

Sec. 18-1403.04. Meetings.

The planning commission shall fix the time for holding regular meetings and shall meet at least once each year. Special meetings of the planning commission may be called by the chairperson or by two members upon written request to the secretary. The secretary shall mail to all members, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof.

Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice.

(Zoning Ord. 2003, § 18.1-1403.04)

Sec. 18-1403.05. Quorum majority vote.

A majority of the members shall constitute a quorum and no action of the planning commission shall be valid unless authorized by a majority vote of those present and voting.

(Zoning Ord. 2003, § 18.1-1403.05)

Sec. 18-1403.06. Facilities for holding of meetings and preservation of documents; appropriations for expenses.

The town council may provide the planning commission with facilities for the holding of meetings and the preservation of plans, maps, documents and accounts, and may appropriate funds needed to defray the expenses of the commission.

(Zoning Ord. 2003, § 18.1-1403.06)

Sec. 18-1403.07. Officers, employees and consultants; expenditures; rules and records; special surveys.

The planning commission shall elect from the appointed members a chairperson and a vice-chairperson, whose terms shall be for one year. If authorized by the town council the commission may (i) create and fill such other offices as it deems necessary; (ii) appoint such employees and staff as it deems necessary for its work; and (iii) contract with consultants for such services as it requires. The expenditures of the commission, exclusive of gifts or grants, shall be within the amounts appropriated for such purpose by the governing body.

PROOFS

The commission shall adopt rules for the transaction of business and shall keep a record of its transactions which shall be a public record. Upon request of the commission, the town council or other public officials may, from time to time, for the purpose of special surveys under the direction of the commission, assign or detail to it any members of the staffs of the Town, or such governing body or other public official may direct any such department employee to make for the commission special surveys or studies requested by the commission.

(Zoning Ord. 2003, § 18.1-1403.07)

Sec. 18-1403.08. Duties of commissions.

To effectuate this chapter, the planning commission shall:

1. Exercise general supervision of, and make regulations for, the administration of its affairs;
2. Prescribe rules pertaining to its investigations and hearings;
3. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the town council;
4. Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;
5. Make recommendations and an annual report to the town council concerning the operation of the commission and the status of planning within its jurisdiction;
6. Prepare, publish and distribute reports, ordinances and other material relating to its activities;
7. Prepare and submit an annual budget in the manner prescribed by the governing body of the county or municipality; and
8. If deemed advisable, establish an advisory committee or committees.

~~(Zoning Ord. 2003, § 18.1-1403.08)~~

~~Sec. 18-1403.09. Expenditures; gifts and donations.~~

~~The planning commission may expend, under regular local procedure as provided by law, sums appropriated to it for its purposes and activities.~~

~~A locality may accept gifts and donations for commission purposes. Any moneys so accepted shall be deposited with the Town in a special nonreverting commission fund to be available for expenditure by the commission for the purpose designated by the donor. The Treasurer of the Town of Amherst may issue warrants against such special fund only upon vouchers signed by the chairperson and the secretary of the commission.~~

~~(Zoning Ord. 2003, § 18.1-1403.09)~~

Secs. 24-100--24-126. Reserved.

DIVISION 4. BOARD OF APPEALS; APPEALS*

***State law reference**—Board of appeals, Code of Virginia, § 15.2-2308 et seq.

Sec. 24-127. The board of zoning appeals.

The town board of zoning appeals, hereinafter referred to as the board of appeals, is hereby reestablished and continued.

(Zoning Ord. 2003, § 18.1-1402)

Sec. 24-128. Membership.

A board of consisting of five members shall be appointed by the circuit court of the county.~~, with appointments and terms of office as follows:~~

PROOFS

~~— The board of appeals members appointed hereunder shall serve respectively for terms of one year, two years, three years, four years and five years. Subsequent appointments shall be for terms of five years each. Members may be reappointed to succeed themselves.~~

~~— No member shall hold any public office; however, one member may be a member of the planning commission.~~

~~— A member whose term expires shall continue to serve until his successor qualifies and is appointed.~~

~~— The secretary of the board of appeals shall notify the circuit court at least 30 days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term.~~

~~— Any member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the circuit court after hearing held after at least 15 days notice.~~

(Zoning Ord. 2003, § 18.1-1402.01)

Sec. 24-129. Rules of procedure.

The board of appeals shall observe the following procedures:

(1) The board of appeals shall adopt rules in accordance with the provisions of this chapter and consistent with other ordinances of the town and general laws of the Commonwealth of Virginia for the conduct of its affairs.

(2) The board of appeals shall elect a chairperson and vice-chairperson from its own membership who shall serve annual terms as such and may succeed themselves. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. The election of officers shall be held at the first meeting of the board of appeals after July 1 of each year.

(3) The board of appeals shall keep a full public record of its proceedings and shall submit a report of its activities to the town council at least once each year.

(4) All meetings of the board of appeals shall be open to the public.

(5) Any member of the board of appeals shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.

(6) The meetings of the board of appeals shall be held at the call of the chairperson and at such other times as a quorum of the board of appeals may determine.

(7) The chairperson or, in his absence, the vice-chairperson or acting chairperson, may administer oaths and compel the attendance of witnesses.

(8) A quorum shall be at least three members.

(9) A favorable vote of at least three members of the board of appeals shall be necessary to reverse any order, requirement, decision, determination of any administrative official or to decide in favor of the applicant on any matter upon which the board of appeals is required to pass.

(Zoning Ord. 2003, § 18.1-1402.02)

Sec. 24-130. Duties and powers.

The board of appeals shall have the duties and powers as set forth in Code of Virginia, § 15.2-2309.

(Zoning Ord. 2003, § 18.1-1402.03)

~~(Amended October 14, 2015)~~

~~**Sec. 18-1402.04. Financing the board of appeals.**~~

~~Within the limits of funds appropriated by the town council, the board of appeals may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the board of appeals may receive such compensation as may be authorized by the town council.~~

~~(Zoning Ord. 2003, § 18.1-1402.04)~~

PROOFS

~~**Sec. 18-1402.05. Appeals to the board of appeals.**~~

~~Requests for special use approvals, administrative review, or variances shall follow procedures specified by Article X herein.~~

~~(Zoning Ord. 2003, § 18.1-1402.05)~~

Sec. 24-131. Procedure for requesting a variance or an interpretation of the zoning district map.

Request for a hearing before the board of appeals for a variance or an interpretation of the zoning district map shall observe the following procedure:

(1) Applications for a variance, or an interpretation of the zoning district map, as provided for under section 24-127, shall be submitted in writing to the zoning administrator and shall be accompanied by two copies of an approvable site plan, where applicable, of the proposed request in accordance with article XI of this chapter and with such other reasonable information shown thereon as shall be required by the zoning administrator. The zoning administrator shall submit said application concurrently to the commission and the board of zoning appeals.

(2) The commission may consider the proposed request and may present its recommendations to the board of zoning appeals or appear as a party at the hearing.

(3) The board of zoning appeals shall consider the proposed request after notice and public hearing in accordance with Code of Virginia, § 15.2-2204, as amended, and shall take action on the proposed request within 60 days from the date of the public hearing.

(4) Any petition for a variance or interpretation of the zoning district map may be withdrawn prior to action thereon by the board of zoning appeals at the discretion of the person, firm, or corporation initiating such a request upon written notice to the zoning administrator.

(5) Substantially the same petition affecting the same land shall not be considered within any 12-month period.

(6) Each application for a variance or interpretation of the zoning district map shall be accompanied by payment of a fee in accordance with section 24-41 to help defray the cost of publicizing and conducting the public hearing.

(Zoning Ord. 2003, § 18.1-1006)

Sec. 24-132. Appeals procedures.

(a) *Appeals on final subdivision plat decisions*. If the zoning administrator disapproves a plat and subdivider contends that such disapproval was not properly based on the provisions of this article, or was arbitrary or capricious, he may appeal to the circuit court. The circuit court shall hear and determine the case as soon as may be practical, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the zoning administrator.

(b) *Appeals of other decisions by the zoning administrator*. Decisions of the zoning administrator relating to the administrative enforcement of the provisions herein are subject to an appeal to the board of zoning appeals by any person aggrieved by any officer, department, or board of the town affected by said decisions.

(1) An appeal shall be submitted in writing to the zoning administrator who shall immediately refer the written appeal to the board of zoning appeals; such appeals shall specify the grounds for appeal.

(2) Each appeal shall be accompanied by payment of a fee in accordance with section 24-41 to help defray the cost of publicizing and conducting the public hearing.

(3) The board of zoning appeals shall fix a reasonable time for the hearing of appeals referred to said board; the board of zoning appeals shall consider appeals after notice and hearing as required by Code of Virginia, § 15.2-2204, as amended, and decide the same within 60 days from the date of such public hearing.

(c) *Appeals on decisions by the town council*. All decisions by the town council are subject to an appeal to the circuit court by any person, firm, corporation, or governmental agency aggrieved by said decisions.

PROOFS

(Zoning Ord. 2003, § 18.1-1008)

Sec. 24-133. Decision of board of appeals.

~~Any person or persons jointly or severally aggrieved by any decision of the board of appeals, or any taxpayer or any officer, department, board of bureau of the Town may present to the circuit court of the county a petition specifying the grounds on which aggrieved within 30 days after the filing of the decision in the office of the board of appeals.~~

~~Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of appeals and shall prescribe therein the time within which a return thereto must be made and served upon the petitioner's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the appeals and on due cause shown, grant a restraining order.~~

~~The board of appeals shall not be required to return the original paper acted upon by it, but it shall be sufficient to return certified or sworn copies thereof (or) of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.~~

~~If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, said court may take evidence or appoint a commission(er) of the court to take such evidence as the court may direct and report the same to the court with his finding of fact and conclusions of law, which shall constitute a part of the proceeding upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.~~

~~Costs shall not be allowed against the board of appeals unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.~~

(a) Any person jointly or severally aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the locality, may file with the clerk of the circuit

court for the county or city a petition that shall be styled "In Re: date decision of the board of zoning appeals of [locality name]" specifying the grounds on which aggrieved within 30 days after the final decision of the board.

(b) Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the secretary of the board of zoning appeals or, if no secretary exists, the chair of the board of zoning appeals, which shall not be less than ten days and may be extended by the court. Once the writ of certiorari is served, the board of zoning appeals shall have 21 days or as ordered by the court to respond. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

(c) Any review of a decision of the board shall not be considered an action against the board and the board shall not be a party to the proceedings; however, the board shall participate in the proceedings to the extent required by this section. The governing body, the landowner, and the applicant before the board of zoning appeals shall be necessary parties to the proceedings in the circuit court. The court may permit intervention by any other person or persons jointly or severally aggrieved by any decision of the board of zoning appeals.

(d) The board of zoning appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of the portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(e) The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(f) In the case of an appeal from the board of zoning appeals to the circuit court of an order, requirement, decision or determination of a zoning administrator or other administrative officer in the administration or enforcement of any ordinance or provision of state law, or any modification of zoning requirements pursuant to Code of Virginia, § 15.2-2286, the findings and conclusions of the board of zoning appeals on questions of fact shall be presumed to be correct. The appealing party may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision. Any party may introduce evidence in the proceedings in the court. The court shall hear any arguments on questions of law de novo.

PROOFS

(g) In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted an application for a variance, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by proving by a preponderance of the evidence, including the record before the board of zoning appeals, that the board of zoning appeals erred in its decision.

(h) In the case of an appeal by a person of any decision of the board of zoning appeals that denied or granted application for a special exception, the decision of the board of zoning appeals shall be presumed to be correct. The petitioner may rebut that presumption by showing to the satisfaction of the court that the board of zoning appeals applied erroneous principles of law, or where the discretion of the board of zoning appeals is involved, the decision of the board of zoning appeals was plainly wrong, was in violation of the purpose and intent of the zoning ordinance, and is not fairly debatable.

(i) In the case of an appeal from the board of zoning appeals to the circuit court of a decision of the board, any party may introduce evidence in the proceedings in the court in accordance with the Rules of Evidence of the state supreme court.

(Zoning Ord. 2003, § 18.1-1402.06)

State law reference—Similar provisions, Code of Virginia, § 15.2-2314.

Secs. 24-134--24-164. Reserved.

DIVISION 5. VIOLATIONS AND PENALTIES

~~**Sec. 18-1501. Violations.**~~

Sec. 24-165. All permits and licenses to conform.

All departments, officials, and public employees of the town who are vested with the duty or authority to issue

permits or licenses shall conform to the provisions of this chapter. Any such permit, if issued in conflict with the provisions of this chapter, shall be null and void.

(Zoning Ord. 2003, § 18.1-1501.01)

Sec. 24-166. Relation to subdivision of land.

Upon effective date of the ordinance from which this chapter is derived, the following provisions shall be in effect:

(1) No person shall subdivide land without making and recording a plat of such subdivision and without fully complying with the provisions of this chapter.

(2) No such plat of any subdivision shall be recorded unless and until it shall have been submitted to and approved by the zoning administrator.

(3) No person shall sell or transfer any land of a subdivision, before such plat has been duly approved and recorded, as provided herein, unless such subdivision was lawfully created prior to June 4, 1956, provided that nothing herein contained shall be construed as preventing the recordation of the instrument by which such land is transferred or the passage of title as between the parties to the instrument.

(4) No clerk of any court shall file or record a plat of a subdivision required by this chapter to be recorded until such plat has been approved as required herein.

(Zoning Ord. 2003, § 18.1-1501.02)

Sec. 24-167. Complaints regarding violations.

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the zoning administrator. The zoning administrator shall record such complaint, immediately investigate, and take action thereon provided by this chapter.

PROOFS

(Zoning Ord. 2003, § 18.1-1502)

~~**Sec. 18-1503. Penalties.**~~

Sec. 24-168. General penalties for zoning violations.

(a) Any use not expressly permitted or permitted by special use permit in a specific district is prohibited.

(b) Except as provided for in section 24-169, any person, firm, or corporation, whether as owner, lessee, principal, agent, employer, employee, or otherwise, who violates, or causes or permits the violation of any of the provisions of this chapter, including, but not limited to, provisions of the district regulations, proffers accepted by the town council, or conditions of approval imposed by the town council, or the improvement, development, or alteration of any site in violation of any plan approved pursuant to this chapter, shall be subject to (1) a civil penalty, as provide in Section 24-168.1, or (2) a criminal penalty, as provided in Section 24-168.2. Such person, firm,or corporation shall be deemed to be guilty of, or liable for, a separate offense for each and every day during which any portionof any violation of this chapter is committed, continued, or permitted by such person, firm, or corporation and shallbe punishable as herein provided. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time-period established by the court, not to exceed six (6) months from the date of the finding of guilt, finding of liability, or admission of liability. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate offense.

(c) The pursuit of civil or criminal penalties for a violation shall not preclude the town from pursuing injunctive relief, or from any other appropriate proceeding to restrain, correct, or abate such violation.

(Zoning Ord. 2003, § 18.1-1503.01)

State law reference—Similar provisions, Code of Virginia, § 15.2-2286(A)(5).

Sec. 24-168.1. Civil penalties for zoning violations.

(a) Except as otherwise provided elsewhere in Sections 24-168 through 24-169, any person who violates or fails to comply with any of the provisions or requirements of this chapter shall be subject to a civil penalty of two hundred dollars ($200.00) for the initial summons or ticket, and a civil penalty of five hundred dollars ($500.00) for each additional summons or ticket arising from the same set of operative facts.

(b) Each day during which any violation exists shall constitute a separate offense. However, in no event shall any such violation arising from the same set of operative facts be charged more frequently than once in any ten-day period, nor shall a series of such violations arising from the same set of operative facts result in civil penalties which exceed a total of five thousand dollars ($5,000.00).

(c) Proceedings seeking civil penalties for violations of this chapter shall commence either by the filing of a civil summons in the general district court or by issuance of a ticket by the zoning administrator or his designee. A ticket shall only be issued by the zoning administrator or his designee when, in the judgment of the zoning administrator or his designee, the violation can be corrected without significant delay and the violator has failed to do so after being given a reasonable opportunity to do so.

(d) The summons or ticket shall provide that any person summoned for a violation may elect to pay the civil penalty by making an appearance in person or in writing by mail to the town treasurer's office at least seventy-two (72) hours prior to the time and date fixed for trial and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such summons shall provide that a signature to an admission of liability shall have the same force and effect as a judgment of court; however, an admission shall not be deemed a criminal conviction for any purpose.

(e) A civil summons or ticket issued shall contain the following information: (1) the name and address of the person charged; (2) the nature of the violation; (3) the location(s) and date(s) that the infraction occurred or was observed; (4) the amount of the civil penalty assessed for the violation; (5) the manner, location and time in which the civil penalty may be paid to the county; and (6) the right of the recipient of a civil summons to elect to stand trial for the violation, and either the date scheduled for such trial or the date for scheduling of such trial by the court.

(f) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law. A finding of liability shall not be deemed a criminal conviction for any purpose.

(g) The total civil penalties from a series of violations arising from the same set of operative facts shall not exceed five thousand dollars ($5,000.00). Designation of a particular violation of this chapter for a civil penalty pursuant to this Section shall be in lieu of criminal sanctions; and such designation shall preclude the prosecution of a violation as a criminal misdemeanor, provided, however, that after the civil penalties reach the five thousand dollar ($5,000.00) limit, the violation may be prosecuted as a criminal misdemeanor under section 24-168.2.

(h) This Section shall not be construed to allow the imposition of civil penalties for (1) activities related to land development, (2) the violation of any provision of this chapter relating to the posting of signs on public property or public rights-of-way, or (3) any zoning violation resulting in injury to any persons.

Sec. 24-168.2. Criminal penalties for zoning violations.

(a) A person shall be guilty of a misdemeanor offense if he commits any of the following violations of this chapter:

(1) any violation of the provisions of this chapter that results in physical harm or injury to any person;

(2) any violation or failure to comply that occurs after the five thousand dollar ($5,000.00) maximum aggregate civil penalty provided in Section 24-168.1 has been reached;

(3) any sign posted on public property or in public rights-of-way in contravention of this chapter;

(4) any land development activity without applicable permit;

(5) any violation for which a criminal prosecution had already commenced prior to the enactment of this Section; or

(6) any violation or failure to comply with any of the requirements of this chapter related to the number of unrelated persons in a single-family residential dwelling. Any such violation shall be punishable by a fine of up to $2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to $5,000, and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period, punishable by a fine of up to $7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling during the pendency of any legal action commenced by such owner or managing agent against a tenant to eliminate an overcrowding condition in accordance with Chapter 13.2 of Title 55 of the Code of Virginia, as applicable. A conviction from a violation of provisions regulating the number of unrelated persons in a single-family residential dwelling shall not be punishable by a jail term.

(b) Except as provided in paragraph 6 of subsection A, misdemeanor offenses described in this Section shall be punishable by a fine of not more than $1,000. If the violation is uncorrected at the time of conviction, the court shall order the person convicted to abate or remedy the violation in compliance with this chapter, within a time period established by the court. Failure to remove or abate such violation within the time period established by the court shall constitute a separate misdemeanor offense punishable by a fine of not more than one thousand dollars ($1,000.00); any such failure during a succeeding ten (10) day period shall constitute a separate misdemeanor offense punishable by a fine of not more than one thousand five hundred dollars ($1,500.00); and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than $2,000.

Sec. 24-169. Other penalties relating to subdivision of land.

The following penalties for violation of the subdivision of land provisions of this chapter shall apply:

(1) Any person, firm or corporation, whether as principal agent, employed or otherwise, violating the provisions in section 24-166(1) through (3) shall be subject to a fine of not more than $500.00 for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not except the transaction form such penalties or form the remedies herein provided.

(2) Any clerk of any court violating the provisions in section 24-166(4) shall be subject to the penalties of ~~section 17-59, Code of Virginia, 1950, as amended~~ Code of Virginia, § 17.1-223.

PROOFS

(Zoning Ord. 2003, § 18.1-1503.01)

Sec. 24-170. Conflict with other laws and private contracts.

(a) *Governmental laws*. Wherever the requirements of this chapter are at variance with the requirements of any other lawfully adopted statutes, rules, regulations or ordinances, the most restrictive or that imposing higher standards shall govern.

(b) *Private contracts*. This chapter bears no relation to any private easement, covenant, agreement or restriction, nor does this chapter grant the authority to any public official the responsibility of enforcing such private easement, covenant, agreement or restriction implied herein. In the enforcement of the provisions herein, where such provisions are more restrictive than those required by private contracts, the provisions of this chapter shall govern.

(Zoning Ord. 2003, § 18.1-1504)

Sec. 24-171. Validity.

Each phrase, sentence, paragraph, section, or other provision of this chapter is severable from all other such phrases, sentences, paragraphs, sections, and provisions. Should any phrase, sentence, paragraph, section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this chapter.

(Zoning Ord. 2003, § 18.1-1505)

~~**Sec. 18-1506. Repealed resolutions and ordinance.**~~

~~This chapter is a comprehensive enactment of all the resolutions and ordinances of the Town relating to zoning~~

~~and the regulation of subdivisions. All prior ordinances affecting zoning and subdivisions regulation are hereby repealed.~~

~~(Zoning Ord. 2003, § 18.1-1506)~~

~~Sec. 18-1507. Effective date.~~

~~This ordinance, and any amendment thereto, shall take effect and be in force at the time of adoption of this ordinance, or any amendment thereto.~~

~~(Zoning Ord. 2003, § 18.1-1507)~~

Secs. 24-172--24-195. Reserved.

ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS; ZONING MAP

Sec. 24-196. Division of town into districts.

For the purposes of this chapter, the town is divided into ten districts as follows:

A-1	Agricultural District

R-1	Limited Residential District
R-2	General Residential District
T-1	Transitional Use Zone District
R-3	High Density Residential District
R-4	Manufactured Home District
B-1	Light Commercial District
CBD	Central Business District
B-2	General Commercial District
E-1	Business Park District
M-1	Industrial District

(Zoning Ord. 2003, § 18.1-501)

Sec. 24-197. Incorporation of the zoning map.

The map entitled "Town of Amherst Zoning and Future Land Use Map," including all notations, references, and amendments as from time to time may be made by the town council, and other information shown thereon, as adopted by the town council, shall constitute a part of this chapter. It shall identify and declare the zoning of all parcels of real estate within the town upon the adoption of the ordinance from which this chapter is derived.

(Zoning Ord. 2003, § 18.1-502)

~~**Sec. 18- 503. Map amendment.**~~

~~If, in accordance with the provisions of Article X herein, changes are made in the district boundaries or other information portrayed on the official zoning map, such changes shall be entered on the official zoning map within 30 days after the amendment has been approved by the town council, together with a numerical entry referring to the application for the amendment which shall be kept as a public record by the zoning administrator. Said numerical entry shall state the reference number of the application in the records of the zoning administrator, and the date of the approval of the amendment by the town council. Amendments to this chapter which involve matter portrayed on the official zoning map shall become effective immediately upon being approved by the town council. The official zoning map which shall be located in the office of the zoning administrator shall be the final authority in determining the current zoning status of land and water areas, buildings, and other structures in the town. No changes of any nature shall be made on the official zoning map except in accordance with the procedures set forth herein.~~

~~(Zoning Ord. 2003, § 18.1-503)~~

~~**Sec. 18-504. Replacement of the official zoning map.**~~

~~In the event that the official zoning map becomes damaged, lost or difficult to interpret because of the nature or number of changes and additions, or can be improved with a more accurate base map, the town council may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof without a public hearing in accordance with Code of Virginia, § 15.2-2204, as amended. Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.~~

~~(Zoning Ord. 2003, § 18.1-504)~~

Sec. 24-198. Rules for determining district boundaries.

Unless district boundary lines are fixed by dimensions, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official zoning map, the following rules shall apply:

PROOFS

(1) Unless otherwise indicated, district boundaries indicated as approximately following property lines, land lot lines, centerlines of streams, streets, highways, alleys or railroads, or the shorelines of reservoirs, or other bodies of water, or civil boundaries shall be construed to follow such lines.

(2) District boundaries indicated as approximately parallel to the centerline of streams, streets, highways, or railroads, or rights-of-way of the same, or the shorelines of reservoirs, or other bodies of water, or said lines extended, shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map.

(3) Where a district boundary line, as appearing on the official zoning map, divides a lot which is in single ownership at the time of this enactment, the use classification of the larger portion may, on application, be extended to the remainder by the town council in accordance with section 24-9.

(4) Where a public road, street, or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.

(5) Where a district boundary is indicated to follow a river, creek, or branch or other body of water, said boundary shall be construed to follow the centerline at low water or at the limit of the jurisdiction, and in the event of natural change in the shoreline, such boundary shall be construed as moving with the actual shoreline with its reestablished center or channel.

(6) If no distance, curvature description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on the official zoning map. In case of subsequent dispute, the matter shall be referred to the board of appeals which shall determine the boundary in accordance with section 24-129(4).

(7) In case the exact location of a boundary cannot be determined by the foregoing method, the board of appeals shall, upon application, determine the location of the boundary in accordance with section 24-129(4).

PROOFS

(Zoning Ord. 2003, § 18.1-505)

Sec. 24-199. Classification of districts.

For the purpose of this chapter, the A-1 Agricultural District is classified as an agricultural district. The R-1 Limited Residential District, the R-2 General Residential District, T-1 Transitional Use Zone District, R-3 High-Density Residential District and R-4 Manufactured Home District are classified as residential districts. The B-1 Light Commercial District, CBD Central Business District and B-2 General Commercial District are classified as ~~business~~ mixed use districts. The E-1 Business Park District and M-1 Industrial District are classified as industrial districts.

(Zoning Ord. 2003, § 18.1-506)

Sec. 24-200. Annexed territories.

Where a territory becomes a part of an incorporated area of the town by annexation or otherwise, such territory shall automatically be classified according to the town zoning district most similar to the zoning district of the property in the jurisdiction from which the property was located before it came into the corporate limits of the town until otherwise classified according to the process described herein. The town planning commission and the town council shall, as soon as practical after the annexation, undertake a review of the zoning of the territory so annexed and shall establish or reestablish the appropriate zoning of the said territory in accordance with the provisions of this chapter.

(Zoning Ord. 2003, § 18.1-507)

Secs. 24-201--24-223. Reserved.

ARTICLE IV. ZONING DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 24-224. Table of zones and uses.

Table 7.1 contains the list of uses permitted and special uses for each zoning district and shall be considered a part of this chapter. Uses permitted are noted with the letter "P" in each district's column for each permitted use's row. Special uses are noted with the letter "S" in each district's column for each special use's row. The intersection of a district column and use class row with neither a "P" nor "S" indicates a use that is not allowed in that district. The procedures for zoning certificate approval for permitted uses and special uses are outlined in section 24-38.

(Zoning Ord. 2003, § 18.1-701)

Sec. 24-225. A-1 Agricultural District.

(a) *Intent*. The A-1 Agricultural District is designed to accommodate farming, forestry, and limited residential use. While it is recognized that certain desirable 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.

(b) *Permitted uses*. Within this district, uses permitted are designated by a "P" in the column for this district in the row for the specific use described in table 24-235.

(c) *Special uses*. Within this district, special uses (which may be permitted under the process described herein) are designated by an "S" in the column for this district in the row for the specific use described in table 24-235.

(Zoning Ord. 2003, § 18.1-702)

PROOFS

Sec. 24-226. R-1 Limited Residential District.

(a) *Intent of R-1 Limited Residential District.* This district is composed of certain quiet, low-density residential areas plus certain open areas where similar residential development appears likely to occur. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life where there are children, and to prohibit activities of a commercial nature. To these ends, development is limited to relatively low concentration and permitted uses are limited basically to single unit dwellings providing homes for the residents plus certain additional uses that serve the residents of the district.

(b) *Permitted uses*. Within this district, uses permitted are designated by a "P" in the column for this district in the row for the specific use described in table 24-235.

(c) *Special uses*. Within this district, special uses (which may be permitted under the process described herein) are designated by an "S" in the column for this district in the row for the specific use described in table 24-235.

(Zoning Ord. 2003, § 18.1-703)

Sec. 24-227. R-2 General Residential District.

(a) *Intent of R-2 General Residential District*. This district is composed of certain quiet, medium density residential areas plus certain open areas where similar residential development appears likely to occur and where public water and/or sewer service is available. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life and to prohibit most activities of a commercial nature. To these ends, development is limited to concentrations of medium density single- and two-family dwellings.

(b) *Permitted uses*. Within this district, uses permitted are designated by a "P" in the column for this district in the row for the specific use described in table 24-235.

(c) *Special uses*. Within this district, special uses (which may be permitted under the process described

herein) are designated by an "S" in the column for this district in the row for the specific use described in table 24-235.

(Zoning Ord. 2003, § 18.1-704)

Sec. 24-228. T-1 Transitional Use Zone District.

(a) *Intent of T-1 Transitional Use Zone District*. This district covers that part of the town intended for the installation of uses that will allow for the creation of small local businesses that will expand the town's employment base and improve the town's general economic situation while providing protection to existing residential areas. Uses allowed are characterized as being those which a resident would not mind having adjacent to his dwelling and have no more traffic than that normal for a residential area. Allowed uses may involve intermittent heavy trucking for the delivery of retail or wholesale goods, or by very limited nuisance factors such as smoke, odor, fumes, noise, light, traffic, including incidental light and noise due to the congregation of people and vehicles. It is envisioned that this district will specify certain areas of the town that have been residential but will be converted to commercial use over time.

(b) *Permitted uses*. Within this district, uses permitted are designated by a "P" in the column for this district in the row for the specific use described in table 24-235.

(c) *Special uses*. Within this district, special uses (which may be permitted under the process described herein) are designated by an "S" in the column for this district in the row for the specific use described in table 24-235.

(Zoning Ord. 2003, §§ 18.1-704.1, 18.1-704.1.02)

Sec. 24-229. R-3 High-Density Residential District.

(a) *Intent of R-3 High-Density Residential District*. This district is composed of high density residential areas plus certain open areas where similar development appears likely to occur and where public water and/or sewer service is available or likely to be extended. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, promote and encourage a suitable environment for family life, allow orderly arrangement of multifamily structures and certain congregational organizations, and services. It prohibits most activities of a commercial nature not related to residential dwellings. To these ends, development is limited to concentration of high density single-, two-family and multiple-family dwellings.

PROOFS

(b) *Permitted uses*. Within this district, uses permitted are designated by a "P" in the column for this district in the row for the specific use described in table 24-235.

(c) *Special uses*. Within this district, special uses (which may be permitted under the process described herein) are designated by an "S" in the column for this district in the row for the specific use described in table 24-235.

(Zoning Ord. 2003, § 18.1-705)

Sec. 24-230. R-4 Manufactured Home District.

(a) *Intent of R-4 Manufactured Home District*. This district is composed of high density residential areas plus certain open areas where similar development appears likely to occur and where public water and/or sewer service is available or likely to be extended. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, promote and encourage a suitable environment for family life, allow orderly arrangement of residential structures, certain congregational organizations, manufactured home parks and services. It prohibits most activities of a commercial nature not related to residential dwellings. To these ends, development is limited to concentration of high density single- and two-family as well as manufactured home parks.

(b) *Permitted uses*. Within this district, uses permitted are designated by a "P" in the column for this district in the row for the specific use described in table 24-235.

(c) *Special uses*. Within this district, special uses (which may be permitted under the process described herein) are designated by an "S" in the column for this district in the row for the specific use described in table 24-235.

(Zoning Ord. 2003, § 18.1-705.1)

Sec. 24-231. B-1 Light Commercial District.

(a) *Intent of B-1 Light Commercial District*. The primary purpose of this district is to establish and protect a limited business district that will serve the surrounding residential districts. Traffic and parking congestion is to be held to a minimum to protect and preserve property values in the surrounding residential districts and, insofar as possible, all neighborhood business development shall be placed in a light commercial district.

(b) *Permitted uses*. Within this district, uses permitted are designated by a "P" in the column for this district in the row for the specific use described in table 24-235.

(c) *Special uses*. Within this district, special uses (which may be permitted under the process described herein) are designated by an "S" in the column for this district in the row for the specific use described in table 24-235.

(Zoning Ord. 2003, § 18.1-706)

Sec. 24-232. CBD Central Business District.

(a) *Intent of CBD Central Business District*. This district covers the portion of the town located in downtown Amherst which has traditionally been used as the center for commercial activities. Lots on the blocks generally contain buildings which have no side yards because they are attached to other buildings and these buildings frequently have no setbacks. Uses in the district include retail sales, services, banks, restaurants, and other similar businesses. The intent of the district is to maintain the commercial use of the downtown area and to encourage adaptive use and reuse of existing commercial structure.

(b) *Permitted uses*. Within this district, uses permitted are designated by a "P" in the column for this district in the row for the specific use described in table 24-235.

(c) *Special uses*. Within this district, special uses (which may be permitted under the process described herein) are designated by an "S" in the column for this district in the row for the specific use described in table 24-235.

(Zoning Ord. 2003, § 18.1-706.1)

Sec. 24-233. B-2 General Commercial District.

(a) Intent of B-2 General Commercial District. This district covers those areas of the town intended for the conduct of general business to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of retail goods, or by limited nuisance factors including incidental light and noise of congregation of people and passenger vehicles.*(b) Permitted uses*. Within this district, uses permitted are designated by a "P" in the column for this districtin the row for the specific use described in table 24-235.*((c) Special uses*. Within this district, special uses (which may be permitted under the process described herein) are designated by an "S" in the column for this district in the row for the specific use described in table 24-235.

PROOFS

(Zoning Ord. 2003, § 18.1-707)

Sec. 24-234. M-1 Industrial District.

(a) *Intent of M-1 Industrial District*. This district is designed to encourage the development of manufacturing and wholesale business establishments which do not produce high levels of smoke, smell, noise, light, dust and other nuisances; operate primarily within enclosed structures and do not deal with large volumes of customers on a continuous basis throughout the day.

(b) *Permitted uses*. Within this district, uses permitted are designated by a "P" in the column for this district in the row for the specific use described in table 24-235.

(c) *Special uses*. Within this district, special uses (which may be permitted under the process described herein) are designated by an "S" in the column for this district in the row for the specific use described in table 24-235.

(d) *Screening and landscaping*. An industrial use shall be permanently screened from adjoining residential district by a wall, fence, evergreen hedge and/or other suitable enclosure of minimum height of seven feet at the

original elevation of the property line.

(Zoning Ord. 2003, § 18.1-708)

Sec. 24-235. Table of uses.

Table 24-235											
A-1	*R-1*	*R-2*	*T-1*	*R-3*	*R-4*	*B-1*	*CBD*	*B-2*	~~*E-1*~~	*M-1*	*Description of Use*
Accessory and Agricultural Uses											
P	P	P	P	P	P	P	P	P	~~P~~	P	Accessory buildings and uses as provided in section 24-472
P	P	P	P	P	P	P	P	P	~~P~~	P	Agricultural activities, including the raising of crops and animals, provided that agricultural use shall not be objectionable by reason of odor, dust, noise, pollution, erosion or drainage
							P	P	~~P~~	P	Antenna and equipment buildings associated with existing wireless telecommunication facilities as provided in article XI of this chapter
									~~P~~	S	Cemeteries
S	S	S	P	S	S	P	P	P			Church accessory uses involving 2,000 SF or more of building area, including ~~day~~ childcare centers, indoor recreation or fellowship halls, and schools
P	P	P	P	P	P	P	P	P	~~P~~	P	Confined livestock facilities as provided in section 24-478
								S		S	Helipads on public property or collocated with a nonprofit health care facility.
P	S	S	S	S	S	P	P	P			Home occupation in an accessory building to the main dwelling unit as provided in section 24-474
P	P	P	P	P	P	P	P	P			Home occupations within a dwelling unit as provided in section 24-474
P	P	P	P	P	P	P	P	P	~~P~~	P	Public utilities: poles, lines, transformers, pipes, meters, and/or other facilities necessary for the provision and maintenance of public utilities, provided that electric service lines from the street property line to any residence or other permitted use shall be underground, provided that only one line of poles will be allowed on any street
P	P	P	P	P	P	P	P	P	~~P~~	P	Signs as provided in article IX of this chapter
S	S	S	S	S	S	P	P	P	~~P~~	P	Temporary uses, including, but not limited to, sale of Christmas trees, tents for revivals, carnivals, but such use not permitted for a period to exceed four months in any calendar year
Residential Uses											
S	S	P	P	P	P						Apartments in an existing single-family dwelling
P	S	S	P	S	S	P	P	P			Bed and breakfast lodging, provided that the owner and family must occupy the residence and own the business, the single-family dwelling

											appearance be maintained, and adequate off-street parking is provided to the rear of the front setback of the dwelling
P	P	P	P	P	P	P	P	P			Churches, manses, parish houses and adjacent cemeteries
P	P	P	P	P	P	P	P	P			Garages, private
P					S						Individual manufactured or modular homes 19 feet or greater in width placed on continuous masonry foundations
					S						Manufactured home parks, as provided in article X of this chapter
				P		P	P	P			Multifamily dwellings with an aggregate of three or more units as specified in section 24-475
S	S	S	S	S	S	S	S	S			Planned unit developments, as provided in article VI of this section
						S	S	S			Short term rental
P	P	P	P	P	P	P	P	P			Single-family dwellings, except for mobile homes and manufactured homes
						P	P	P			Single-family, two-family and multifamily dwellings within a building that contains a busines
			P	P		P	P	P			Townhouses as provided in section 24-477, and condominiums
		P									Townhouses, as provided in section 24-477, with no more than four townhouses within any one development
P		P	P	P	P	P	P	P			Two-family dwelling units and semi-detached dwellings
~~(Amended June 10, 2013 and December 11, 2019)~~											
Commercial Uses											
							S	S			Adult oriented entertainment that may include alcohol or gambling, such as pool halls, dance halls, or electronic skills games halls.
			P			P	P	P			Antique and gift shops
										S	Arenas, auditoriums or stadiums
							P	P		P	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
							P	P			Automobile service stations as provided in section 24-473

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							P	P		P	Automobile, motor home, travel trailer, and mobile home sales (new and used) which need not be enclosed, but any mechanical or body repair must be conducted entirely within a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district and provided further that all

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											vehicles on a used car sales lot must be in operating condition at all times
							S	S			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 100 feet of a residential district and which shall not store or otherwise maintain any parts or waste material outside such building
							P	P			Bakeries employing not more than ten persons other than clerks and vehicle drivers
						S	P	P			Banks and savings and loan institutions
			S			P	P	P			Family oriented indoor recreation with no alcohol or gambling, including bowling alleys, roller skating, ice-skating, game, pinball or other electronic game centers.
							P	P			Building materials dealer, not including handling of bulk materials such as sand and gravel
							S	S			Building materials dealer
							P	P			Catering establishments
			P			P	P	P			Clinics and medical offices
							P	P			Convenience stores; in the event that gasoline or fuel is sold together with any other uses allowed in this district there must be compliance with ~~section 9 of~~ this chapter
	S	S	P	S	S	P	P	P			~~Day~~ Childcare centers
						S	P	P			Drug stores and other establishment for the filling of prescriptions and sale of pharmaceutical and similar supplies
						P	P	P		P	Emergency services
							P	P			Agricultural, farm and lawn machinery display, sales and services, provided that all inoperable machinery must not be visible from any public right of way
			S			S	P	P			Farmers Markets
							S	S		P	Feed and seed stores
			P			P	P	P			Funeral homes
							P	P			Furniture stores
							S	S		P	Garages, private and public
S			S			S		S			Outdoor entertainment such as golf driving ranges or other sports related entertainment.
						S	P	P			Grocery stores
							P	P			Hardware stores
P											Kennels

										P	Laboratories, pharmaceutical or medical

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							P	P			Machinery sales and services
							P	P			Motels, motor hotels and motor inns
						P	P	P			Newsstands
S											Nonmotorized bicycle (motorcross) racing facilities
										S	Outdoor theaters, provided the face of the screen is not visible from any arterial or collector streets located within 2,000 feet of such screen
							S	S			Pest exterminating businesses
							P	P			Printing plants and newspaper offices
			P			P	P	P			Professional office buildings
							P	P			Radio and TV offices and studios
							P	P			Restaurants, craft breweries, craft distilleries
										P	Retail and wholesale greenhouses and nurseries.
							P	P			Retail automotive parts stores
						S	P	P			Retail nurseries with greenhouses
							S	p			
			P			P	P	P			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
										P	Sale of products produced on the premises
							P	P			Satellite dish antenna sales and service establishments
							S	S			Self-service mini-storage and warehouse facilities
							P	P			Shopping centers as provided in section 24-476
							P	P			Theaters, indoor
			S			S	P	P			Time-shares
							S	S			Veterinary hospitals and clinics
			S				P	P			Videotape sales and rental establishments
						P	P	P			Wearing apparel stores
							S	S	~~S~~	S	Wireless telecommunication facilities as provided in article XI of this chapter
Institutional Uses											
						P	P	P			Clubs and lodges, fraternal, civic and patriotic
						S	P	P			Community centers
							S	S			~~Day~~ Childcare centers

						S	P	P	~~P~~	P	Government office buildings, including buildings occupied any local, regional, state or federal agency including courthouses
			P	P		P	P	P			Hospitals and nursing homes
							S	S	~~S~~	S	Jails
			P			P	P	P			Public and private schools and accompanying dormitories and facilities
			P			P	P	P			Public libraries
P	P	P	P	P	P	P	P	P			Public parks and playgrounds provided recreational facilities shall not be less than 250 feet from any residential lot line
S											School support facilities
					P	P	P	P			Social, civic, patriotic and recreational clubs, lodges and fraternal orders
			P			P	P	P			U.S. post offices
Industrial Uses											
							P	P			Carpentry and cabinet making shops
							P	P			Cold storage plants and frozen food lockers not including lard rendering and abattoirs
							S	S		S	Contractor facilities and storage yards and establishments for installation and servicing products with outside storage of materials and machinery
							P	P		P	Contractor facilities not involving outside storage of materials and machinery
							P	P			Dry cleaning plants
										P	Frozen food processors, lockers and ice manufacturing
							S	S		P	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 100 feet of a residential, agricultural or conservation 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 feet at the original elevation of the property line
										P	Manufacturing, processing, fabricating,

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											assembling, distributing or packaging of products, including, but not limited to, business equipment, die-cut paperboard and cardboard; glass products made of purchased glass; electrical lighting and wiring equipment; dairy products; baked and confectioners' goods; fruit and vegetable processing, canning and storage; electronic components; professional, scientific, engineering; laboratory, or research instruments; electronic computing instruments; iron and steel, musical instruments; toys; rubber and metal stamps; photographic equipment; drugs; fire extinguisher; sporting and athletic goods, lithographic and printing processes; radio and television receiving sets; appliances; watches; clocks; and optical goods
										P	Moving and storage establishments
						S	S	S		P	Oil and gas exploration, extraction and production, provided the provisions of ~~sections 45.1-106 through 45.1-144 (45.1-286 through 45.1-361) Code of Virginia, 1950, as amended, and the oil and gas rules and regulations promulgated by the state department of labor and industry~~ all applicable state laws and state rules are adhered to
P											Packing and distribution plants for horticultural products, provided such plants are incidental to agricultural operation of the property on which such plants are located
										P	Printing establishments
										S	Processing and sale of milk and milk products, both wholesale or retail
							S	S		S	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)
							S	S		S	Radio and TV transmitters
							S	S			Shopping centers as provided in section 24-476
							S	S		P	Sign manufacturing
										P	Soft drink and bottling plants
							S	S		P	Tire recapping, provided all operations are conducted in a building which shall not have any opening other than a stationary window within 100 feet of a residential district and which shall not store or otherwise maintain any parts or waste material outside such building
										P	Transportation terminals and facilities

										S	Truck stops ~~as provided in section 903 herein.~~
							S	S		P	Warehousing operations
							S	S		S	Welding, blacksmith, or machine shops, excluding punch presses
							S	S		P	Wholesale and jobbing establishments
										S	Yards for storage and/or sale of coal, petroleum products, or flammable gases
							S	S		S	Yards for storage and/or sale of lumber, building materials, or contracting equipment
									~~P~~		Uses listed in section 24-265

(Zoning Ord. 2003, table 7.1)

Secs. 24-236--24-263. Reserved.

DIVISION 2. E-1 BUSINESS PARK DISTRICT

~~**Sec. 18-707.1. E-1 Business Park District.**~~

Sec. 24-264. Intent of E-1 Business Park District.

The E-1 Business Park District covers that part of the town intended for the installation of uses that will improve and expand the town's employment base and improve the town's general economic situation. Uses allowed are characterized as being those which the public does not require direct and frequent access, but may see constant heavy trucking involving raw or finished materials, stocking and delivery of retail or wholesale goods, or by very limited nuisance factors such as smoke, odor, fumes, noise, light, traffic including incidental light and noise due to the congregation of people and vehicles.

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(Zoning Ord. 2003, § 18.1-707.1.01)

Sec. 24-265. Permitted uses.

(a) Within the E-1 Business Park District:

(1) Class I uses shall be permitted throughout the district provided all other restrictions contained in this chapter are met.

(2) Class II uses shall be permitted throughout the district provided all other restrictions contained in the zoning and subdivision ordinance are met and no building containing a Class II use is located within 1,000 feet of a major road. For the purpose of this chapter, major road shall include U.S. Route 60, U.S. Route 29 Business or U.S. Route 29 Bypass.

(3) Class III uses are specifically prohibited.

(b) Class I uses.

(1) Accessory uses as provided in section 24-472.

(2) 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 100 feet of a residential district and which shall not store or otherwise maintain any parts or waste material outside such building.

(3) Bakeries.

(4) Banks and savings and loan institutions.

(5) Building materials dealer, not including handling of bulk materials such as sand and gravel located outside a building.

(6) Cabinet making shops.

(7) Catering establishments.

(8) Churches.

(9) Clinics and medical offices.

(10) Cold storage plants and frozen food lockers not including lard rendering and abattoirs.

(11) Contractor facilities for the fabrication, installation and servicing of the following: air conditioning, electrical service, telephone and wireless communication systems, flooring, heating, interior decorating, painting, plumbing, roofing, tiling, or ventilating with all material and equipment stored entirely in buildings enclosed on all sides. Accessory storage yards for contractor facilities shall be allowed provided that they are adequately screened from public view.

(12) ~~Day~~ Childcare centers.

(13) Craft brewery.

(14) Craft distillery.

(15) Feed and seed stores.

(16) Frozen food processors.

(17) Garages, private and public.

(18) Government buildings used exclusively by the county, municipal, state or federal government for public service, including libraries.

(19) Hospitals, nursing homes and retirement centers.

(20) Laboratories, pharmaceutical or medical.

(21) Machinery sales and services conducted within a building.

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(22) Manufacturing, processing or fabricating, distributing, or packaging of products (including machine shops without punch presses), provided all operations are conducted in a building; parts or waste material shall not be stored or otherwise maintained outside any such building; and operations shall not create smoke, fumes, noise, odor or dust detrimental to health, safety or general welfare of the community.

(23) Motels, motor hotels and motor inns.

(24) Pest exterminating businesses.

(25) Post offices.

(26) Printing plants and newspaper offices.

(27) Professional office buildings.

(28) Public utilities; poles, lines, transformers, pipes, meters, and/or other facilities necessary for the provision and maintenance of public utilities; provided that electric service lines within 1,500 feet from a primary road shall be underground and that provided that only one line of utility poles shall be allowed on any street.

(29) Radio and TV offices and studios.

~~(Deleted)~~

~~(Deleted)~~

(30) Restaurants.

(31) Sign manufacturing.

(32) Signs as permitted herein.

(33) Wineries, vineyards and microbreweries.

(c) Class II uses.

(1) Any manufacturing or industrial use which is not specifically prohibited by this section or prohibited under any performance specification contained in the zoning and subdivision ordinance or deed restrictions. Allowable light industrial uses meeting all applicable performance standards shall include, but not be limited to, the manufacturing of:

a. Adhesive products.

b. Air conditioning, refrigerated equipment.

c. Apparel and accessories, hosiery and lingerie.

d. Automatic temperature controls.

e. Automobile and truck parts.

f. Bakery goods.

g. Batteries.

h. Blankbooks, looseleaf binders and devices.

i. Boxes.

j. Brooms and brushes.

k. Business machines, typewriters, adding machines, calculators, card punching or counting equipment.

l. Cameras and photographic equipment.

m. Cameras and other photographic equipment.

n. Candy.

o. Canvas products.

p. Ceramic products.

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q. Chemical apparatus.

r. Communication equipment.

s. Computers.

t. Confections.

u. Cosmetics and toiletries.

v. Costume jewelry, costume novelties, buttons and miscellaneous notions (except precious metals).

w. Curtains and draperies.

x. Cutlery, hand tools and general hardware.

y. Dental equipment and supplies.

z. Drugs.

aa. Electrical appliances, components and instruments.

bb. Electrical equipment

cc. Electrical lighting and wiring equipment.

dd. Electrical transmission and distribution equipment.

ee. Electronic components and instruments.

ff. Engineering, laboratory and scientific and research instruments, equipment.

gg. Envelopes.

hh. Extracts, food and flavor.

ii. Fences.

jj. Food products other than fish, sauerkraut, vinegar, or yeast, or the refining or rendering of fats or oils.

kk. Furniture and fixtures.

ll. Glass products.

mm. Greeting cards.

nn. Hardware and tools.

oo. Hats, caps and millinery.

pp. Ice cream.

qq. Ice, natural and dry.

rr. Ink products.

ss. Instruments, professional, scientific and controlling.

tt. Insulating materials.

uu. Jewelry, silverware and flatware.

vv. Laboratory apparatus.

ww. Lace goods.

xx. Leather products (manufacturing, not to include tanning).

yy. Luggage (manufacturing, not to include tanning).

zz. Machine tools, light.

aaa. Machinery and machines, household and office.

bbb. Medical instruments and equipment.

ccc. Metal products and machinery, medium and light.

ddd. Modular and mobile homes.

eee. Motorcycles.

fff. Musical instruments and parts.

ggg. Novelty products.

hhh. Office, computing and accounting machines.

iii. Ophthalmic goods.

jjj. Optical instruments and lenses.

kkk. Orthopedic, medical, prosthetic and surgical supplies.

lll. Perfumes.

mmm. Pharmaceuticals.

nnn. Photographic equipment and supplies.

ooo. Photography film.

ppp. Polish.

qqq. Porcelain enamel products.

rrr. Pottery and chinaware.

sss. Professional, scientific and controlling instruments; photographic and optical goods, watches and clocks, clockwork operated devices and parts.

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ttt. Radio and television sets.

uuu. Rope, fibrous.

vvv. Rugs.

www. Shoes.

xxx. Signs and advertising displays.

yyy. Silverware and plated ware.

zzz. Silverware, plates and sterling.

a1. Spices.

b1. Sporting and athletic goods.

c1. Starch.

d1. Textile mills products.

e1. Tobacco products.

f1. Toiletries.

g1. Toys and games.

h1. Twine, fibrous.

i1. Umbrellas, parasols and canes.

j1. Wax and wax products.

k1. Wearing apparel.

l1. Window blinds, shades and awnings.

m1. Wire.

n1. Wood products.

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(2) Blueprinting and photostating establishments.

(3) Bookbinding.

(4) Books, publishing and printing.

(5) Bottling and beverage works.

(6) Bus and other transit stations.

(7) Carpentry and cabinet making shops.

(8) Catering establishments.

(9) Coffee and peanut roasting.

(10) Commercial greenhouses.

(11) Communications systems service and wholesale.

(12) Computer centers.

(13) Contractor and construction shops and yards.

(14) Contractor facilities and storage yards and establishments for installation and servicing products with outside storage.

(15) Dairies and/or pasteurizing plants.

(16) Data processing service.

(17) Dental laboratory services.

(18) Depositories for the storage of office records, microfilm or computer tapes.

(19) Die casting.

(20) Distribution center.

(21) Dyeing establishments.

(22) Electrical equipment fabrication.

(23) Electrical testing laboratories.

(24) Electronic components and instruments fabrication.

(25) Electroplating.

(26) Emergency services.

(27) Feed and seed stores.

(28) Food wholesale.

(29) Frozen food lockers and ice manufacturing.

(30) Frozen food processors.

(31) Laboratories, research and testing.

(32) Laboratories, pharmaceutical or medical.

(33) Latex (fabrication, not including paint).

(34) Laundry plants.

(35) Linen supply establishments.

(36) Lithographing.

(37) Machine shops.

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(38) Manufacturing, processing, fabricating, assembling, distributing or packaging of products, including, but not limited to, business equipment, die-cut paperboard and cardboard; glass products made of purchased glass; electrical lighting and wiring equipment; dairy products; baked and confectioners' goods; fruit and vegetable processing, canning and storage; electronic components; professional, scientific, engineering; laboratory, or research instruments; electronic computing instruments; iron and steel, musical instruments; toys; rubber and metal stamps; photographic equipment; drugs; fire extinguisher; sporting and athletic goods, lithographic and printing processes; radio and television receiving sets; appliances; watches; clocks; and optical goods.

(39) Metal finishing.

(40) Metal products and machinery, medium and light fabrication.

(41) Milk and dairy products (processing and distribution).

(42) Monument works and statuary (production).

(43) Motor freight terminals.

(44) Motorcycle fabrication.

(45) Moving and storage establishments.

(46) Newspapers, publishing and printing.

(47) Office, general, directly related to industrial activities.

(48) Off-street parking garages and lots incidental to industrial activities.

(49) Oil and gas exploration, extraction and production, provided ~~the provisions of sections 45.1-106 through 45.1-144 (45.1-286 through 45.1-361), 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~~ that there is compliance with all applicable laws and rules.

(50) Packaging and paper products manufacturing from previously prepared materials.

(51) Photoengraving.

(52) Photography film processing.

(53) Plastics (fabrication).

(54) Porcelain enamel products fabrication.

(55) Printing and publishing.

(56) Printing establishments.

(57) Public utilities; poles, lines, transformers, pipes, meters and related or similar facilities; public water and sewer filtration lines, treatment facilities, and pumping facilities, electrical power transmission lines and substations; oil and gas transmission pipelines and pumping station microwave transmission and relay towers and substations; unmanned telephone exchange centers and similar such facilities.

(58) Radio and television studios and stations, provided that studios produce no exterior electromagnetic effect and are soundproofed from adjoining properties.

~~(Deleted)~~

~~(Deleted)~~

(59) Research, development and testing laboratories.

(60) Retail/wholesale display rooms for sales at industrial establishments of products manufactured on site and other products of the corporation provided the display does not exceed 15 percent of the total floor area.

(61) Rubber fabrication.

(62) Sale of products produced on the premises.

(63) Sign manufacturing.

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(64) Signs as provided in article IX of this chapter.

(65) Silverware, plate and sterling fabrication.

(66) Soft drink and bottling plants.

(67) Spice processing.

(68) Static transformer stations, transmission lines, gas and water mains, conduits for the transmission of electric energy including telephone, telegraph, and noncommercial radio and television poles and appurtenances thereto.

(69) Wireless communication facilities, including radio and TV transmitters and transmission towers, subject to article XI of this chapter.

(70) Telephone exchanges.

(71) Textile mills products fabrication.

(72) Tool, die or pattern making shops.

(73) Transportation terminals and facilities.

(74) Truck painting and body repair shops.

(75) Warehousing and storage, except sandyards, gravel yards, coal yards, railroad yards, automobile wrecking yards, junkyards, or the storage of combustibles prohibited by the fire code.

(76) Warehousing operations.

(77) Welding and blacksmith shops.

(78) Welding, blacksmith, or machine shops, excluding punch presses.

(79) Wholesale and jobbing establishments.

(80) Wholesale display rooms within industrial establishments.

(81) Wholesale establishments with a building area of 5,000 square feet or more. A portion of the establishment may be used for retail display area, provided the retail sales:

a. Do not exceed 15 percent of the total building area; and

b. Are not used for second hand (consignment) merchandise or auction centers and do not require outdoor storage such as lumber yards, wholesale warehouses for the sale of motor vehicles, farm, or heavy construction equipment.

(82) Wool processing.

(83) Yards for storage and/or sale of coal, lumber, building materials, or contracting equipment.

(84) Other uses determined by the town council to be of similar character to and compatible with the above uses.

(d) Class III uses.

(1) Residential uses such as single-family dwellings, manufactured homes and manufactured home parks, duplexes, multifamily and apartment dwellings, and townhouses.

(2) Abattoir or slaughterhouse, except for poultry which is incidental to a commercial use permitted by this chapter.

(3) Acetylene gas manufacture on a commercial scale.

(4) Acid manufacture, such as sulphurous, sulphuric, nitric, picric, hydrochloric or other corrosive or offensive acid manufacture, or their use or storage, except on a limited scale as accessory to a permitted industry.

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(5) Armories.

(6) Asphalt roofing, tar roofing or waterproofing manufacture.

(7) Automobile and truck rental.

~~(Deleted)~~

(8) Bleaching powder, ammonia or chlorine manufacture.

(9) Celluloid or pyroxylene manufacture or processing; the manufacture of explosive or highly inflammable cellulose products.

(10) Coal tar manufacture or tar distillation.

(11) Cork products manufacturing outside an enclosed structure.

(12) Creosote manufacture or creosote treatment.

(13) Distillation of bones.

(14) Fat rendering.

(15) Fertilizer manufacture or the compounding of fertilizers on a commercial scale.

(16) Fireworks or explosives manufacture, nitrating process, the loading of explosives or their storage in bulk.

(17) Fish smoking or curing or processes involving recovery from fish or animal offal.

(18) Fuel storage yards.

(19) Gas manufacture, or gas storage in quantity exceeding 500,000 cubic feet within 100 feet of any lot line; or in quantity exceeding 200 cubic feet if the pressure is greater than 100 pounds per square inch.

(20) Glue or size manufacture.

(21) Horn processing.

(22) Lime, gypsum, plaster or plaster of paris manufacture.

(23) Lumberyards and sawmills.

(24) Match manufacturing.

(25) Motor freight terminals, except when in direct support of a permitted manufacturer or distributor.

(26) Petroleum manufacturing.

(27) Potash manufacture.

(28) Retail uses, unless specifically listed under Class I uses.

(29) Rope, fibrous manufacturing outside an enclosed structure.

(30) Rubber products manufacturing.

(31) Solid waste management facilities.

(32) Soda, soda ash, caustic soda manufacture.

(33) Starch, glucose and dextrine manufacture.

(34) Turpentine, varnish or shellac manufacture.

(35) Any other use or purpose which produces or may produce smoke, fumes, noise, odors, dust or particulates that could travel onto, over, or across any property line and which would be detrimental to the health, safety and general welfare of the community and tenants of adjoining or adjacent property.

(Zoning Ord. 2003, § 18.1-707.1.02)

Secs. 24-266--24-293. Reserved.

PROOFS

ARTICLE V. FLOODPLAINS

DIVISION 1. GENERALLY

Sec. 24-294. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Base flood/100-year flood means a flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year, although the flood may occur in any year).

Board of zoning appeals means the board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this chapter.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings and other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, drilling operation, or storage of equipment or materials.

Existing manufactured home park/subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the initial effective date of these regulations.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

Flood means a general and temporary inundation of normally dry land areas.

Floodplain means:

(1) A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation;

(2) An area subject to the usual and rapid accumulation or runoff of surface water from any source.

Floodprone area means any land area susceptible to being inundated by water from any source.

Floodway means the designated area of the floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

Historic structure means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historical district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior; or

b. Directly by the Secretary of the Interior in states without approved programs.

Manufactured home means the same as the meaning described in the definitions section of this chapter.

Manufactured home park/subdivision means a parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

PROOFS

New construction, for the purpose of determining insurance rates, means structures for which the start of construction commenced on or after the effective of an initial FIRM (flood insurance rate map) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, the term "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park/subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the initial effective date of the ordinance from which this chapter is derived.

Recreational vehicle means a vehicle which is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light-duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

Start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means

the first alteration on any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means:

(1) Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. The term "substantial improvement" includes structures which have incurred substantial damage regardless of the actual repair work performed.

(2) The term "substantial improvement" does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or

b. Any alteration of an historic structure, provided that the alteration will not preclude the structures continued designation as an historic structure.

(Zoning Ord. 2003, § 18.1-915.2)

Sec. 24-295. Purpose.

The purpose of these provisions is to prevent the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base, by:

PROOFS

(1) Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.

(2) Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding.

(3) Requiring all those uses, activities, and developments that do occur in floodprone districts to be protected and/or floodproofed against flooding and flood damage.

(4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

(Zoning Ord. 2003, § 18.1-915.1.1)

Sec. 24-296. Applicability.

These provisions shall apply to all lands within the jurisdiction of the town and identified as being in the 100-year floodplain by the Federal Insurance Administration.

(Zoning Ord. 2003, § 18.1-915.1.2)

Sec. 24-297. Compliance and liability.

(a) No land shall hereafter be developed, and no structure shall be relocated, constructed, reconstructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this chapter and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this chapter.

(b) The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that districts outside the floodplain district, or that land uses permitted within such district will be free from flooding or flood damages.

(c) This chapter shall not create liability on the part of the town or any officer or employee thereof for any

flood damages that result from reliance on this chapter, or any administrative decision lawfully made thereunder.

(Zoning Ord. 2003, § 18.1-915.1.3)

Sec. 24-298. Abrogation and greater restrictions.

This chapter supersedes any ordinance currently in effect in floodprone districts. However, any underlying ordinance shall remain in full force and effect to the extent that its provisions are more restrictive than this chapter.

(Zoning Ord. 2003, § 18.1-915.1.4)

~~**Sec. 18-915.1.5. Severability.**~~

~~If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this ordinance. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this ordinance are hereby declared to be severable.~~

~~(Zoning Ord. 2003, § 18.1-915.1.5)~~

Sec. 24-299. Penalties.

(a) Any person who fails to comply with any of the requirements or provisions of this chapter or directions of the zoning officer or any other authorized employee of the town shall be guilty of a Class 1 misdemeanor ~~of the first class~~ and subject to the penalties therefor.

(b) In addition to the above penalties, all other actions are hereby reserved, including an action in equity for the proper enforcement of this chapter. The imposition of fine or penalty for any violation of, or noncompliance with, this chapter shall not excuse the violation or noncompliance to permit it to continue; and all such persons shall be required to correct or remedy such violations or noncompliance within a reasonable time. Any structure constructed, reconstructed, enlarged, altered, or relocated in noncompliance with this chapter may be declared by the town council to be a public nuisance and abatable as such. Flood insurance may be withheld from structures constructed in violation of this chapter.

PROOFS

(Zoning Ord. 2003, § 18.1-915.1.6)

Sec. 24-300. Variances; factors to be considered.

In passing upon applications for variances, the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of the zoning ordinance and consider the following additional factors:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway district that will cause any increase in the 100-year flood elevation.

(2) The danger that materials may be swept on to other lands or downstream to the injury to others.

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

(5) The importance of the services provided by the proposed facility to the community.

(6) The requirements of the facility for a waterfront location.

(7) The availability of alternative locations not subject to flooding for the proposed use.

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(10) The safety of access by ordinary and emergency vehicles to the property in time of flood.

(11) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.

(12) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and variance is the minimum necessary to preserve the historic character and design of the structure.

~~7)~~

(13) Such other factors which are relevant to the purposes of this chapter.

a. The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

b. Variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, extraordinary public expense, and will not create nuisances, cause fraud or victimization of the public, or conflict with local laws or ordinances.

c. Variances shall be issued only after the board of zoning appeals has determined that variance will be the minimum required to provide relief from any exceptional hardship to the applicant.

d. The board of zoning appeals shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the 100-year flood elevation increases the risks to life and property and will result in increased premium rates for flood insurance.

e. A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual or biennial report submitted to the Federal Insurance Administrator.

PROOFS

(Zoning Ord. 2003, § 18.1-915.5)

Sec. 24-301. Existing structures in floodplain districts.

The substantial damage or improvement of any structure shall require full compliance with the provisions of this article.

(Zoning Ord. 2003, § 18.1-915.6)

~~(Amended September 12, 200~~

Secs. 24-302--24-320. Reserved.

DIVISION 2. FLOODPLAIN DISTRICTS

Sec. 24-321. Description of floodplain districts.

(a) *Basis of districts*. The various floodplain districts shall include areas subject to inundation by waters of the 100-year flood. The basis for the delineation of these districts shall be the flood insurance study for the town prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated September 19, 2007, as amended.

(1) The floodway district is delineated, for purposes of this chapter, using the criterion that certain areas within the floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are specifically defined in table II of the above-referenced flood insurance study and shown on the accompanying flood boundary and floodway map or flood insurance rate map.

(2) The flood-fringe district shall be that area of the 100-year floodplain not included in the floodway district. The basis for the outermost boundary of the district shall be the 100-year flood elevations contained in the flood profiles of the above-referenced flood insurance study and as shown on the accompanying flood boundary and floodway map or flood insurance rate map.

(3) The special floodplain district shall be that floodplain area for which base flood elevations have been provided in the FIS and FIRM but for which no floodway has been delineated. Such areas are shown as Zone AE on the maps accompanying the FIS.

(4) The approximated floodplain district shall be that floodplain area for which no delineated flood profiles or elevations are provided, but where the 100-year floodplain boundary has been approximated. Such areas are shown as Zone A on the maps accompanying the flood insurance study. For these areas, the 100-year flood elevations and floodway information from other federal, state, or other acceptable source shall be used, when available. When such other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest to the construction site.

(b) *Overlay concept*.

(1) The floodplain districts described above shall be overlays to the existing underlying districts as shown on the official zoning ordinance map, and as such, the provisions for the floodplain districts shall serve as a supplement to the underlying district provisions.

(2) Any conflict between the provisions or requirements of the floodplain districts and those of any underlying district, the more restrictive provisions and/or those pertaining to the floodplain districts shall apply.

(3) In the event any provisions concerning a floodplain district is declared inapplicable as a result of any legislative or administrative actions or judicial decision, the basic underlying provisions shall remain applicable.

(Zoning Ord. 2003, § 18.1-915.3.1)

Sec. 24-322. Official zoning map.

PROOFS

The boundaries of the floodplain districts are established as shown on the flood insurance rate map which is declared to be part of this chapter, and which shall be kept on file at the town offices.

(Zoning Ord. 2003, § 18.1-915.3.2)

Sec. 24-323. District boundary changes.

The delineation of any of the floodplain districts may be revised by the town council where natural or manmade changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

(Zoning Ord. 2003, § 18.1-915.3.3)

Sec. 24-324. Interpretation of district boundaries.

Initial interpretation of the boundaries of the floodplain districts shall be made by the zoning officer. Should a dispute arise concerning the boundaries of any of the districts, the board of zoning appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence if he so desires.

(Zoning Ord. 2003, § 18.1-915.3.4)

Secs. 24-325--24-351. Reserved.

DIVISION 3. DISTRICT RESTRICTIONS

Sec. 24-352. General provisions.

(a) *Permit requirement*. All uses, activities, and development occurring within any floodplain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of the ordinance and with all other applicable codes and ordinances, such as the uniform statewide building code and the town subdivision regulations. Prior to the issuance of any such permit, the zoning officer shall require all applications to include compliance with all applicable state and federal laws. Under

no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.

(b) *Alteration or relocation of watercourses*. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction a permit shall be obtained from the U.S. Corps of Engineers, the state water control board, the state marine resources commission (a joint permit application is available from any of these organizations). Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the division of soil and water conservation (department of conservation and recreation), and the Federal Insurance Administration.

(c) *Site plans and permit applications*. All applications for development in the floodplain district and all building permits issued for the floodplain shall incorporate the following information:

(1) For structures to be elevated, the elevation of the lowest floor (including basement).

(2) For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed.

(3) The elevation of the 100-year flood.

(4) Topographic information showing existing and proposed ground elevation.

(d) *Manufactured homes*.

(1) Manufactured homes that are placed or substantially improved on sites:

a. Outside of a manufactured home park or subdivision;

b. In a new manufactured home park or subdivision;

c. In an expansion to an existing manufactured home park or subdivision; or

d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of paragraph one above shall be elevated so that either:

a. The lowest floor of the manufactured home is at or above the base flood elevation; or

b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(e) *Recreational vehicles*. Recreational vehicles placed on sites shall either:

(1) Be on the site for fewer than 180 consecutive days;

(2) Be fully licensed and ready for highway use;

(3) Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes in subsection (d)(1)d of this section.

(Zoning Ord. 2003, § 18.1-915.4.1)

Sec. 24-353. Floodway district.

In the floodway district no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the 100-year flood elevation.

PROOFS

(Zoning Ord. 2003, § 18.1-915.4.2)

Sec. 24-354. Flood-fringe, special floodplain and approximated floodplain districts.

(a) In the flood-fringe, special floodplain and approximated floodplain districts the development and/or use of land shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing, and related provisions contained in the uniform statewide building code and all other applicable codes and ordinances.

(b) Standards for the special floodplain district. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the areas of special floodplain district, designated as zones AE on the flood rate insurance map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the town.

(Zoning Ord. 2003, § 18.1-915.4.3)

Sec. 24-355. Decision criteria for utilities and facilities.

(a) *Sanitary sewer facilities*. All new or replacement sanitary sewer facilities and private package sewage treatment plants (including all pumping stations and collector systems) shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.

(b) *Water facilities*. All new or replacement water facilities shall be designed to minimize or eliminate infiltration of floodwaters into the system and be located and constructed to minimize or eliminate flood damages.

(c) *Drainage facilities*. All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites. The town council may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

PROOFS

(d) *Utilities*. All utilities such as gas lines, electrical and telephone systems being placed in floodprone areas should be located, elevated (where possible), and constructed to minimize the chance of impairment during a flooding occurrence.

(e) *Streets and sidewalks*. Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to sufficiently discharge flood flows without unduly increasing flood heights.

(Zoning Ord. 2003, § 18.1-915.4.4)

Secs. 24-356--24-383. Reserved.

ARTICLE VI. PLANNED UNIT DEVELOPMENT

Sec. 24-384. Intent of the planned unit development requirements.

The planned unit development concept, hereinafter referred to as PUD, is established to encourage innovative and creative design and to facilitate use of the most advantageous construction techniques in the development of land for residential and other selected secondary uses. PUDs are intended to provide flexibility in the development of large tracts of land through the waiver of certain lot, setback and use restrictions, and should provide for increased amenities, safety and conveniences, reduced public and private costs and other public and private benefits.

(Zoning Ord. 2003, § 18.1-917.01)

Sec. 24-385. Planned unit development designation.

A development shall be designated a PUD only when it meets all requirements herein and is approved by the town council.

(Zoning Ord. 2003, § 18.1-917.02)

Sec. 24-386. Permitted uses.

Within a PUD, the following uses are permitted, subject to the approval of the town council:

(1) Single-family dwellings.

(2) Two-family dwellings.

(3) Multifamily dwellings.

(4) Townhouses.

(5) Condominiums.

(6) Commercial uses (including retail shops, specialty shops, convenience/grocery stores).

(7) Automobile service stations as provided in section 24-473.

(8) Swimming pools and tennis courts.

(9) Marinas, docks and boating facilities of a commercial or club type.

(10) Churches, manses, parish houses.

(11) Schools.

(12) ~~Day~~ Childcare centers.

(13) Parks and playgrounds.

(14) Community center.

(15) Theaters, indoor.

(16) Library.

(17) Signs as provided in article IX of this section.

(18) Offices.

(19) Restaurants, cafés, dining establishments.

(20) Lodging facilities.

(21) Golf courses, driving ranges, and club houses.

(22) Other compatible uses approved by the town council.

(23) Emergency services.

(24) Utilities intended to serve dwellings and businesses within their service area in the PUD.

(25) Private streets in accordance with section 24-392.

(Zoning Ord. 2003, § 18.1-917.03)

Sec. 24-387. Minimum acreage of development.

The minimum acreage for developing a PUD is 15 contiguous acres.

(1) Additional land area may only be added to an existing PUD if approved by the town council as an amendment to the special use permit authorizing the PUD, and provided the additional acreage is adjacent (except for public roads) thereto, forms a logical addition to the existing PUD, and is being developed by the same developer.

(2) Amendments to special use permits must comply with the requirements of section 24-38(3) related to special use permits generally.

(Zoning Ord. 2003, § 18.1-917.04)

PROOFS

Sec. 24-388. Density requirements.

Within a PUD, the following maximum density requirements shall be adhered to:

Residential Use	*Public Water and On-Site Sewerage Systems*	*Non-public Water and On-site Sewerage System*	*Non-public Water and On-Site Sewerage System*
Single-family dwellings	5 dwelling units/acre	2 dwelling units/acre	1.5 dwelling units/acre
Two-family dwellings	8 dwelling units/acre	4 dwelling units/acre	3 dwelling units/acre
Multifamily dwellings, townhouses and condominiums	12 dwelling units/acre		

(Zoning Ord. 2003, § 18.1-917.05)

Sec. 24-389. Use coverage.

The maximum or minimum coverage of the total land area being developed as a PUD shall not exceed the following:

PROOFS

(1) Residential uses: Maximum between 40 percent and 60 percent.

(2) Open space (excluding parking area): Minimum of 30 percent usable area.

(3) Recreational uses (including golf courses, but not any accessory commercial uses): Minimum of ten percent usable area.

(4) Commercial uses: Minimum of ten percent.

(5) Other uses: Maximum of ten percent.

(Zoning Ord. 2003, § 18.1-917.06)

Sec. 24-390. Application of minimum lot area, lot width and yard setback requirements.

(a) The minimum lot area, lot width and yard setback requirements herein and in the town's subdivision regulations are hereby waived except as follows:

Residential Use	*Minimum Lot Area (sq. ft.)*	*Minimum Lot Width*	*Minimum Front*	*Yard Side*	*Setback Rear*
Single-family dwellings	4,000	50 feet	15 feet	10 feet	15 feet
Two-family dwellings	6,000	60 feet	20 feet	10 feet	15 feet
Townhouses	1,200	16 feet	6feet	(b)	25 feet

(b) The minimum side yard setback shall be 16 feet at each end of a group of townhouse units.

(Zoning Ord. 2003, § 18.1-917.07)

Sec. 24-391. Maximum height of buildings.

The maximum height restrictions for residential and other uses within the PUD shall be as follows:

(1) Single-family dwellings: 35 feet.

(2) Two-family dwellings: 40 feet.

(3) Townhouses: 45 feet.

(4) Multifamily dwellings (including condominiums): 80 feet.

(5) Other uses: 45 feet.

(Zoning Ord. 2003, § 18.1-917.08)

Sec. 24-392. Streets and utilities.

All streets and utilities within the PUD shall meet the following requirements:

(1) The traffic circulation pattern, the street dimensions, curbs and gutters, if provided, and curb cuts shall meet the specifications of the state department of transportation and ~~Section 33.1-197 and 198 of the Code of Virginia, 1950,~~ Code of Virginia, §§ 33.2-240 and 33.2-241, as amended, and the minimum standards of the entrances to state highways and be approved by the resident engineer. The town council may permit private roads designed to adequately handle projected traffic, as shown by a licensed engineer, and which will be perpetually maintained.

(2) All dwelling units shall be connected to water and sewerage systems approved by the health department and shall be open to inspection.

(3) If a single-family or a two-family dwelling cannot be connected to a public or common on-site sewerage system and must maintain a single on-site sewerage system, the lot area requirements of the respective zoning district in which the PUD is located shall prevail.

(4) All utilities shall be underground.

(Zoning Ord. 2003, § 18.1-917.09)

PROOFS

Sec. 24-393. Parking requirements.

Off-street parking and loading spaces shall meet the requirements set forth in division 2 of article VIII of this chapter and section 24-539. Required parking spaces shall be provided within the perimeter of the PUD and no farther than 200 feet from the facilities served. Off-street parking and loading areas shall be screened from residential areas and shall be designed to produce the minimum possible interference with pedestrian circulation within the PUD.

(Zoning Ord. 2003, § 18.1-917.10)

Sec. 24-394. Maintenance of open space.

(a) The developer of the PUD shall establish a nonprofit association, corporation, trust or foundation of all individuals or corporations owning property within the PUD to ensure the maintenance of open spaces. Said organization shall conform to the following requirements:

(1) The developer must establish the organization prior to the sale of any lot or property and shall relinquish control of said organization when voted upon by the membership of the organization.

(2) Membership in the organization shall be mandatory for all property owners, present and future, within the PUD and said organizations shall not discriminate in its members or shareholders.

(3) The organization shall manage all open space, and recreational and cultural facilities, shall provide for the maintenance, administration and operation of said land and improvements and shall secure adequate liability insurance on the land and other common areas.

(4) The organization shall conform to ~~the Condominium Act, Sections 55-79.39 through 55-79.103, Code of Virginia, 1950~~ Code of Virginia, title 55.1, ch. 19 (Code of Virginia, § 55.1-1900 et seq.), as amended.

(b) For all dwelling units within the PUD which are leased, the owners/managers of such units shall be responsible for such maintenance.

(Zoning Ord. 2003, § 18.1-917.11)

Sec. 24-395. Other amenities.

In addition to other requirements herein, all PUDs shall meet the following minimum requirements for recreation areas, screenings and walks:

(1) Tot lots and swimming areas shall be adequately enclosed, and all recreational areas shall be located away from the concentrations of vehicular traffic.

(2) Fencing or vegetation screening shall be provided to a height of six feet and of such a density that no part of the development shall be visible to a casual observer on any side of the development abutting any yard of a residential or nonresidential structure. Provided that where natural features such as topography or natural vegetation are preserved and prevent the development from being casually visible from adjoining properties, the board of zoning appeals may waive requirements for screening. Fencing, where required, shall be maintained in a safe condition, shall be painted, and shall be kept in good repair.

(3) Common walks or trails, either paved or unpaved, of a width of at least four feet shall be provided on at least one side of all streets, and wherever concentrations of pedestrian traffic can be expected, as between recreational facilities, walks and trails may be incorporated into the street curb. Walk grades shall not exceed ten percent; lights shall be provided to sufficiently illuminate steps.

(Zoning Ord. 2003, § 18.1-917.12)

Sec. 24-396. Application requirements.

(a) Planned unit developments shall be established by special use permit in zoning districts where PUDs are permitted. The application for a PUD shall be accompanied by a development master plan.

(b) The development master plan shall contain the following data, together with supplementary data for a particular development, as reasonably deemed necessary by the zoning administrator:

(1) Development site information:

PROOFS

a. Vicinity map at a scale of not less than one inch equal 2,000 feet.

b. Boundary survey including area of the tract related to true meridian or U.S. Geological Survey State grid north.

c. Total area of the tract.

d. Abutting street names, widths, and route numbers.

e. Owners, zoning districts, and uses of each adjoining tract.

f. Topographic map with maximum contour intervals of five feet and a scale of not less than 100 feet to the inch.

g. Floodplain limits.

(2) Development design information:

a. A concept plan, illustrating the location and functional relationship between all proposed land uses.

b. Land use plan or plans showing the location and arrangement of all proposed land uses; the building setbacks from the development boundaries and adjacent streets, roads, alleys and ways; the proposed traffic circulation pattern including the location and width of all streets, driveways, walkways and entrances to parking areas; and all off-street parking and loading areas.

c. A plan showing the location and design of all landscaping and screening.

d. A plan or statement detailing the exact number of improved, developed and recreational open space, and all covenants, restrictions and conditions pertaining to the use, maintenance and operation of common spaces, and the percentage of the tract to be used as open space.

e. When the development is to be constructed in phases, a phasing plan and schedule shall be provided showing the order of development for each phase and the approximate completion date. A cost estimate for all on-site and off-site public improvements within each phase shall be submitted with

the site plan for that phase.

f. A plan or report indicating the extent, timing, and estimated cost of all on-site and off-site improvements such as roads, water, sanitary sewer, and drainage facilities necessary to construct the proposed development, said plan or report shall correspond to the sequence of development schedule if the development is to be constructed in phases.

g. A statement showing the relationship of the planned development to the comprehensive plan.

h. A traffic impact analysis.

(Zoning Ord. 2003, § 18.1-917.13)

Sec. 24-397. Procedure.

(a) Applicants are required to meet with the zoning administrator and other qualified officials in a pre-application conference to review the proposed development master plan and original proposal prior to submittal. The purpose of such conference shall be to assist in bringing the application and material submitted therewith as nearly as possible into conformity with these or other regulations applying in the case, and/or to define specific variations from the application of these regulations which would otherwise apply which seem justified in view of equivalent service of the public purposes for such regulation.

(b) Applications for PUD special use permits shall be heard by the planning commission pursuant to the same procedure utilized for other special use permit requests, including procedures adopted to comply with the notice provisions of Code of Virginia, § 15.2-2204.

(c) In making a recommendation on a PUD, the planning commission shall specifically include findings as to:

(1) The suitability of the tract for the general type of PUD proposed in terms of its relation to the comprehensive plan, physical characteristics of the land, and its relation to surrounding area;

(2) Its relation to major roads, utilities, public facilities and services;

(3) The adequacy of evidence on unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions, guarantees or other instruments, or the need for such instruments or for amendments in those proposed; and

(4) Specific modifications in PUD or general regulations as applied to the particular case, based on a determination that such modifications are necessary or justified by demonstration that the public purposes of PUD or general regulations as applied would be satisfied to at least an equivalent degree by such modifications.

(d) Based on such findings, the planning commission shall make a recommendation on the application which recommendation may include, the approval of the PUD special use permit as proposed, approval conditioned upon stipulated modifications, or disapproval.

(e) On applications for PUD special use permits, the town council shall proceed in general as provided for other applications for special use permits, including provisions adopted to comply with the notice provisions of Code of Virginia, § 15.2-2204.

(f) All terms, conditions, safeguards, and stipulations made at the time of PUD special use permit approval including the approval of the development master plan, with or without specified modifications, shall be binding upon the applicant or any successors in interest. Deviations from approved plans or failure to comply with any requirements, conditions or safeguards shall constitute a violation of these zoning regulations.

(g) The granting of the PUD special use permit, and the approval of the development, with or without specified modifications, shall not constitute the recording of a plat, nor shall it authorize the issuance of building permits. Such action shall be undertaken only after the approval of the site plan and the recording of a subdivision plat, if applicable.

(Zoning Ord. 2003, § 18.1-917.14)

PROOFS

Sec. 24-398. Effect of approval.

(a) Once a special use permit approving a PUD has been granted, modifications or amendments to the PUD development master plan may only occur through the amendment of the special use permit in accordance with section 24-38(3) related to special use permits generally, except that minor deviations from the development master plan may be permitted when the zoning administrator determines that such are necessary due to the requirements of topography, drainage, structural safety or vehicular circulation, and such deviations will not materially alter the character of the approved development plan including the proposed development sequence. In no case shall such deviations include the addition or elimination of any building shown on the approved development, increase the density or increase the floor area.

(b) Once a special use permit approving a PUD has been granted, only the uses permitted as part of the special use permit shall be allowed, notwithstanding any other by-right or permitted uses otherwise allowed in the underlying zoning district. Where conflicts occur between the special provisions herein and general zoning, subdivision or other regulations or requirements, these special regulations shall apply unless expressly prohibited by the general law, or unless the town council shall find, in the particular case that:

(1) Provisions in this section do not serve public purposes to a degree at least equivalent to general zoning, subdivision or other regulations or requirements; or

(2) Actions, designs or solutions proposed by the applicant, although not literally in accord with these special or general regulations, satisfy public purposes to at least an equivalent degree.

(Zoning Ord. 2003, § 18.1-917.15)

Secs. 24-399--24-424. Reserved.

ARTICLE VII. AMBRIAR ACCESS MANAGEMENT AREA

Sec. 24-425. Definitions.

PROOFS

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

AASHTO means the American Association of State Highway and Transportation Officials.

Access means to provide vehicular or pedestrian entrance or exit to a property.

Access connection/point means any driveway or other point of entry and/or exit such as a street, road, or highway that connects to the general street system.

Capacity means the ability of the highway to provide service to the volume of vehicles seeking to use the highway. Capacity is most often considered the maximum amount of traffic that can be accommodated by a highway during the peak hours of demand. Sometimes it refers to the entire roadway, and sometimes to a single lane.

Commercial entrance means an entrance serving all access points other than an individual private residence. A residential subdivision entrance is a commercial entrance.

Connection spacing means the distance between connections, measured from the closest edge of pavement of the first connection to the closest edge of pavement of the second connection along the edge of the traveled roadway.

Corner clearance means the distance from an intersection to the nearest driveway.

Cross access means a service drive providing vehicular access between two or more contiguous sites so that the driver need not enter the public street system.

Design speed means the maximum safe speed that can be maintained over a specified section of highway when conditions are so favorable that the design features of the highway govern, as defined in the latest edition of AASHTO's A Policy on Geometric Design of Highways and Streets.

Driveway means an access that is not a public street, road, or highway.

Frontage road means a public or private street or road auxiliary to and normally alongside and parallel to the main highway, constructed for the purposes of maintaining local road continuity and the controlling of direct access to the main highway while providing access to private properties.

Functional classification means a classification system that defines a public roadway according to its purposes and hierarchy in the state highway system.

Interchange means a portion of roadway that provides vehicular access from one road to another.

Lane means the portion of a roadway for the movement of a single line of vehicles. The term "lane" does not include the gutter or shoulder of the roadway.

Median means that portion of a highway separating the opposing traffic flows.

Outparcel means a parcel of land abutting and external to the larger, main parcel, which is under the same ownership and has roadway frontage.

Service road means a public or private street or road, auxiliary to and normally located parallel to a controlled access facility that maintains local road continuity and provides access to parcels adjacent to the controlled access facility. (Reference *Frontage road.*)

Shared access means a driveway connecting two or more contiguous sites to the public street system.

Sight distance means the distance visible to the driver of a vehicle measured along the normal travel path of a roadway from a designated location and to a specified height above the roadway when the view is unobstructed by traffic. For crossovers and commercial entrances, sight distance is the distance measured between the height of the driver's eye (3.5 feet) and the height of an object (4.25 feet) without horizontal or vertical obstruction to the line of sight.

Stopping sight distance means the distance required by a driver of a vehicle, traveling at a given speed, to bring the vehicle to a stop after an object on the roadway becomes visible. The term "stopping sight distance" includes the distance traveled during driver perception and reaction times and the vehicle braking distance.

Stub road means a portion of street or right-of-way access drive used as an extension to an abutting property that may be developed in the future.

PROOFS

Trip means a single or one-direction vehicle movement with either the origin or the destination inside a study area. A vehicle leaving the highway and entering a property is one trip. Later when the vehicle leaves the property and reenters the highway, it is a second trip.

Turn lane means an auxiliary lane that provides deceleration, so that disruption to through traffic is minimized, and provides adequate storage outside of the through lane which the turn is being made.

(Zoning Ord. 2003, § 18.1-922.03)

Sec. 24-426. Purpose.

The intent of this article is to encourage well-planned, high-density development, to provide and manage access to development while preserving the flow of traffic and to ensure adequate infrastructure in the Ambriar area. Major thoroughfares, including highways and other arterials, serve as the primary network for moving people and goods. These transportation corridors also provide access to businesses and homes and have served as the focus for commercial and residential development. Access systems must be properly designed to accommodate the access needs of development while retaining the transportation function.

(Zoning Ord. 2003, § 18.1-922.01)

Sec. 24-427. Applicability.

The provisions of this article shall apply to all property that accesses the Ambriar corridor. The Ambriar corridor is defined as that portion of S. Main Street from Waugh's Ferry Road south to the town corporate limits.

(Zoning Ord. 2003, § 18.1-922.02)

Sec. 24-428. Variance.

(a) The board of zoning appeals may authorize a variance to the application of these access standards and regulations. The granting of a variation shall be in accordance with the purpose and intent of these standards and regulations and shall not be considered until every feasible option for meeting access standards is explored.

(b) Applicants for a variance from these standards and regulations must provide proof of unique or special

conditions that the strict application of the provisions would deny all reasonable access; endanger public health, welfare or safety; or cause an exceptional and undue hardship on the applicant, as distinguished from a special privilege or convenience sought by the applicant. This shall include proof that:

(1) Indirect or restricted access cannot be obtained.

(2) No engineering or construction solutions can be applied to mitigate the condition.

(3) No alternative access is available from a street with a lower functional classification than the primary roadway.

(Zoning Ord. 2003, § 18.1-922.04)

Sec. 24-429. Access connection and driveway design.

(a) Driveway width shall meet the following guidelines:

(1) If the driveway is a one-way in or one-way out drive, then the driveway shall be a minimum width of 14 feet of pavement and shall have appropriate signage designating the driveway as a one-way connection.

(2) For two-way access, each lane shall have a width of 12 feet.

[GRAPHIC--Figure 24-429. Throat Length Illustration]

(b) Driveway grades, turnout radii, approaches, and lengths shall conform to VDOT's standards.

Table 24-429. Throat Length Measurements

Land Use	*Driveway Length (in feet)*
Any major entrance to a development with 4 or more total lanes in the driveway. Typically, malls and "superregional centers"	500 or greater, based on traffic study
Regional shopping centers (over 150,000 square feet)	250
Community shopping center (100--150,000 square feet) (Supermarket, drug store, etc.)	150
Small Strip Shopping Center	50
Smaller Commercial Developments (convenience store with gas pumps)	30

*Source: Vergil Stover unpublished course notes

PROOFS

(1) Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers is prohibited.

(2) Driveways shall have sufficient length and size for all vehicular queuing, stacking, maneuvering, standing, and parking to be carried out completely beyond the right of way line. The length of driveways, or throat length, shall be designed in accordance with table 24-429. These measures generally are acceptable for the principal access to a property and are not intended for any minor supplemental driveways to that same property.

(3) Where a site is being redeveloped on a small property with no reasonable alternative access, it may be difficult to get these driveway lengths. In these cases, the driveway may be positioned to take advantage of the on-site location with the most depth.

(4) Driveways that enter the major thoroughfare at traffic signals must have at least two outbound lanes (one for each turning direction) of at least 12 feet width and one inbound lane with 14 feet width of pavement.

(Zoning Ord. 2003, § 18.1-922.05)

Sec. 24-430. Requirements for outparcels and phased development plans.

(a) In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall not be considered separate lots for the purpose of the application of access standards and regulations. The number of connections permitted shall be the minimum number necessary to provide adequate access to these properties, not the maximum available for that frontage. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of these access standards and regulations.

(b) All access to outparcels must be internalized using the shared circulation system of the principal development or retail center. This access shall be designed to avoid excessive movement across parking aisles and queuing across surrounding parking and driving aisles.

(Zoning Ord. 2003, § 18.1-922.06)

Sec. 24-431. Subdivision of land.

Each lot shall be entitled one driveway/connection per parcel as of right on said public thoroughfares. When subsequently subdivided, access to all newly created lots shall be provided via the permitted access connection. This may be achieved through subdivision roads, shared and cross accesses, and service drives installed as per this article.

(1) Parcels in existence as of January 1, 2008, with frontages that exceed minimum driveway spacing requirements as shown in the driveway and corner clearance spacing section may be permitted additional access connections.

[GRAPHIC--Figure 24-432. Cross Access Types]

(2) Existing parcels with frontage less than the minimum connection spacing for that corridor may not be permitted a direct connection to the thoroughfare under this article when the planning commission determines alternative reasonable access is available to the site. For example, the planning commission could allow for a temporary driveway with the stipulation that joint and cross access be established as adjacent properties develop.

PROOFS

(Zoning Ord. 2003, § 18.1-922.07)

Sec. 24-432. Shared and cross access.

(a) Adjacent commercial or office properties classified as major traffic generators (i.e., shopping center, office parks) shall provide cross access, pedestrian access and bicycle access to allow circulation between sites.

(b) A system of shared use driveways and cross access easements as shown in figure 24-432 shall be established wherever feasible and the building site shall incorporate the following:

[GRAPHIC--Figure 24-432. Shared and Cross Access Illustration]

(1) A continuous service drive or cross access extending the entire length of each block served to provide for driveway separation consistent with the access classification system and standards.

(2) A design speed of ten miles per hour (mph) and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles.

(3) Stub roads and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive.

(4) A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged.

(c) Pursuant to this article, the owner shall record an easement with the deed, in a form approved by the town attorney, allowing cross access to and from other properties served by the shared use driveways and cross access or service drives.

(d) Shared parking areas shall be permitted a reduction in required parking spaces if peak demand periods

for proposed land uses do not occur at the same time periods.

(e) The planning commission may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

(1) Joint access driveways and cross access easements are provided wherever feasible in accordance with this article.

(2) The site plan incorporates a unified access and circulation system in accordance with this article.

(3) The property owner shall enter a written agreement with the town, recorded in deed in a form acceptable to the town attorney, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.

(f) The planning commission may modify or waive the requirements of this article during the site plan or subdivision review process where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

(Zoning Ord. 2003, § 18.1-922.08)

Sec. 24-433. Interchange areas.

The distance to the first connection of an interchange shall be at least 660 feet where the posted speed limit is greater than 45 miles per hour (mph) or 440 feet where the posted speed limit is 45 mph or less. This distance shall be measured from the end of the taper for that quadrant of the interchange.

(Zoning Ord. 2003, § 18.1-922.09)

Sec. 24-434. Access standards; driveway and corner clearance spacing.

(a) All access connections on roadway segments shall maintain a 440-foot separation from any other driveway or intersection where the posted speed limit is above 45 miles per hour (mph), and a 245-foot separation from any other driveway or intersection where the posted speed limit is 45 miles per hour (mph) or below with the exception of access connections for single family residential and agricultural land uses to the extent possible.

PROOFS

(b) Driveway spacing shall be measured from the closest edge of the pavement to the next closest edge of the pavement (see figure 24-434 for points of measurements).

(c) Additional access connections may be allowed where the property owner can demonstrate upon review of a traffic impact analysis of the proposed connection submitted by the applicant that safety and efficiency of travel on the thoroughfare will be improved by providing more than one access to the site.

(d) If the access connection spacing standards listed above cannot be achieved, the planning commission may reduce required separation distances of access points, provided that:

(1) Shared access driveways and cross access easements are provided wherever feasible in accordance withthese regulations;

(2) The connection does not create a safety or operational problem upon review of a site-specific traffic impact analysis of the proposed connection prepared by a licensed engineer and submitted by the applicant; or

(3) At an intersection, where no other access to the property is available and shared access driveways and cross access easements are not feasible, the planning commission may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e., right in/out) may be required.

(e) Corner clearance for connections shall be measured from the closest edge of pavement of the intersection to the next closest edge of pavement of the first access point from the intersection (see figure 24-434).

[GRAPHIC--Figure 24-434. Measurement Details for Corner Clearance and Access Spacing]

(f) Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway.

(g) New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this chapter, unless:

(1) No other reasonable access to the property is available; and

(2) The planning commission determines that the connection does not create a safety or operational problem upon review of a site-specific study of the proposed connection prepared by a registered engineer and submitted by the applicant.

(h) Where no other alternatives exist, the planning commission may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

(i) In addition to the required minimum lot size, all corner lots shall be of adequate size to provide for required front yard setbacks and corner clearance on street frontage.

(Zoning Ord. 2003, § 18.1-922.10)

Sec. 24-435. Minimum frontage.

The minimum lot width for all parcels with frontage on South Main Street shall not be less than the minimum connection spacing standards of that thoroughfare, except as otherwise provided in this article. Flag lots shall not be permitted direct access to the thoroughfare and interior parcels shall be required to obtain access via a public or private access road in accordance with the requirements of this article.

(1) Existing parcels with frontage less than the minimum connection spacing for that corridor may not be permitted a direct connection to the thoroughfare under this article where the planning commission determines alternative reasonable access is available to the site. For example, the planning commission could allow for a temporary driveway as provided in the access standards section with the stipulation that joint and cross access be established as adjacent properties develop.

(2) Additional access connections may be allowed where the property owner demonstrates that safety and efficiency of travel on the thoroughfare will be improved by providing more than one access to the site.

PROOFS

(Zoning Ord. 2003, § 18.1-922.11)

Sec. 24-436. Limits of use designation.

(a) Key locations within the traffic impact overlay have been identified for the future installation of traffic calming devices, preferably roundabouts. The intersections targeted for these devices are at South Main Street and Lancer Lane, South Main Street and the U.S. Route 29 Bypass ramps, and South Main Street and the northern most entrance to the Ambriar Shopping Center. There shall be a 200-feet-in-diameter limit of use designation that is measured from the center point (see figure 24-436) of the intersections listed above.

[GRAPHIC--Figure 24-436. Limits of Use Diagram]

(b) Prior to the construction of parking or any other accessory uses within the limits of use area, the applicant must demonstrate that the accessory use or parking required by this chapter could not be adequately accommodated elsewhere on the property. Execution of a shared parking agreement per the zoning ordinance may be used to satisfy the zoning ordinance parking requirements.

(c) In the event that VDOT determines that all or a portion of said area is required for public road improvements and thus initiates the process of acquiring the necessary right of way, the property owner shall be responsible for relocating any parking or other accessory use installed within the designated limits of use area. The relocation of such uses shall occur at the owner's expense. Any costs associated with design and reconstruction of the limits of use area for purposes of public road improvements (to include removal of existing accessory uses) shall be the responsibility of VDOT.

(d) The limits of use area shall be marked on any applicable site plan submitted to the town planning commission for review.

(Zoning Ord. 2003, § 18.1-922.12)

Sec. 24-437. Pedestrian accommodations.

(a) Bicycle and pedestrian ways shall be established in new construction and reconstruction projects along South Main Street unless one or more of these conditions are met:

(1) Bicyclists and pedestrians are prohibited by law from using the roadway. In this instance, a greater effort may be necessary to accommodate bicyclists and pedestrians elsewhere within the right of way or within the same transportation corridor.

(2) The cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use. Excessively disproportionate is defined as exceeding 20 percent of the cost of the larger transportation project.

(b) Bicycle and pedestrian facilities shall be provided on any new or reconstructed streets in accordance with VDOT regulations.

(c) Bicycle racks shall be located in convenient, visible, well-lit areas, with easy access, near main entrances. The racks should not interfere with pedestrian traffic and should be protected from potential damage by motor vehicles. They may be located within the public right-of-way with town and VDOT approval. The following requirements shall also apply:

(1) All vehicle parking facilities containing less than ten parking spaces shall provide one bicycle rack with no less than four spaces.

(2) For vehicle parking facilities containing more than ten parking spaces the applicant shall provide one bicycle rack with no less than four spaces plus two bicycle parking spaces for each additional ten parking spaces in the lot. However, no more than 20 bicycle parking spaces shall be required in any one parking facility.

(d) Bicycle and pedestrian facilities shall be designed with security considerations including street lighting, bushes no greater than two feet in height, and tree branches no lower than six feet in height. To provide clear visibility of pedestrians approaching intersection crosswalks at night, the approaches to and all street corners should be well-illuminated. All intersection lighting should illuminate the crossing and waiting areas and/or create backlighting to make the pedestrian silhouette clearly visible on the approach.

PROOFS

(e) Pedestrian facilities shall include shade trees where possible.

(f) A sidewalk shall be provided between all new building entrances and all streets adjacent to the development site. The sidewalk shall provide a direct connection to existing public right-of-way and public sidewalks or transit stops.

(g) A sidewalk shall be provided between any new building entrance and all other new or existing building entrances on the same development site. Entrances used for loading and unloading freight are not subject to this standard. Internal pedestrian paths provided in conformance with this subsection shall provide weather protection features such as awnings or arcades within 30 feet of all customer entrances.

(h) A sidewalk shall be provided immediately adjacent to the exterior wall of a new building greater than 100 feet in length when the wall is located next to a street or parking lot. A pedestrian path shall also be provided along the entire length of the wall when the public entrance is located in that area. Exceptions to this standard include:

(1) If the edge of the building is within 20 feet of a public sidewalk and the building entrance is connected to the public sidewalk by an on-site pedestrian facility.

(2) If the edge of the building is bordered by a perimeter of landscaping that does not exceed 30 feet in width and an on-site pedestrian facility is constructed at the edge of the landscaped area.

(i) A 20-foot-wide bicycle/pedestrian easement shall be provided to connect cul-de-sacs, or to pass through blocks in excess of 660 feet.

(j) Where needed for purposes of traffic safety or access to nearby schools, playgrounds, public parks, trails, shopping facilities, or other community facilities, new developments may be required to dedicate a public right of way for bicycles and pedestrians, not less than 20 feet in width.

(k) Pedestrian access points at property edges and to adjacent lots shall be coordinated with existing development to provide pedestrian circulation between developments.

(l) All on-site pedestrian walkways located in vehicle use areas shall be distinguished from driving surfaces through the use of durable, low maintenance smooth surface materials to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

(Zoning Ord. 2003, § 18.1-922.13)

Sec. 24-438. Connectivity.

(a) The street system of a proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets outside of the subdivision as provided in this article.

(b) Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided, as deemed necessary by the town, to provide access to abutting properties or to logically extend the street system into the surrounding area. The restoration and extension of the street shall be the responsibility of any future developer of the abutting land.

(Zoning Ord. 2003, § 18.1-922.14)

Sec. 24-439. Nonconforming access features.

(a) Permitted access connections in place as of January 1, 2008, that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

(1) When new access connection permits are requested;

(2) Increase in trip generation of 100 or more additional peak hour trips due to new building construction or change in use; or

(3) As roadway improvements allow.

PROOFS

(b) If the principal activity on a property with nonconforming access features is discontinued for a consecutive period of two years or discontinued for any period of time without a present intention of resuming that activity, then that property must thereafter be brought into conformity with all applicable connection spacing and design requirements, unless otherwise exempted by the permitting authority. If the activity is discontinued and renewed with a different activity, property owner must provide a traffic impact analysis to show that the new activity will not increase the number of trips.

(Zoning Ord. 2003, § 18.1-922.15)

Sec. 24-440. Site plan/subdivision plan review standards.

(a) In addition to the existing town site plan and subdivision plat review, applicants shall submit the information listed below for:

(1) Location of all properties' access point on both sides of the road where applicable.

(2) Location of all proposed and existing access points for the site.

(3) Plat map showing property lines, right-of-way, and ownership of abutting properties.

(4) Distances to neighboring existing exit/entrance points, median openings, traffic signals, intersections, and other transportation features on both exit/entrance sides of the property.

(5) Number and direction of lanes to be constructed for the driveway.

(6) All planned transportation features (such as auxiliary lanes, signals, etc.).

(7) Pedestrian and bicycle accommodations.

(8) Trip generation data or appropriate traffic impact studies.

(9) Parking and internal circulation plans.

(10) Location of limits of use boundaries when applicable.

(11) A detailed description of any requested variance and the reason the variance is requested.

(b) The town reserves the right to require traffic and safety analysis where safety is or may be an issue or where significant problems already exist. (Refer to section 24-42.)

(Zoning Ord. 2003, § 18.1-922.16)

~~(Adopted June 11, 2008)~~

Secs. 24-441--24-463. Reserved.

ARTICLE VIII. SUPPLEMENTAL ZONING REGULATIONS

DIVISION 1. GENERALLY

Sec. 24-464. Minimum lot area and lot width.

		Minimum Lot Area (sq. feet.)			*Minimum Lot Width (ft.)*	
District	*Public Utilities*	*Water and Sewer*	*Water Only*	*None*	*Interior Lot*	*Corner Lot*
A-1	Single-family	217,800	217,800	217,800	200	250
	Semi-detached					
	Two-family	217,800	217,800	217,800	200	250
	Multifamily					
	Manufactured home	217,800	217,800	217,800	200	250
R-1	Single-family	10,000	20,000	43,560	100	120
	Semi-detached					
	Two-family					
	Multifamily					
	Manufactured home					
R-2	Single-family	10,000	15,000	43,560	80	100
	Semi-detached	6,000	11,500	43,560	50	50
	Two-family	12,000	23,000	43,560	80	100
	Multifamily					
	Manufactured home					
T-1	Single-family	10,000	15,000	43,560	80	100
	Semi-detached	6,000	11,500	43,560	50	50
	Two-family	12,000	23,000	43,560	80	100
	Multifamily					
	Manufactured home					
	Properties in the defined traffic impact overlay district				440 feet when the posted speed limit is over 45 mph; 245 feet when the posted speed limit is 45 mph or less	
R-3	Single-family	7,500	15,000	43,560	75	100

PROOFS

	Semi-detached	6,000	11,500	43,560	50	50
	Two-family	9,500	20,000	43,560	80	100
	Multifamily	16,000 + 4,000 per each unit over 2			100	120
	Manufactured home					
R-4	Single-family	10,000	15,000	43,560	80	100
	Semi-detached	6,000	11,500	43,560	50	50
	Two-family	12,000	23,000	43,560	80	100
	Multifamily					
	Manufactured home	10,000	15,000	43,560	80	100
B-1	Single-family	7,500	15,000	43,560	75	100
	Semi-detached	6,000	11,500	43,560	50	50
	Two-family	9,500	20,000	43,560	80	100
	Multifamily	16,000 + 4,000 per each unit over 2			100	120
	Manufactured home	7,500	15,000	43,560	75	100
CBD	Single-family	7,500	15,000	43,560	75	100
	Semi-detached	6,000	11,500	43,560	50	50
	Two-family	9,500	20,000	43,560	80	100
	Multifamily	16,000 + 4,000 per each unit over 2			100	120
	Manufactured home	7,500	15,000	43,560	75	100
B-2	Single-family	7,500	15,000	43,560	75	100
	Semi-detached	6,000	11,500	43,560	50	50
	Two-family	9,500	20,000	43,560	80	100
	Multifamily	16,000 + 4,000 per each unit over 2			100	120
	Manufactured home	7,500	15,000	43,560	75	100
	Properties in the defined traffic impact overlay district				440 feet when the posted speed limit is over 45 mph, 245 feet when the posted speed limit is 45 mph or less.	

PROOFS

(1) In the measurement of lot width, the front shall be deemed to be the shorter of the two sides of a corner lot facing streets. Note: Lot area and width requirements for townhouses are located in section 24-477. The E-1 and M-1 Districts do not allow residential development.

(2) Area requirements in this section are subject to the approval of the health department, and in special circumstances larger lot areas may be required by the health department.

(Zoning Ord. 2003, § 18.1-801)

~~(Amended June 11, 2008)~~

Sec. 24-465. Maximum lot coverage.

(a) *Agricultural uses*. The maximum lot coverage for agricultural uses shall adhere to the following requirements:

District	*Maximum Lot Coverage (%)*
A-1 Agricultural	25

(b) *Residential uses*.

(1) The maximum lot coverage for residential uses shall adhere to the following requirements:

District	*Maximum Lot Coverage (%)*
R-1 Limited Residential	25
R-2 General Residential: Single- and Two-Family	35
T-1 Transitional Use Zone	35
R-3 Multifamily	40
R-4 Manufactured Home	40

PROOFS

(2) Does not apply to lots of record as described in section 24-1-401).

(c) *Commercial, industrial and other uses*. There is no maximum lot coverage for commercial, industrial and other uses, except as provided herein in special circumstances and/or as may be required by the town council, commission and/or board of appeals.

(Zoning Ord. 2003, § 18.1-802)

Sec. 24-466. Maximum height restrictions.

No building shall hereafter be erected, constructed or altered so as to exceed the height limit specified in the regulations herein for the district in which it is located. Except as provided herein, the maximum height restrictions and other uses within the districts shall be as follows:

(1) No building shall hereafter be erected, constructed or altered so as to exceed the height limit specified in the regulations herein for the district in which it is located.

(2) Except as provided herein, the maximum height restrictions for residential and other uses within the districts shall be as follows:

District	*Residential Uses*		*Other Uses*
	Single-Family	*Two-Family*	
A-1 Agricultural	40'	40'	65'
R-1 Limited Residential	35'	40'	60'
R-2 General Residential	35'	40'	60'
T-1 Transitional Use Zone	40'	40'	60'
R-3 High Density Residential	35'	40'	60'

R-4 Manufactured Home	35'	40'	60'
B-1 Light Commercial	n/a	n/a	60'
CBD Central Business District	n/a	n/a	80'
B-2 General Commercial	n/a	n/a	80'
E-1 Business Park	n/a	n/a	80'
M-1 Industrial	n/a	n/a	80'

(2) The method determining the height of a building or sign is described in section 24-2.

(3) Chimneys, water and fire towers, church spires, domes, cupolas, cooling towers, roof signs, elevator bulkheads, smokestacks, flag poles, silos, granaries, windmills, oil derricks and similar structures and their necessary mechanical appurtenances may be erected above the height limits herein established except for those structures exceeding 200 feet in height, where prior written approval from the Federal Aviation Administration is necessary. Wireless communication facilities, including antennas and towers, are subject the requirements of article XI of this chapter.

(Zoning Ord. 2003, § 18.1-803)

Sec. 24-467. Minimum yard requirements.

(a) Within the district herein defined, the following minimum yard requirements shall apply:

PROOFS

	Front Yard Setback	*Corner Lot*	*Other Lots*	*Rear Yard Setback*
A-1 Agricultural	50'	25'	15'	25'
R-1 Limited Residential	60'	20'	15'	35'
R-2 General Residential	50'	15'	10'	35'
T-1 Transitional Use Zone	50'	(b)	(b)	35'
R-3 High Density Res.	30'	15'	15'	35'
R-4 Manufactured Home	30'	15'	15'	35'
B-1 Light Commercial	50'	(c)	(c)	(c)
CBD Central Business District	None	(c)	(c)	(c)
B-2 General Commercial	50'	(c)	(c)	(c)
E-1 Business Park	50'	(c)	(c)	(c)
M-1 Industrial	50'	(c)	(c)	(c)

(b) The minimum side yard shall be 15 feet on corner lots and ten feet on other lots, except that no building or structure shall be erected within 25 feet of a residentially zoned lot.

(c) No minimum requirement except that no building or structure shall be erected within 25 feet of a residentially zoned lot.

(d) The front yard setback requirement for any lot in the A-1 Agricultural District, R-1 Limited Residential District, R-2 General Residential District, R-3 High-Density Residential District, or R-4 Manufactured Home District shall be reduced when 50 percent or more of the building lots on the same side of the street within the same block are improved with buildings, and no building on that same side of the street within the same block shall be

required to have a front yard setback greater than the average front yard setback of the existing buildings on the same side of the street. However, when there are buildings on the lots on both sides of the lot, the required front yard setback for that lot shall not be greater than the average of the front yard setbacks of the buildings on such adjacent lots. The sideline of a building on a corner lot shall not be a factor in these calculations. For the purposes of this section, the term "block" shall be defined as the area between the next adjacent street intersection or 500 feet of the lot in question, whichever is less, on both sides of the lot in question. A property owner shall be responsible for providing the appropriate documentation to support the reduction in front yard setback requirement prior to issuance of a zoning certificate.

(Zoning Ord. 2003, § 18.1-804)

~~(Amended September 12, 2007 and February 18, 2014.)~~

Note--Refer to section 24-11(b)(2) for language regarding setback requirements for destroyed buildings.

Sec. 24-468. Adjustments to minimum yard requirements.

Whenever there shall be plans in existence, surveyed and approved by either the state department of highways and transportation or by the town council, upon recommendation of the commission, may require additional front, side or rear yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way in order to preserve and protect the right-of-way for such proposed street or highway widening.

(Zoning Ord. 2003, § 18.1-805)

Sec. 24-469. Screening and landscaping of industrial uses.

An industrial use shall be permanently screened from all adjoining residential districts by a wall, fence, evergreen hedge and/or other suitable enclosure of minimum height of seven feet at the original elevation of the property line.

(Zoning Ord. 2003, § 18.1-707.1.03

PROOFS

Sec. 24-470. Control of vision clearance

No shrubs, plants, hedges, fence, wall marquee, or other obstruction, except vehicles lawfully parked, located on the real estate owned by any landowner or occupied by any tenant, shall obscure the vision of operators of motor vehicles utilizing an intersection. None of the above obstructions, obscuring vision, shall exceed 2 1/2 feet in height above the extended plane of the nearest edge of the hard surface or gravel surface, of the street or road nearest to the obstruction at the intersection of a street, road, or railroad line.

(Zoning Ord. 2003, § 18.1-604)

Sec. 24-471. Minimum distance between buildings.

The minimum distance between buildings shall be as required by the uniform statewide building code.

(Zoning Ord. 2003, § 18.1-605)

Sec. 24-472. Accessory and temporary buildings.

(a) *Intent*. Special requirements are designed for accessory and temporary buildings to ensure ample access for emergency vehicles, maintain the effectiveness of rear and side yard requirements and ensure accessory structures remain secondary in function to the main building.

(b) *Accessory buildings*. The location of accessory buildings and uses in residential districts must meet the following restrictions:

(1) Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof, and therefore such attached accessory building shall comply in all respects with the requirements applicable to the main building.

(2) A detached accessory building shall not be closer than 15 feet to the main building or rear lot line. Accessory building shall not be closer to a lot line than the setback line for side yards for the district in

which the lot is located. Additionally, no building housing livestock shall be placed within 200 feet of a lot line located within or abutting any residential or business district.

(3) A detached accessory building, not more than two stories in height, may be constructed on not more than 30 percent of the rear yard.

(4) No detached accessory building may be located in the front yard of a lot.

(5) Radio and television antennas, satellite dishes with a dish area larger than four square feet, solar panels, windmills and similar accessory uses shall be permitted as accessory uses, provided they conform to all appropriate yard and height requirements for the district in which the lot is located. The installation of a satellite dish antenna shall be permitted in accordance with the uniform statewide building code.

(c) *Temporary buildings*. Temporary buildings may be permitted in any district when used in conjunction with the construction work only but shall be removed immediately upon completion of construction.

(Zoning Ord. 2003, § 18.1-901)

Sec. 24-473. Automobile service stations.

(a) *Intent*. Special requirements are imposed on automobile service stations because of the potential dangers and nuisances caused by high traffic volume, repair of machinery and flammable products.

(b) *Location*. The building and service area (to include all automotive maintenance, cleaning and pumping of gasoline) shall not be within 100 feet of any residential lot or any property containing a school, public playground, church, hospital, public library or institution for children or dependents.

(c) *Site requirements*. An automobile service station shall have a minimum frontage of 120 feet and minimum area of 12,000 square feet. All buildings shall be set back 40 feet from the right-of-way line of any road or street right-of-way lines. All canopies shall be set back 25 feet from all road or street right-of-way lines.

PROOFS

(d) *Access to site*. All ingress and egress to and from public streets and alleys at the automobile service station shall meet the specifications of ~~paragraph 3 of § 33.1-198 of the Code of Virginia, 1950~~ Code of Virginia, § 33.2-241, as amended, and the minimum standards of entrances to state highways and be approved by the resident engineer prior to the approval of the site plan.

(e) *Gasoline pump islands*. All gasoline pump islands shall be set back at least 25 feet from the road or street right-of-way line. Where pump islands are constructed perpendicular to the right-of-way line, the pump island shall be set back at least 30 feet from the road or street right-of-way line.

(f) *Off-street parking*. A minimum of four off-street parking spaces are required with an additional off-street parking space for each automobile service bay.

(g) *Other site improvements*. In addition to the above requirements, the following additional site improvements shall be required:

(1) Exterior lighting shall be arranged so that it is deflected away from adjacent properties.

(2) All drives, parking, traffic and storage and service areas shall be surface treated, blacktop or concrete.

(Zoning Ord. 2003, § 18.1-902)

Sec. 24-474. Home occupations.

(a) *Intent*. It is recognized that home occupations provide valuable services while providing income for town residents. The regulations in this section seek to prevent conflict of the home occupation with the surrounding residential areas and to ensure that the home occupation maintains a secondary posture to the main residential use.

(b) *General requirements*. Home occupations meeting the following general requirements shall be allowed as accessory uses in all residences:

(1) The operator must be the owner of the property on which the home occupation is to be located or must have written approval of the owner of the property if the applicant is a tenant.

(2) The home occupation shall be operated only by the members of the family residing on the premises and no article or service shall be sold nor offered for sale except as may be made by members of the

immediate family residing on the premises.

(3) The home occupation shall not generate excessive traffic nor produce obnoxious odors, glare, noise, vibration, electrical disturbance, radio activity or other conditions detrimental to the character of the surrounding area.

(c) *Special requirements*.

(1) The home occupation within the main building shall not occupy more than 25 percent, or 500 square feet, whichever is smaller, of the floor area within the main building.

(2) A home occupation may be located in an accessory building to the main dwelling that is no larger than one-third area size of the main dwelling, located in the rear yard, and meeting all requirements in section 24-472.

(d) *Expiration*. A zoning certificate for home occupations shall expire under the following conditions:

(1) Whenever the operator ceases to occupy the premises for which the home occupation certificate was issued, and no subsequent occupant of such premises shall engage in any home occupation until he shall have been issued a new certificate after proper application.

(2) Whenever the holder of such a certificate fails to exercise the same for any period of 12 consecutive months.

(Zoning Ord. 2003, § 18.1-905)

Sec. 24-475. Multifamily developments.

All multifamily, herein defined as three or more dwelling units contained in one building, shall meet the following special requirements. These requirements shall apply to any structure of similar use, physical structure and character, regardless of the type of ownership.

PROOFS

(1) *Multifamily development utilities and streets*. All multifamily developments shall meet the following minimum requirements for utilities and streets:

a. All units shall be connected to water and sewage systems that are constructed in accordance with the specifications of the town council after recommendation by the town planning commission and taking into consideration the requirements of the state health department, the statewide building code, and health, safety, and welfare of the citizens of the town.

b. All units shall have such fire protection systems and fixtures constructed in accordance with the specifications of town council, after recommendation of the town planning commission, upon taking into consideration the requirements of the statewide building code and the health, safety, and welfare of the citizens of the town.

c. All road entrances~~, parking lots, streets, and roadways~~ shall be constructed in accordance with state department of transportation standards, except that the planning commission shall have the authority to relieve specific requirements for any good cause which shall not involve cost considerations.

~~All units shall be connected to water and sewerage systems approved by the health department and shall be open to inspection.~~

d. ~~The site storm drainage system shall drain to any existing natural drainage system. On-site retention of stormwaters is encouraged provided that it is in compliance with requirements of section 15.1-867 of the Code of Virginia, 1950, as amended, and the sediment basin design standards of the Erosion and Sediment Control Handbook. All storm drainage facilities shall meet the requirements of the health department. Curbs and gutters, if provided, and curb cuts shall meet the specifications of paragraph 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.~~

(2) *Amenities*. All multifamily developments shall meet the following minimum requirements for open space, recreation and other amenities:

a. Open space areas, excluding those portions of the multifamily development occupied by multifamily dwellings, accessory buildings, driveways, or parking areas, and including outdoor recreation areas, shall meet the following requirements:

1. Provision shall be made for common open space such that one percent of the gross area of the site shall be devoted to common open space for each dwelling unit per acre of density. For example, if the density of the development is eight units per acre, at least eight percent of the development shall be devoted to common open space. Common open space shall not include areas included in minimum yard area requirements; however, no common open space shall be required in the CBD Central Business District.

2. In multifamily developments of over 150 units in size, provision shall be made for adequate supervision of recreational areas.

3. Tot lots and swimming areas shall be adequately enclosed, and all recreational areas shall be located away from the concentrations of vehicular traffic.

b. Fencing or vegetative screening shall be provided to a height of six feet and of such a density that no part of the development shall be visible to a casual observer on any side of the development abutting any yard of a residential or nonresidential structure, provided that where natural features such as topography or natural vegetation are preserved and prevent the development from being casually visible from adjoining properties, the board of appeals may waive requirements for screening. Fencing where required shall be maintained in a safe condition, shall be painted, and shall be kept in good repair.

c. Paved common walks of a width of at least ~~four~~ five feet shall be provided on at least one side of all streets, and wherever concentrations of pedestrian traffic can be expected, as between recreational facilities, walks may be incorporated into the street curb. Walk grades shall not exceed ten percent; lights shall be provided sufficiently to illuminate steps.

(Zoning Ord. 2003, § 18.1-906)

PROOFS

Sec. 24-476. Large-scale development.

(a) *Intent*. Large developments can strain town resources and negatively impact adjacent areas and are therefore subject to special review. Areas of special concern include traffic impact, water and sewer service, fire protection, generation of noise, and aesthetics.

(b) *Applicability*. For the purposes of this section, the term "large-scale development" means a building or group of buildings under one ownership or control and containing more than 60,000 square feet of floor area, regardless of use, in agricultural, residential and commercial districts. Large-scale developments are subject to the issuance of a special use permit in the following districts:

(1) A-1 Agricultural District.

(2) R-1 Limited Residential District.

(3) R-2 General Residential District.

(4) T-1 Transitional Use Zone District.

(5) R-3 High Density Residential District.

(6) R-4 Manufactured Home District.

(7) B-1 Light Commercial District.

(8) CBD Central Business District.

(9) B-2 General Commercial District.

(c) *Building and construction setback*. All buildings in a large-scale development shall have minimum setback of 75 feet from the right-of-way of arterial highways, such as U.S. 60 and U.S. 29. All buildings will have a setback of 25 feet from other street right-of-way lines, or property lines, unless adjacent to a residential district, then the setback shall be 75 feet.

(d) *Screening and landscaping*.

(1) A large-scale development shall be permanently screened from adjacent residential areas by a wall, fence, evergreen hedge and/or other suitable enclosure of minimum height of seven feet at the original elevation of the property line. A landscaped area at least ten feet in depth, exclusive of sidewalks, must be provided along street frontage and must be located between the curbline and a line parallel to and 20 feet inside the property line; other landscaping and/or screening may be required.

(2) All mechanical equipment, including mechanical equipment mounted on a roof, shall be screened.

(Zoning Ord. 2003, § 18.1-909)

Sec. 24-477. Townhouses.

(a) *Minimum lot area, lot width and yard requirements*. Townhouse lots for sale shall adhere to the following minimum requirements:

(1) Lot area: Each townhouse shall be located on a lot of not less than 1,200 square feet in area. However, there shall be no special yard requirement for townhouse lots in the Central Business District CBD

(2) Unit width: A minimum width of 16 feet per lot shall be maintained.

(3) Front yard: There shall be a minimum ten-foot front yard (area between front door and front of lot, or parking area, or other common area).

(4) Side yard: There shall be a side yard of not less than 16 feet in width at each end of a group of units (not to be shared between units).

(5) Rear yard: There shall be a rear yard with a depth of not less than 25 feet for each unit (not to be shared between units).

(b) *Development perimeter yard requirements*. Each townhouse development shall have a perimeter yard on the rear and side property lines of the total site equal to at least 25 feet except where the development is within or abuts an R-1 or R-2 Residential District in which case the perimeter yard shall be at least 50 feet. The required development perimeter yard may include the side and rear yards required for each townhouse. The required front yard for the zoning district in which the development is located shall apply for the townhouse development along the front property line of the total site which may include the required front yard for each townhouse.

PROOFS

(c) *Height restrictions*. Height shall be no more than 40 feet measured from the average level of the ground adjacent to the front exterior wall.

(d) *Maximum lot coverage*. The maximum lot coverage for interior townhouse lots for sale shall be 50 percent and for end and/or corner lots shall be 40 percent.

(e) *Common areas*. Each townhouse development shall provide at least ten percent of the development site for areas of common use which includes such uses as parking, walkways, streets not dedicated to the state department of transportation, recreation facilities, picnic areas, refuse collection, utility easements, and similar activities. The following minimum requirements for common areas shall be adhered to:

(1) Off-street parking shall meet the requirements set forth in division 2 of article VIII of this chapter and section 24-539. Required parking spaces shall be provided within the perimeter of the townhouse development and no farther than 200 feet from the facilities served. Off-street parking shall be designed to produce the minimum possible interference with pedestrian circulation within the townhouse development.

(2) Tot lots and swimming areas shall be adequately enclosed, and all recreational areas shall be located away from the concentrations of vehicular traffic.

(3) Fencing or vegetative screening shall be provided to a height of six feet and of such a density that no part of the development shall be visible to a casual observer on any side of the development abutting any yard of a residential or nonresidential structure, provided that, where natural features such as topography or natural vegetation are preserved and prevent the development from being casually visible from adjoining properties, the board of appeals may waive requirements for screening. Fencing, where required, shall be maintained in a safe condition, shall be painted, and shall be kept in good repair.

(4) Paved common walks of a width of at least five feet shall be provided from each dwelling unit to common areas within the townhouse development, and wherever concentrations of pedestrian traffic can be expected, as between recreational facilities, walks may be incorporated into the street curb. Walk grades shall not exceed ten percent; lights shall be provided sufficiently to illuminate steps.

(f) *Preservation and maintenance of common areas*. All common areas shall be preserved for their intended purpose as expressed in the approved subdivision plat. The preservation and maintenance of all common areas within the townhouse development shall be in accordance with the following requirements:

(1) All deeds shall include appropriate restrictions to ensure that common areas are permanently preserved according to the subdivision plat. The deed restrictions shall run with the land and be for the benefit of present as well as future property owners and shall contain a prohibition against partition.

(2) All common areas shall be specifically included in the development schedule and be constructed and fully improved by the developer.

(3) All common areas shall be placed in the ownership and control of a nonprofit association capable of providing adequate maintenance.

(4) The developer shall establish a nonprofit association, corporation, trust or foundation of all individuals or corporations owning property within the townhouse development to ensure the maintenance of common areas. Said organization shall conform to the following requirements:

a. The developer must establish the organization prior to the sale of any lot or property and shall relinquish control of said organization when voted upon by the membership of the organization.

b. Membership in the organization shall be mandatory for all property owners, present and future, within the townhouse development and said organization shall not discriminate in its members or shareholders.

c. The organization shall manage all common areas within the townhouse development, shall provide for the maintenance, administration and operation of said land improvements and shall secure adequate liability insurance on the common areas.

d. The organization shall conform to the Condominium Act, Code of Virginia, § 55.1-1900 et seq

The organization shall conform to the Condominium Act, Code of Virginia, § 55.1-1900 et seq

(g) Streets and utilities. All streets and utilities within the townhouse development shall meet the following requirements:

The traffic circulation pattern, the street dimensions, curbs and gutters, if provided, and curb cuts shall meet the specifications of the state department of transportation and Code of Virginia, §§ 33.2-240 and 33.2-241

PROOFS

(1) and the minimum standards of the entrances to state highways and be approved by the resident engineer prior to the approval of the site plan.

(2) All dwelling units shall be connected to the town water and sewerage systems.

(3) The site storm drainage system shall drain to any existing natural drainage system. On-site retention of stormwaters is encouraged, provided that it is in compliance with requirements of ~~section 15.1-867 of the Code of Virginia, 1950, as amended, and~~ the sediment basin design standards of the Erosion and Sediment Control Handbook. All storm drainage facilities shall meet the requirements of the health department.

(4) All utilities shall be underground.

(h) *Subdivision plat and site plan requirements*. In addition to the subdivision plat requirements herein, the submittal of the subdivision plat that includes townhouses lots shall be accompanied by a special site plan for the townhouse development only as provided for article XI of this chapter.

(Zoning Ord. 2003, § 18.1-912)

Sec. 24-478. Confined livestock facilities.

(a) *Intent.* The town recognizes that the operation of large-scale confined animal feeding facilities can have

a substantial adverse impact on the quality of life for property owners in nearby areas thereby requiring standards and guidelines for their siting and operation. It is the intent of this section to promote economic development and to preserve farmland by providing for the continued security of the town's rural residential/agricultural environs by encouraging limited, orderly and responsible growth of livestock, dairy and poultry industry.

(b) *Definitions*. The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal unit means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, (9VAC25-31-10 of the Virginia Administrative Code) or 1,000 pounds of live weight of any other given livestock species or any combination of other livestock species (7 CFR 1466.3).

Confined livestock facility means a livestock facility that stables, confines, feeds, or maintains animals for a total of 45 days or more in any 12-month period and does not sustain crops, vegetation, forage growth, or post-harvest residues within the confined area in the normal growing season over any portion of the confinement facility (7 CFR 1466.3).

(c) *Uses allowed subject to special use approval.*

(1) *Residential, ~~commercial~~ mixed use or industrial districts*. Confined livestock facilities of more than 50 animal units or keeping of more than two animal units per acre shall not be permitted in any residential, ~~commercial~~ mixed use or industrial district.

(2) *Agricultural districts*. Confined livestock facilities with more than 100 animals regardless of sex, age or weight or more than 50 animal units or keeping more than two animal units per acre in all agricultural districts are subject to special use approval. In no event shall any one confined livestock operation be permitted to have more than 299 animal units in any agricultural district.

PROOFS

(d) *Application requirements for confined livestock facilities*. All applications for a special use approval in connection with a confined livestock facility shall include the following:

(1) *Other approvals*. The applicant shall provide certifications that all required state and federal permits and approvals have been granted along with the request for approval of the confined livestock facility. Such certifications shall include a nutrient management plan issued by the state department of conservation and recreation or other appropriate agency. If off-site disposal is part of the nutrient management plan, the applicant shall provide written documentation of an agreement with the receiver of the wastes produced at the confined livestock facility. Such documentation shall specify the duration of the agreement and the nature of the application or use of the wastes.

(2) *Documentation*. The applicant shall supply a site plan and other materials, as deemed appropriate by the zoning administrator, to document the proposed facilities. The applicant shall supply a survey, prepared by a land surveyor or engineer licensed by the commonwealth, of the entire parcel of land upon which the confined livestock facility is proposed to be situated. The survey shall show that the proposed confined livestock facility meets all applicable separation requirements by showing the direction and distance to the nearest applicable feature.

(3) *Well data*. The applicant shall supply baseline well water data from all adjoining property owners with a water supply well. In the event an adjoining owner refuses permission for a well water test, the applicant shall provide a documentary record of its request to perform the test and the property owner's refusal to grant permission. The applicant shall submit with the data a correlated list of the names and addresses of the adjoining property owners and a map noting tested well locations. At a minimum, the well testing shall address the following:

Parameter	*Unit*
Static water level	ft

Ammonia nitrogen	mg/L
Nitrate nitrogen	mg/L
pH	SU
Conductivity	umhos/cm

(4) *Applicant*. The applicant for all permits must be a resident of the town and the property owner.

(5) *Fees*. Any costs associated with review of the application by the town by an engineer of any of the above-required information shall be paid by the applicant.

(e) *Separation requirements for confined livestock facilities*. All structures and wastewater treatment facilities associated with confined livestock facilities shall meet the following minimum separation distances in addition to all setback and yard requirements found elsewhere in this chapter:

(1) 1,500 feet from any house not located on the property owned by the applicant.

(2) 1,000 feet from a residential zoning district.

(3) 2,500 feet from a public place such as a college, school, courthouse, library or church.

(4) 1,000 feet from a perennial stream as indicated on the 7.5-minute USGS topographic survey maps.

(5) 1,000 feet from a state-maintained road and not visible from a state-maintained road.

(f) *Required findings for confined livestock facilities*. Prior to approving any application for a special use approval which would allow a confined livestock facility, the town council shall be satisfied that the odors generated by the proposed facilities will not be objectionable to any resident or business operator located either inside or outside the corporate limits of the town.

(Zoning Ord. 2003, § 18.1-916)

PROOFS

Sec. 24-479. Adult entertainment establishments.

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Adult bookstore means an establishment having a substantial or significant portion of its stock-in-trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or related to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.

Adult entertainment establishment means any regulated use such as an adult bookstore, adult motion picture theater, cabaret, massage parlor, drug paraphernalia store, adult video tape stores, strip lounges.

Adult motion picture theater means an enclosed building with a capacity of one to more than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to specified sexual activities or specified anatomical areas for observation by patrons.

Drug paraphernalia store means any retail store selling paraphernalia commonly related to the use of any drug or narcotic of which the sale, use or possession of is subject to the provisions of the Drug Control Act (Code of Virginia, § 54.1-3400 et seq.), including, but not limited to, water pipes, pipe screens, hashish pipes, roach clips, coke spoons, bongs, and marijuana cigarette rolling paper.

Massage parlor means any place where manipulation of body tissues for any purpose is conducted and the owners and employees are not a physician, chiropractor, osteopath, naturopath or physical therapist duly licensed by the commonwealth, nor a massage therapist certified by the state board of nursing.

Specified anatomical areas means areas which include less than completely and opaquely covered human genitals, pubic region, buttocks, female breasts below a point immediately above the top of the areola, and human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities means activities which include human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, and fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

Strip lounge means an adult club, lounge, restaurant, or similar place which features topless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers exhibiting specified anatomical areas or performing specified sexual activities.

(b) *Standards*. Any adult entertainment establishment, including adult bookstores, adult motion picture theaters, stores selling sex implements, and/or selling or renting pornographic movies with a rating more restrictive than "R", clubs, bars, lounges and the like where dancers perform nude or partially nude resulting in the display of specified anatomical areas, massage parlors, drug paraphernalia stores, and the like shall be subject to the following standards:

(1) No adult entertainment establishments shall be permitted:

a. Within two miles of any other existing adult entertainment establishment; and

b. Within 1,000 feet of any existing residential use or residentially zoned district, or any of the following uses:

1. Churches, monasteries, chapels, synagogues or convents;

2. Public and private schools, up to and including the 12th grade, and their adjunct play areas, and colleges;

3. Public playgrounds, community swimming pools, public parks and public libraries.

For the purpose of spacing, distances shall be measured from all property lines of any parcel or district.

(2) Signs and other visible messages.

a. *Signs*.

1. Sign messages shall be limited to verbal description of material or services available on the premises.

2. Sign messages may not include any graphic or pictorial depiction of material or services available on the premises.

3. Sign shall meet all additional requirements contained in this chapter.

b. *Other visible messages*. Messages which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films, or printed material available on the premises; or pictures, films, or live presentations of persons performing or services offered on the premises.

(Zoning Ord. 2003, § 18.1-918)

Sec. 24-480. Manufactured homes.

Manufactured houses that are on a permanent foundation and on individual lots are permitted in the A-1 district.

State law reference—Mandatory provisions, Code of Virginia, § 15.2-2290(A).

Sec. 24-481. Assisted living facilities and group homes of eight or fewer; single-family residence.

(a) A residential facility in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons, shall be considered as residential occupancy by a single family. For the purposes of this subsection, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For purposes of this subsection, the term "residential facility" means any group home or other residential facility for which the state department of behavioral health and developmental services is the licensing authority.

PROOFS

(b) A residential facility in which no more than eight aged, infirmed or disabled persons reside, with one or more resident counselors or other staff persons, shall be considered as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility. For purposes of this subsection, the term "residential facility" means any assisted living facility or residential facility in which aged, infirm or disabled persons reside with one or more resident counselors or other staff persons and for which the state department of social services is the licensing authority.

State law reference—Similar provisions, Code of Virginia, § 15.2-2291.

Sec. 24-482. Family day homes.

A family day home, as defined in Code of Virginia, § 22.1-289.02, serving one through four children, exclusive of the provider's own children and any children who reside in the home, shall be considered as residential occupancy by a single family. No conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed upon such a home. Nothing in this section shall apply to any county or city which is subject to Code of Virginia § 15.2-741 or 15.2-914.

State law reference—Similar provisions, Code of Virginia, § 15.2-2292(A).

Sec. 24-483. Temporary family health care structures.

(a) Temporary family health care structures for use by a caregiver in providing care for a mentally or physically impaired person and on property owned or occupied by the caregiver as his residence shall be considered a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings. 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 otherwise provided in this section. Such structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. Only one family health care structure shall be allowed on a lot or parcel of land.

PROOFS

(b) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Caregiver means an adult who provides care for a mentally or physically impaired person within the commonwealth. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom he is caring.

Mentally or physically impaired person means a person who is a resident of the state and who requires assistance with two or more activities of daily living, as defined in Code of Virginia, § 63.2-2200, as certified in a writing provided by a physician licensed by the Commonwealth.

Temporary family health care structure means a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that is primarily assembled at a location other than its site of installation; is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in Code of Virginia, § 63.2-2200, as certified in writing by a physician licensed in the Commonwealth; has no more than 300 gross square feet; and complies with applicable provisions of the Industrialized Building Safety Law (Code of Virginia, § 6-70 et seq.) and the Uniform Statewide Building Code (Code of Virginia, § 36-97 et seq.). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

(c) Any person proposing to install a temporary family health care structure shall first obtain a permit from the town council, for which the town may charge a fee. The town may not withhold such permit if the applicant provides sufficient proof of compliance with this section. The applicant shall 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 town of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

(d) 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 state department of health.

(e) 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.

(f) Any temporary family health care structure installed pursuant to this section shall be removed within 60 days of the date on which the temporary family health care structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance provided for in this section.

(g) The town council, or the zoning administrator on its behalf, may revoke the permit granted pursuant to subsection (c) of this section if the permit holder violates any provision of this section. Additionally, the town council may seek injunctive relief or other appropriate actions or proceedings in the circuit court of that locality to ensure compliance with this section. The zoning administrator is vested with all necessary authority on behalf of the town council to ensure compliance with this section.

State law reference—Similar provisions, Code of Virginia, § 15.2-2292.1.

Sec. 24-484. Lighting.

All lighting facilities shall be arranged so that light is directed downward, and not horizontally or at adjacent properties, with special care to as to not negatively impact residential areas.

(Zoning Ord. 2003, § 18.1-921)

Secs. 24-485--24-506. Reserved.

DIVISION 2. OFF-STREET PARKING

PROOFS

Sec. 24-507. Off-street parking required.

(a) 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.

(b) Such off-street parking and loading facilities shall be maintained as approved and continued as long as the main use is continued.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

(Zoning Ord. 2003, § 18.1-602.01)

Sec. 24-508. 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:

(1) An alternate location provides parking only for the use in question.

(2) 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.

(3) Such parking spaces shall be conveniently and safely accessible to pedestrians.

(4) All such parking spaces shall be on property zoned properly for the use or uses which require the parking spaces.

(5) 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 so as to ensure the availability of such spaces for a minimum time period of at least five years.

(6) 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 off-site arrangement meeting the requirements of this chapter. 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.

(7) 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.

(Zoning Ord. 2003, § 18.1-602.02)

Sec. 24-509. 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 8 1/2 feet by 18 feet.

(2) The planning commission, as part of the site plan review process, may approve spaces with minimum dimensions of 8 1/2 feet by 18 feet for vehicle storage lots for automobile dealers, overflow parking areas and other low turnover parking facilities.

PROOFS

(c) Overhang over landscape areas shall not be counted toward the minimum dimensions stated above.

(Zoning Ord. 2003, § 18.1-602.03)

Sec. 24-510. 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.

(Zoning Ord. 2003, § 18.1-602.04)

Sec. 24-511. 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.

(Zoning Ord. 2003, § 18.1-602.04.1)

Sec. 24-512. Calculation of number of off-street parking spaces.

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

(1) The term "floor area" means 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, the term "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.

(Zoning Ord. 2003, § 18.1-602.05)

Sec. 24-513. 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*
Residential uses	
Single-family, two-family and multifamily dwelling	2 for each dwelling unit
Townhouses and planned unit developments	2 for each dwelling unit, plus 0.25 for each dwelling unit for visitor parking
Group quarters	
Lodginghouses and roominghouses	1 for each room rented
Nursing homes	1 for each 3 beds
Dormitory, fraternity or sorority	1 for each 2 beds
Transient lodgings	
Hotels/motels:	1 for each bedroom
Meeting rooms, banquet rooms and restaurants located within a hotel/motel	1 for each 350 square feet of floor area
Educational uses	
Kindergarten, ~~day~~ childcare center, nursery school	1 for each 200 square feet of floor area
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
Business	
Retail establishments (unless otherwise specified)	1 for each 200 square feet of floor area
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)
Furniture, hardware, home furnishings, automobile parts and supplies	1 for each 500 square feet of floor area
Pharmacy, freestanding, with a drive-through window for drop off and pick up of prescriptions	1 for each 400 square feet of floor area

PROOFS

Shopping centers, but excluding theaters (unless otherwise specified)	1 for each 300 square feet of floor area
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
Outdoor sales and display	1 for each 500 square feet of open sales and display area
Wholesale, inventory and storage uses not otherwise classified	1 for each 1,000 square feet of floor area devoted to enclosed storage
Industrial uses	
Manufacturing, warehousing, industrial uses and laboratories	1 for each 1 1/2 employees on the maximum working shift
Cultural, entertainment and recreational uses	
Auditoriums, assembly halls, community centers, dancehalls and theaters	1 for each 4 seats based on maximum seating capacity
Amphitheaters, sports arenas, stadiums or gymnasiums	1 for each 5 seats or 10 feet of bench space
Art galleries, libraries, museums	1 for each 400 square feet of floor area
Bowling	4 for each alley
Golf course or miniature golf course	2 for each hole
Office uses:	
Offices, but not including medical offices	1 for each 400 square feet of floor area
Medical uses	
Doctor's or dentist's office, clinic and outpatient clinic	1 for each 200 square feet of floor area
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
Veterinary hospital	1 for each 400 square feet of floor area
Service uses	
Barbershop or beauty salon	1 for each 200 square feet of floor area
Laundry, self-service	1 for each 200 square feet of floor area
Laundry, dry cleaning	1 for each 400 square feet of floor area
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
Institutional uses	
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

PROOFS

	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
	Jails	1 for every rated bed space plus 1 for each 400 square feet of other floor area

(Zoning Ord. 2003, § 18.1-602.06)

Sec. 24-514. 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.The master plan shall be considered by the Planning Commission who shall have the authority to adjust the number of parking spaces required for a development if such is properly justified by the property owner,

(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 planning commission 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:

PROOFS

(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 Reapproval. 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. A change shallbe 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.

(Zoning Ord. 2003, § 18.1-602.07)

Sec. 24-515. Parking requirements in the central business district.

(a) Consistent with the purpose of this chapter, the town council and planning commission desire to preserve and enhance downtown Amherst. As such, the role of downtown Amherst, as a desired location for community activities and local businesses, will be encouraged.

(b) To encourage the use of older buildings in the downtown area, no off-street parking will be required in the case of a change in use of a building that is more than 30 years old and in the CBD Central Business District. However, this relief shall not apply when calculating the parking required for any new building footprint.

(Zoning Ord. 2003, § 18.1-602.08)

~~(Amended February 18, 2014)~~

Secs. 24-516--24-538. Reserved.

DIVISION 3. OFF-STREET LOADING

Sec. 24-539. Off-street loading and unloading space.

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

(1) Spaces designated for off-street loading shall not be counted toward the required number of off-street parking spaces.

(2) Off-street loading spaces shall be located so that there is sufficient room for the turning and maneuvering of vehicles using said spaces.

(3) Access to off-street loading spaces shall not be across required off-street parking spaces.

(Zoning Ord. 2003, § 18.1-603)

Sec. 24-540. Size of off-street loading space.

PROOFS

Each off-street loading space shall have minimum dimensions of 14 feet in height, 12 feet in width, and 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 25 feet.

(Zoning Ord. 2003, § 18.1-603.01)

Sec. 24-541. 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 Code of Virginia § 33.1-198, 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.

(Zoning Ord. 2003, § 18.1-603.02)

Sec. 24-542. Floor area over 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 10,000 square feet, at least one off-street loading space for each 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.

(Zoning Ord. 2003, § 18.1-603.03)

Sec. 24-543. Floor area less than 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 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.

(Zoning Ord. 2003, § 18.1-603.04)

Sec. 24-544. 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.

(Zoning Ord. 2003, § 18.1-603.05)

Sec. 24-545. 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.

(Zoning Ord. 2003, § 18.1-603.06)

Sec. 24-546. 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.

(Zoning Ord. 2003, § 18.1-603.07)

Secs. 24-547--24-570. Reserved.

ARTICLE IX. SIGNS

~~**Sec. 18-908. Signs.**~~

Sec. 24-571. Intent.

The intent of this section is to establish limitations on signs to ensure that they are appropriate to the neighborhood, building or use to which they are appurtenant and are adequate, but not excessive, for their intended purpose as a means of communication without adverse impact on the visual character of the area; to ensure that signs are compatible with their surroundings; to maintain and enhance the aesthetic environment of the town and its entrance corridors; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; to avoid visual clutter that is potentially harmful to traffic and pedestrian safety, property values, and community appearance; to establish reasonable time, place, and manner provisions to facilitate the appropriate exercise of free speech; and to enable the fair and consistent enforcement of these sign regulations. Any display of off-premises signs is considered inappropriate to the character and sound development of the town, and it is intended by this article that street and highway rights-of-way in the town shall not be made available for such display unless erected and maintained by the town or another governmental entity. It is the policy of the town that the purpose of commercial signs is to attract patrons onto the site of business activity and not for brand promotion, advertising goods and services, or directing traffic to other locations.

PROOFS

~~(Amended January 9, 2019)~~

(Zoning Ord. 2003, § 18.1-908.01)

Sec. 24-572. Calculation of sign area.

(a) Sign area shall be calculated as the area within a single rectangle, triangle, or circle and shall include all letters, figures, graphics or other elements of the sign together with the framework or background of the sign. Double-faced signs (two sign faces back-to-back at not more than a 60-degree angle) shall be counted as one sign.

(b) Whenever an individual lot has not used all of its permissible sign area, then the unused portion may be used for displaying noncommercial messages.

(Zoning Ord. 2003, § 18.1-908.02)

~~(Amended January 9, 2019)~~

Sec. 24-573. Signs shall pertain to the property.

Any commercial message carried by permitted signs shall pertain to the business located on the same premises as the sign; or to any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, provided that signs erected on contiguous properties with the same

owner may pertain to a business located on any such contiguous property. Billboards and other off-premises signs are prohibited except as expressly permitted by this article.

~~(Amended January 9, 2019)~~

(Zoning Ord. 2003, § 18.1-908.03)

Sec. 24-574. Permit required.

(a) *Compliance*. No sign, except those qualifying for permit exceptions, shall be constructed, erected, relocated, expanded or otherwise altered until a sign permit has been obtained from the zoning administrator in accordance with the provisions of this section.

(b) *Permit exceptions*. A permit shall not be required for the following signs, but they shall be subject to all other applicable provisions of this article:

(1) Repainting or refacing an existing sign or minor nonstructural repairs.

(2) Signs specifically excluded from permit requirements.

(3) Signs permitted in all sign districts as outlined in section 24-576.

(Zoning Ord. 2003, § 18.1-908.04)

~~(Amended January 9, 2019)~~

Sec. 24-575. Sign districts.

In order to meet the intent of this section, sign districts are hereby created to reflect the character of various areas in the town. These districts are:

(1) *Commercial and industrial sign district*. This district is designed to support retail and service businesses in the town's commercial areas. As such, it encompasses all town lands zoned commercial or industrial.

(2) *Mixed use district*. This district is designed to support small scale retail and service businesses that are consistent with residential development. This district encompasses the central business and transitional zoning districts.

PROOFS

(3) *Residential and agricultural sign district*. This district encompasses residential and noncommercial areas to ensure that signage is in keeping with the character of these areas. As such, it includes all town lands not included in the aforementioned sign district.

(Zoning Ord. 2003, § 18.1-908.05)

~~(Amended January 9, 2019)~~

Sec. 24-576. Signs permitted in all sign districts.

The following signs shall be permitted in all sign districts and shall not require a sign permit, unless otherwise indicated. The area of any sign described in this section shall not be included in computing the aggregate sign areas specified for individual districts.

(1) *Temporary signs*. Temporary signs, which shall be nonilluminated and limited to the following types:

(1) When buildings are under construction or sites are under development, signs may be displayed provided that they are removed upon issuance of a certificate of occupancy. The maximum sign area of each such sign shall be 32 square feet.

(2) When a property is offered for lease or for sale, signs may be displayed provided that they are removed within five days of the date of closing or within five days of the beginning of the lease.

1. In the residential sign and mixed use districts, the maximum aggregate sign area shall be four square feet and the maximum height shall be 12 feet.

2. In the commercial and industrial sign district, the maximum aggregate sign area shall be 32 square feet and the maximum height shall be 12 feet.

(3) When a business in the mixed use or commercial and industrial sign district opens, temporary

building-mounted signs and banners shall be permitted, provided that such sign or signs shall not be displayed for more than 30 days. The maximum aggregate sign area shall be 32 square feet.

(4) When a dwelling in a residential sign district is holding a yard sale, signs may be displayed for only 48 hours and only on the property where the yard sale will be held.

(5) For special events within the town, any property owner may display up to two signs of up to four square feet each for up to five days in any 60-day period.

(6) Signs on private property that exercise the property owner's right to right to free speech and express noncommercial messages such as ideals, causes, policies or candidates, provided that the aggregatesign area is not larger than 40 square feet in the mixed use and commercial and industrial sign districts or 16 square feet in the residential and agricultural sign district, and the total number of signs on a parcel cannot exceed two. Such signs shall be removed within 60 days of installation, and no property can display such signs for more than a total of 120 days per year.

(2) *Permanent signs*.

(1) One sign at each parking lot entrance with no commercial logo or other message and not exceeding three square feet in area.

(2) Nonilluminated names of buildings, dates of erection, monumental citations, commemorative tablets, insignia of local, state or federal government, and like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of a building structure. The maximum size of such sign shall be 32 square feet.

(3) Usual and customary signs identifying disabled parking, restrooms, directions, driving instructions or other facilities relating to such places or activities.

(4) Signs not visible from adjacent properties or public rights-of-way.

(3) *Flags*. Flags containing no commercial message are not regulated.

(4) *Location on right-of-way*. Signs installed on VDOT right-of-way under a VDOT permit. The town will only assist in the VDOT permitting process with town-approved banners installed above South Main Street on the existing banner bracket.

(5) *Nonconforming*. Any sign may remain in use provided that it was lawful at the time this article was enacted. However, signage for any business shall be required to conform to all requirements of this chapter as a condition of approval before any change to the signage for that business.

~~(Amended January 9, 2019)~~

(6) *Community promotions*. Community promotions that do not contain any commercial messages or references and are constructed or displayed on public property under the auspices of a locally based government agency.

(Zoning Ord. 2003, § 18.1-908.06)

~~(Amended October 14, 2020)~~

Sec. 24-577. Signs located in the commercial and industrial sign district.

For residential uses in the commercial and industrial sign district, signs shall be regulated as in the residential and agricultural sign district. For all other uses, the following regulations shall apply:

(1) *Freestanding signs*.

a. Number of freestanding signs permitted: One.

b. Maximum sign area:

1. 40 square feet.

2. For shopping centers of 60,000 square feet or greater of retail space, or single users of 40,000 square feet or greater, 200 square feet total.

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c. Maximum height: 12 feet, or in the case of subsection (1)b.2 of this section, 25 feet.

d. Setback: Seven feet.

(2) *Building-mounted signs in the commercial and industrial sign district*.

a. Number of building-mounted signs permitted: Up to four on a single building, with a cumulative area of allowable size as listed in subsection (2)b, or one per business in a shopping center.

b. Maximum sign area:

1. Mounted flat against the building: 60 square feet.

2. Projecting configuration: 12 square feet.

3. For shopping centers or large users, as defined in subsection (1)b.2 of this section, 120 square feet for the center.

4. Restaurants located in a B-2 district are also permitted to have up to 30 square feet of signage in menu boards, that is not counted against their cumulative sign average.

c. Maximum height: All areas of building mounted signs shall be located below the ridge line of a gable roof building or the top of the parapet of a flat-roofed building.

(Zoning Ord. 2003, § 18.1-908.07)

~~(Amended January 9, 2019)~~

Sec. 24-578. Signs located in the mixed use district.

For residential uses in the mixed use district, signs shall be regulated as in the residential and agricultural sign district. For all other uses, the following regulations shall apply:

(1) *Freestanding signs*.

a. Number of freestanding signs permitted: One.

b. Maximum sign area: 20 square feet.

c. Maximum height: Ten feet.

d. Setback: Seven feet.

e. Placement requirement: Freestanding signs in this district shall be placed within a grass or landscaped area of at least 200 square feet.

(2) *Building-mounted signs in the mixed use sign district*.

a. Number of building-mounted signs allowed: Up to four on a single building, or one per business in a multi-tenant building.

b. Maximum sign area: 60 square feet.

c. Projecting configuration: 12 square feet.

d. Maximum height: All areas of building-mounted signs shall be located below the ridge line of a gable roof building or at the top of the parapet of a flat-roofed building.

(Zoning Ord. 2003, § 18.1-908.08)

~~(Amended January 9, 2019)~~

Sec. 24-579. Signs located in the residential and agricultural sign district.

The following regulations shall apply in the residential and agricultural sign district:

(1) *Single-family, duplex and townhouse dwelling units*. One building-mounted or freestanding sign, not exceeding two square feet in area for each dwelling unit, indicating only the street address of the property, shall be permitted.

(2) *Multifamily buildings*. One or more building-mounted signs, not exceeding in the aggregate ten square

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feet per building, shall be permitted.

(3) *Subdivisions, apartment or condominium complexes and planned developments*. Freestanding signs, with maximum total area of 24 square feet, shall be permitted. No more than two signs shall be permitted for each street frontage.

(Zoning Ord. 2003, § 18.1-908.09)

~~(Amended January 9, 2019)~~

Sec. 24-580. Signs prohibited in all sign districts.

The following types of signs are prohibited in all sign districts:

(1) Any sign that impedes sight distance for a VDOT owned right-of-way.

(2) Any sign that obscures a sign display by a public authority for the purpose of giving traffic instructions or directions or other public information.

(3) Any sign, except official notices and advertisements, that is nailed, tacked, posted or in any other manner attached to any utility pole or structure or supporting wire, cable, or pipe; or to any tree on any street or sidewalk or to public property of any description.

(4) Any sign that is attached to or mounted on a roof or projects above the plane of the building facade. This shall include decorative roofs such as a mansard roof.

(5) Portable freestanding signs larger than 24 square feet or displayed for more than 60 days per year.

(6) Except for time and temperature, no sign shall display flashing or intermittent lights, moving signs, inflatables or other lights of changing degrees of intensity, brightness or color. The light from any illuminated sign shall not cause direct glare into or upon any building or property other than the building or property to which the sign may be related. Neither the direct nor reflected light from an illuminated sign shall be located so as to create a traffic hazard to operators of motor vehicles on public thoroughfares.

(7) Off-premises signs, other than those specifically permitted.

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(Zoning Ord. 2003, § 18.1-908.10)

~~(Amended January 9, 2019)~~

Secs. 24-581--24-608. Reserved.

ARTICLE X. MANUFACTURED HOMES AND MANUFACTURED HOME PARKS

Sec. 24-609. Manufactured homes.

Any manufactured home located in the town after the enactment or amendment of the ordinance from which this chapter is derived shall meet the following requirements:

(1) All manufactured homes shall meet the plumbing requirements and the electrical wiring and connection requirements of the building code and the construction, blocking and anchoring requirements of the Virginia State Corporation Commission; and shall display the seal of a testing laboratory approved by the Commonwealth of Virginia.

(2) All manufactured home units shall be completely enclosed with metal skirts, concrete blocks, ornamental wood, stone, or similar material, in such a manner that no part of the undercarriage shall be visible to a casual observer, in accordance with methods and materials approved by the county building inspector.

(3) All manufactured homes must use and be secured with proper tie-down equipment.

(4) Individual manufactured home units located outside of a manufactured home park shall be subject to the following additional conditions:

a. The lot area and dimensions must meet the requirements of a single-family dwelling unit within the district in which the manufactured home unit is to be located.

b. In no case shall the unit be located within 30 feet of any permanent type of building.

c. Manufactured homes shall be listed as a permitted use within the district in which the manufactured home is to be located.

(Zoning Ord. 2003, § 18.1-913.01)

Sec. 24-610. Manufactured home accessory structures.

All manufactured home accessory structures erected or constructed in any new or existing manufactured home park after the date of enactment or amendment of the ordinance from which this chapter is derived must meet the following requirements:

(1) All manufactured home accessory structures must meet the plumbing, electrical connection, wiring, construction and other applicable requirements of the uniform statewide building code.

(2) Manufactured home accessory structures, except ramadas, shall not exceed the height of the manufactured home.

(3) No accessory structure shall be erected or constructed on any manufactured home lot except as an accessory to a manufactured home.

(4) Porches may be placed adjacent to manufactured homes provided they are constructed in accordance with the provisions of the uniform statewide building code.

(Zoning Ord. 2003, § 18.1-913.02)

Sec. 24-611. Manufactured home park area requirements.

Within a manufactured home park, the following area requirements shall apply:

(1) The minimum area for each manufactured home park shall be ten acres with a minimum of 25 manufactured home stands and a maximum of five manufactured home stands per acre; and the minimum lot width for the portion used for entrance and exit to a public road shall be 50 feet. However, entrances for existing parks shall be exempt from this requirement.

(2) The minimum lot area of each individual manufactured home lot shall be 3,000 square feet for single-wide units and 6,000 square feet for doublewide units.

(3) No manufactured home and an accessory building shall occupy more than 30 percent of the area of the lot on which it is situated.

(4) The minimum length of a manufactured home lot shall be 90 feet; the minimum width shall be 40 feet. On all lots larger than the minimum, the ratio of length to width shall not exceed 2.2 to 1.0.

(5) No more than one detached manufactured home accessory structure shall be permitted on any manufactured home lot.

(Zoning Ord. 2003, § 18.1-913.03)

Sec. 24-612. Manufactured home park setback requirements.

All manufactured home parks shall meet the following minimum setback requirements:

(1) No manufactured home unit, management office, or other structure except decorative fencing, lighting, wall, entrance or other decorative feature shall be located closer than 35 feet to a street right-of-way line of a public road with a right-of-way of 50 feet or greater, nor closer than 60 feet to the centerline of a public road with a right-of-way of less than 50 feet.

(2) No main or accessory structure shall be located closer than 25 feet to the property line of the manufactured home park.

(3) No manufactured home shall be placed within 20 feet of another manufactured home nor closer than ten feet to the manufactured home lot line.

(Zoning Ord. 2003, § 18.1-913.04)

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Sec. 24-613. General requirements for manufactured home park.

(a) No park may be a closed park where entry is denied to anyone who has not purchased his home from a dealer, park owner or operator. No park may also serve as a general retail or wholesale and demonstration or storage area for manufactured homes.

(b) Every manufactured home lot shall be clearly defined on the ground by permanent markers. There shall be posted and maintained in a conspicuous place on each lot a number corresponding to the number of each lot as shown on the site plan submitted so that each lot may be easily identified.

(c) An internal street system shall be provided to furnish convenient access to manufactured home lots and other facilities in the park shall be designed such that connection to existing drainage and utility systems is convenient, and shall meet the following requirements in addition to such other reasonable standards and requirements as may be recommended by the resident engineer:

(1) All internal streets shall be permanently paved with plant bituminous material or other hard durable surface which shall be maintained free of cracks and holes and the edges of which shall be protected from raveling. Minimum pavement widths shall be 24 feet for streets providing access to 40 or more manufactured home lots, and 18 feet for streets providing access to less than 40 manufactured home lots. Widths shall be measured from curb face to curb face.

(2) No on-street parking shall be permitted.

(3) Dead-end streets shall be limited in length to 400 feet, shall be provided with cul-de-sacs with turning areas of not less than 40 feet in radius, or with "T" or "Y" turning areas, and shall provide access to no more than 20 manufactured home lots.

(4) Streets shall be approximately at right angles at and within 100 feet of street intersections. Offsets at intersections of less than 125 feet from centerline to centerline and intersections of more than two streets at one point shall be avoided.

(5) Streets shall be adapted to the topography, shall follow the contours of the land as nearly as possible, and shall have safe grade and alignments. No grade shall exceed 12 percent or no curve shall have an outside radius of less than 80 feet.

(6) Lighting shall be provided in such a way as to produce a minimum of 0.1 footcandles at street level throughout the system, with at least 0.3 footcandles at street intersections, park entrances, and other potentially hazardous locations in or around the park.

(7) Entrances shall be provided in sufficient numbers to ensure safe and convenient access and egress. Where the proposed park adjoins two or more public roads, entrances shall be provided on at least two public roads where possible, provided that the internal street system be so designed as to discourage through traffic. Entrances shall be no closer than 125 feet from an existing public road intersection.

(d) An adequate supply of water approved by the state health department shall be furnished from a public water supply system, or from a private water system, or from a private water system conforming to all applicable laws, regulations, resolutions, and ordinances with water connections located on each manufactured home lot. All water lines shall be made frost-free.

(e) In each manufactured home park, all wastewater from a faucet, toilet, tub, shower, sink, slopsink, drain, washing machine, garbage disposal unit or laundry shall empty into the town sewer system.

(f) Each manufactured home park shall provide door-to-door garbage pickup for disposal in approved containers at a central location within the manufactured home park or provide adequate number of trash containers as specified by the town council, and so located to allow the collection and disposal of the solid waste generated by park residents only or by private contract for disposal in accordance with applicable state and local laws.

(g) There shall be provided a minimum of 30,000 square feet of developed recreational area, exclusive of required setback and yard requirements, per each 25 manufactured home lots or multiple or fraction thereof.

(h) All utilities shall be underground, except control instrumentation and substations which must be screened by planting or ornamental walls. No overhead wires are permitted within the park.

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(i) Fencing or vegetative screening shall be provided to a height of six feet and such a density that no manufactured home or manufactured home accessory structure shall be visible to a casual observer on any side of a manufactured home park abutting the backyard of a residential structure or the side yard of a residential structure, provided the screening does not extend beyond the setback line of the structure, provided that, where natural features such as topography adjoining properties, the zoning administrator may waive requirements for screening. Fencing, where required, shall be maintained in a safe condition, shall be painted and shall be kept in good repair.

(Zoning Ord. 2003, § 18.1-913.05)

Sec. 24-614. Park management requirements.

The management of manufactured home parks shall be in accordance with the following requirements:

(1) The minimum number of manufactured home lots and stands completed and ready for occupancy before the first occupancy is permitted shall be 12 and no lot or stand shall be rented for a period of less than 60 days. Prior to first occupancy, a certified statement of compliance shall be obtained from the zoning administrator.

(2) Permanent buildings housing management offices, childcare centers, laundry facilities, or indoor recreational facilities or other service facilities may be permitted in manufactured home parks, provided such facilities:

a. Shall meet parking requirements for such facilities as specified in division 2 of article VIII of this chapter;

b. Shall be subordinate to the residential use and character of the park;

c. Shall be located, designed and intended to serve the service needs of persons residing in the park;

d. Shall present no visible evidence of their nonresidential character to any area outside the park;

e. Shall meet all applicable federal, state and local requirements pertaining to such uses; and

f. Shall not occupy more than ten percent of the area of the park.

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(Zoning Ord. 2003, § 18.1-913.06)

Sec. 24-615. Manufactured home park site plan.

Applicants for manufactured home parks shall follow site plan procedures outlined in article XI of this chapter and, in addition, shall meet the following special requirements:

(1) The name of the proposed park shall be included on the site plan and shall not closely approximate that of any existing manufactured home park or subdivision in the town, county or neighboring jurisdictions.

(2) The location and dimensions of all existing streets and street rights-of-way, easements, water, sewerage, drainage facilities and other community facilities and utilities adjacent to the proposed park shall be included on the site plan.

(3) All existing significant natural and historical features on or adjacent to the proposed park, including, but not limited to, views from the property and views from adjoining properties that might be affected by the proposed park shall be included on the site plan.

(4) The proposed layout shall include interior streets with dimensions and such typical street cross sections and centerline profiles as may be required in evaluating the street layout; interior monuments and lot lines, dimensions, and areas of manufactured home lots, common open space and recreation areas, common parking areas and other common areas; locations and dimensions of manufactured home stands and parking spaces, management offices, laundry facilities, recreation buildings, and other permanent structures; location and nature of firefighting facilities including hydrants, fire extinguishers and other firefighting equipment; location of fuel storage facilities and structures of high flammability; and location and dimensions of landscaping amenities including streetlights, sidewalks, planted areas, significant natural features to be retained and fencing and screening.

(5) A narrative statement shall be included describing how the standards and requirements set forth herein are to be met; a statement from the health department certifying approval of the proposed site plan; and

a statement from the resident engineer certifying that all ingress and egress to and from public streets and alleys meet the requirements of the state department of transportation.

(Zoning Ord. 2003, § 18.1-913.07)

Secs. 24-616--24-633. Reserved.

ARTICLE XI. WIRELESS TELECOMMUNICATIONS FACILITIES*

***State law reference**—Zoning for wireless communications facilities, Code of Virginia, § 15.2-2316.3 et seq.

Sec. 24-634. Title.

This article may be known and cited as the "Wireless Telecommunications Facilities Siting Ordinance for the Town of Amherst."

(Zoning Ord. 2003, § 18.1-914.2)

Sec. 24-635. Definitions.

For purposes of this article, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number.

Alternative tower structure means manmade trees, silos, clock towers, bell steeples, light poles, utility poles, buildings, and similar alterative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

Co-locate means to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. "Co-location" has a corresponding meaning.

Height, when referring to a tower or other structure, means the distance measured from ground level to the highest point on the tower or other structure, even if the highest point is an antenna or lightning rod.

Small cell facility means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes television transmission towers, microwave towers, common-carrier towers, wireless communications towers, alternative tower structures, and the like.

Wireless facility means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

(Zoning Ord. 2003, § 18.1-914.4)

Sec. 24-636. Purposes.

The purpose of this article is:

(1) To encourage the location of towers in nonresidential areas and minimize the total number of towers and tower sites throughout the community;

(2) To strongly encourage the joint use of new and existing tower sites, and use of existing utility transmission rights-of-way;

(3) To encourage towers located in areas where the adverse impact on the community is minimal;

(4) To encourage users of towers and antennas to locate, design, and configure them in a way that minimizes their adverse visual impact, and makes them compatible with surrounding land uses, to the extent possible;

(5) To provide adequate sites for the provision of wireless communication services with minimal negative impact on the county's resources;

(6) To encourage public/private partnerships, where possible, that promote the county's communications needs, especially fire and emergency rescue services; and

(7) To strongly encourage the use of monopoles and camouflage for towers located in or near residential areas.

(Zoning Ord. 2003, § 18.1-914.1)

Sec. 24-637 Exemptions for small cell facilities

(a) Notwithstanding any other provision in this chapter, small cell facilities are permitted by right in all zoning districts subject to the following standards:

(1) The small cell facility is installed by a wireless services provider or wireless infrastructure provider on an existing structure;

(2) The wireless services provider or wireless infrastructure provider has obtained permission from the owner of the existing structure to co-locate the small cell facility on the existing structure and to co-locate the associated transmission equipment on or proximate to the existing structure;

(3) The wireless services provider or wireless infrastructure provider notifies the town; and

(3) A building permit is approved.

(b) Permit applications for small cell facilities will be reviewed and approved as follows:

(1) Permit applications for the installation of small cell facilities will be approved or disapproved within 60 days of receipt of the complete application. The 60-day period may be extended by staff upon written notification to the applicant, for a period not to exceed an additional 30 days.

(2) Within 10 days of receipt of an application and a valid electronic mail address for the applicant, the applicant will be sent an electronic mail notification if the application is incomplete. If the application is determined to be incomplete, the notification will specify the missing information which needs to be included in a resubmission in order to complete the application.

(3) Any disapproval of the application will be in writing and accompanied by an explanation for the disapproval. The disapproval may be based only on any of the following reasons:

(i) Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities.

(ii) Public safety or other critical public service needs.

(iii) If the installation is to be located on or in publicly owned or publicly controlled property, aesthetic impact, or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property. If the installation is to be located on privately owned structure and the applicant does not provide an agreement from the owner of the structure.

Sec. 24-638. Other exemptions

(a) Notwithstanding any provision to the contrary, telecommunication facilities that do not exceed, as installed, 50 feet in height, are permitted by right under this chapter, but shall require (1) administrative review for the issuance of a zoning permit, and (2) submission to and approval by the planning commission of the general or approximate location, character, and extent of the facility as being substantially in accord with the town's adopted comprehensive plan or part thereof, unless the facility is already shown on the adopted master plan or part thereof or is deemed so under Virginia Code § 15.2-2232(D).

(b) Amateur radio and receive-only-antennas. These regulations do not govern any tower, or the installation of any antenna, that is operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas for amateur radio station operation.

(c) Existing structures and towers. The placement of an antenna on or in an existing structure such as a building, sign, light pole, utility pole, utility tower, or tower, water tank, or other free-standing structure is permitted without a special use permit so long as the addition of the antenna does not add more than 20 feet or 25 percent, whichever is less, to the height of the structure, and does not require additional lighting pursuant to Federal Aviation Administration or other applicable requirements. Additional structures equipment needed in connection with the antenna may be placed so long as it is placed within the existing structure or property. Building permits are required.

(d) No special use permit shall be required for telecommunications facilities such as antenna removal, replacement or installation, wiring, electronic gear and ground-mounted facilities associated with wireless telecommunication towers existing on or before the effective date of this Ordinance or on a wireless telecommunication tower for which a special use permit has been obtained.

Sec. 24-639. Application fees.

Permit application fees under this article shall be as follows:

$100 each for up to five small cell facilities on a permit application; and

$50 for each additional small cell facility on a permit application;

$500 for wireless telecommunications facilities (other than small cell facilities) under 50 feet in height;

$5,000.00 for any other wireless telecommunications facility.

Sec. 24-640. General guidelines and requirements.

(a) *Principal or accessory use.* For purposes of determining compliance with area requirements, antennas and towers may be considered either principal or accessory uses. An existing use or an existing structure on the same lot does not preclude the installation of antennas or towers on the lot.

(b) *Design.* These requirements govern telecommunication facilities:

(1) Towers must either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color, to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos.

(2) At a facility site, the design of the buildings and related structures must, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunication facilities to the natural setting and surrounding structures.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure, so as to make the antenna and related equipment as visually unobtrusive as possible.

(4) Towers cannot be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority. If lighting is required, the town may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

(5) No advertising may be placed on the telecommunication facility unless as part of retrofitting an existing sign structure.

(6) To permit co-location, a tower should be designed and constructed to permit extensions to a maximum height of 199 feet, except as otherwise provided in an approved conditional use permit.

(7) Towers must be designed to collapse, in case of structural failure, within the lot lines, and the fall zone must be located entirely on the property the tower is located on.

(8) Except where the provisions of an approved special use permit or other government regulation restricts the tower height, or where a stealth design is used, an engineering report, certifying that the proposed tower is compatible for co-location with a minimum of four users, including the primary user, must be submitted. If the tower height is restricted, or a stealth design is used and the tower cannot accommodate four facilities, then a report must be submitted that describes the design limitations for co-location.

(c) *Federal requirements.* All towers and antennas must meet or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the federal government with the authority to regulate towers and antennas. This requirement includes meeting all Federal Communications Commission regulatory emission standards.

(d) *Building codes.* To ensure the structural integrity of towers, the tower owner must ensure that it is designed and maintained in compliance with standards contained in applicable federal, state, and local building codes and regulations. A building permit is required.

(e) *Access to the site.* Site access to monopole towers must be, at a minimum, a 12-foot wide gravel access road designed to support 75,000 pounds with four feet of clearance on either side. Lattice towers must have, at a minimum, a 20-foot wide gravel road designed to support 75,000 pounds.

(f) *Security fencing.* Towers are required to be enclosed by security fencing not less than six feet high and equipped with an appropriate anti-climbing device.

(g) *Landscaping.* Landscaping is required as follows:

(1) Tower facilities must be landscaped with a buffer of plant materials that effectively screen the view of the support buildings from adjacent property. The standard buffer will consist of a landscaped strip at least four feet wide outside the perimeter of the facilities. The applicant may propose off-site landscaping if that better mitigates the visual impacts of the proposed facility. In such cases, a written agreement must be provided to evidence approval by the property owner on which the landscaping will be located.

(2) Existing mature tree growth and natural landforms on the property should be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, the county may determine the natural growth around the property perimeter may be sufficient buffer.

(h) *Removal of abandoned facilities.* Any telecommunication facility that is not operated for a continuous period of 12 months is considered abandoned, and must be removed within 90 days of abandonment or a county notice requiring the removal. Removal includes the removal of the tower, all tower and fence footers, underground cables

and support buildings, but the buildings may remain upon the owner's request.

Sec. 24-641. Special Use Permits for Wireless Telecommunications Facilities.

(a) *Information required.* Each applicant requesting a special use permit must submit the following:

(1) A scaled plan, a scaled elevation view, and other supporting drawings, calculations, and documentation, signed and sealed by a state licensed professional engineer, showing the location and dimensions of all improvements, including information concerning topography, zoning, vegetation buffers, tree heights, tower height requirements, setbacks, drives, parking, fencing, landscaping and adjacent uses and adjacent buildings.

(2) A certification from a licensed professional engineer experienced with the design and operation of towers and antennas that the emissions from the facility will not exceed the Federal Communication Commission maximum permissible exposure standard.

(3) The applicant's statement agreeing to allow co-location on the proposed tower, and co-location of a second tower on the site, where appropriate, and that the lease agreement will not prohibit or discourage co-location, or, if so, the reasons therefor.

(4) Applicant must provide at least two actual photographs of the site that include simulated photographic images of the proposed tower. The photographs with the simulated image must illustrate how the facility will look from adjacent roadways, nearby residential areas, or public buildings such as a school, church etc. County staff reserve the right to select the location for the photographic images and require additional images. Applicant must also conduct a "balloon test" to demonstrate the height of a proposed tower and provide the community development staff with at least 48-hours notice of the test.

(5) The community development department may require other information deemed necessary to assess compliance.

(b) *Factors considered in granting a special use permit for a new tower.* Except as otherwise provided in this article, an applicant must obtain a special use permit before erecting telecommunication facilities. The following factors will be used in determining whether to issue a conditional use permit:

(1) Proposed height;

(2) Proximity to residential structures, residential district boundaries, and other visually sensitive facilities, such as churches and schools;

(3) Nature of the uses and impacts of the proposed facility on adjacent and nearby properties;

(4) Surrounding topography;

(5) Surrounding tree coverage and foliage;

(6) Design, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(7) Proposed ingress and egress;

(8) Co-location policy and efforts to co-locate;

(9) Consistency with the comprehensive plan;

(10) Availability of suitable existing towers and other structures; and

(11) Proposed methods of mitigation for the visual impacts, including proposed landscaping or screening.

(c) *Public Hearing Requirements.* Prior to the approval of any application for a special use permit for wireless telecommunications facilities, public hearings shall be held by the town planning commission and council, notice of which shall be published in a newspaper of record in accordance with the requirements for such public hearings as prescribed in Code of Virginia Title 15.2 ~~of the Code of Virginia, 1950~~, as amended. In order that the town may officially notify nearby landowners, the applicant, at the time of submission of the application, shall be required to provide names and address of all landowners whose property is located within 1,500 feet of any property line of the lot on which the new wireless telecommunications facilities are proposed to be located.

(d) *Scheduling of a public hearing.* The planning commission and town council, respectively, shall schedule the public hearings referred toin this section once it finds the application is complete. The council, at any stage

prior to issuing a special use permit, may require such additional information as it deems necessary.

(Zoning Ord. 2003, § 18.1-914.16)

ARTICLE XII. LANDSCAPING

Sec. 24-689. Introduction and purpose.

It is recognized that a vegetative landscape is desirable throughout the town. The conservation and planting of vegetation serves to enhance our cultural and physical environment. With landscaping, the appearance of our business, residential and industrial zones is improved, as is the natural beauty of the less developed areas. Vegetation also provides protection against environmental degradation. The converse is also true. Uncontrolled cutting or destruction of trees and vegetated areas can damage the cultural and physical environment. It is appropriate therefore to regulate landscaping through this chapter in the interests of protecting public health, safety and welfare. It is the intent of these regulations to promote the planting and preservation of landscape materials in order to achieve the following goals:

(1) Enhance the outward appearance of all developed sites;

(2) Create greater property value;

(3) Provide screening between incompatible land uses;

(4) Protect ground water and air quality;

(5) Provide shade and windbreaks for conservation of energy;

(6) Reduce damage due to ultraviolet radiation, noise pollution and light pollution;

(7) Decrease erosion and flood damage;

(8) Enhance the beauty of vehicular and pedestrian transportation corridors;

(9) Buffer unsightly development.

(Zoning Ord. 2003, § 18.1-920.01)

Sec. 24-690. Administration.

All landscaping shall be installed by the first planting season following the issuance of a certificate of occupancy.. Thereafter, landscaping shall be maintained in a healthy condition by the current owner or property owners' association and replaced when necessary. If at any time the vegetation is not maintained in accordance with the plan such action shall be a violation of the zoning ordinance and subject to article XV of this chapter.

(Zoning Ord. 2003, § 18.1-920.02)

Sec. 24-691. When landscaping plans are required.

A landscape plan shall be required as a precedent to final site plan or subdivision approval for the following:

(1) All commercial and industrial development including expansions;

(2) All entryways and common areas including the areas along new streets, in residential subdivisions;

(3) All other developments if deemed appropriate by the commission and the zoning administrator due to a perceived compromising of the above-mentioned goals in section 24-689(1) through (9);

(4) Designated town street tree areas are subject to additional regulations for those areas.

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(Zoning Ord. 2003, § 18.1-920.03)

Sec. 24-692. Information to be shown on the plan.

All information shown on the plan shall be in compliance with this section and include the following:

(1) The location, size and species of all proposed plant materials;

(2) Existing trees or wooded areas that are being preserved in lieu of new materials in order to satisfy landscaping and screening requirements. In such cases, the landscape plan shall indicate the species and size of trees to be saved; limits of clearing; location and type of protective fencing; grade changes requiring tree wells or walls; and trenching or tunneling proposed beyond the limits of clearing;

(3) Any unique amenities such as natural features and scenic or historic vistas.

(Zoning Ord. 2003, § 18.1-920.04)

Sec. 24-693. Minimum standards.

The following minimum standards shall apply to any proposed plantings, retention of vegetation and screening:

(1) Any existing tree used to meet the requirements of this article must be at least three inch caliper, in healthy condition and be protected from construction activity;

(2) Removal of healthy trees over 18 inches in caliper shall be prohibited except in the building footprint area, construction activity area, rights-of-way or private drives, utility easements and septic areas;

(3) One tree per 15 feet of street frontage and one shrub per five feet of street frontage shall be planted in

creative groupings. The width of entrances at their narrowest point shall be deducted from the street frontage distance for the purpose of this section. The trees may be a combination of evergreens and large and small deciduous trees, and both trees and shrubs must meet the size requirements below. The construction of flower/mulch beds of a total area of at least 100 square feet may be planted in exchange for a tree as stated above;

(4) Shade trees shall be a minimum 1 1/2 inches caliper (measured six inches above ground level) when planted. Ornamental or flowering street trees shall be a minimum of one-inch caliper when planted. Evergreen trees for screening shall be a minimum four feet in height when planted. Shrubs for screening shall be a minimum 24 inches in height when planted. Shrubs for street planting shall be a minimum 18 inches in height when planted;

(5) Planting islands shall contain a minimum of 50 square feet per tree, with a minimum dimension of five feet in order to protect the landscaping and allow for proper growth;

(6) Trees that obstruct traffic sight lines shall be limbed up to a height of eight feet.

(Zoning Ord. 2003, § 18.1-920.05)

Sec. 24-694. Parking lot landscaping.

Parking lots consisting of five spaces or more:

(1) Interior landscaping shall include a minimum of one shade tree per ten parking spaces or portion thereof. Interior landscaping shall be located in reasonably dispersed planting islands or perimeter areas. Shrub plantings adjacent to a building shall not be counted as interior landscaping;

(2) Additional plantings along public streets: When a parking lot is located such that the parked cars will be visible from a public street, then additional landscaping of low street shrubs shall be required between the street and the parking lot. Shrubs shall be in a single row planted five feet on center;

(3) Screening of parking lots shall not be counted to meet the interior landscaping requirement.

(Zoning Ord. 2003, § 18.1-920.06)

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Sec. 24-695. Screening.

The following requirements shall apply to screening:

(1) When required, screening shall consist of a planting strip, existing or new vegetation, wall, fence, earthen berm or combination thereof. Where only vegetative screening is provided, such screening strip shall not be less than 20 feet in depth. Vegetative screening shall consist of a double staggered row of evergreen trees planted 15 feet on center, or a double staggered row of evergreen shrubs planted ten feet on center. When a fence or wall is provided, it shall be a minimum of six feet in height and plantings shall be required along such fence or wall. Earthen berms shall be a minimum of three feet in heights;

(2) Screening shall be required in the following instances:

a. Commercial and industrial uses and manufactured home parks shall be screened from adjacent residential and rural area districts;

b. Parking lots consisting of five spaces or more shall be screened from adjacent residential and rural area districts;

c. Objectionable features including, but not limited to, the following uses shall be screened from adjacent residential and rural area districts and public streets:

1. Loading areas;

2. Refuse areas;

3. Storage yards;

4. Retention ponds; and

5. Recreation facilities determined to be of objectionable character.

d. The zoning administrator and commission may require screening of any use, or portion thereof, upon determination that the use would otherwise have a negative visual impact on a property listed on the bona fide historic landmarks register.

(Zoning Ord. 2003, § 18.1-920.07)

Sec. 24-696. Tree canopy.

In addition to other provisions of this article, a minimum tree canopy shall be provided in accordance with this section. The term "tree canopy" or "tree cover" shall include all areas of coverage by plant material exceeding five feet in height at a maturity of ten years after planting.

(1) The following minimum canopy requirements shall apply:

a. Ten percent canopy of a site to be developed with commercial, office or industrial uses;

b. Ten percent canopy of a residential site to be developed at a gross density of five dwelling units per acre or more;

c. 15 percent canopy of a residential site to be developed at a gross density of less than five dwelling units per acre.

(2) In the calculation of land area subject to this section, the following areas may be deducted at the option of the developer:

a. Farm land or other areas devoid of woody material at the time of adoption of the ordinance from which this section is derived;

b. Recreation areas;

c. Open space areas;

d. Land dedicated to public use;

e. Playing fields and recreation areas attendant to schools, day childcare, and the like;

f. Ponds or lakes;

g. Areas required for the preservation of wetlands, floodplain, or other areas required to be maintained in a natural state by this chapter or other applicable law;

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Deductions provided above shall be cumulative but shall not be duplicative.

(3) Where existing trees are maintained, a canopy bonus shall be granted as follows:

a. The canopy area shall be calculated at ten years of additional maturity;

b. The resultant area shall be multiplied by a factor of 1.25.

(Zoning Ord. 2003, § 18.1-920.08)

Sec. 24-697. General.

The applicant may propose an increase in landscaping and site beautification, or relocation of parking to the rear of the building in exchange for a larger building site, setback alterations, or reduction in parking requirements. Once an agreeable solution has been reached with the commission, it shall give a favorable recommendation for a variance to the board of zoning appeals.

(Zoning Ord. 2003, § 18.1-920.09)

Sec. 24-698. Suggested trees, shrubs and flowers.

(a) Suggested street and shade trees are: Green Ash, Red Maple, Sugar Maple, Red Oak, Willow Oak, Japanese Pagoda Tree, Littleleaf Linden, Silver Linden, Zelkova, Yellowwood, Sycamore, European Plane Tree, Sweet Gum.

(b) Suggested Ornamental or flowering trees are: Amur maple, Dogwood, Washington Hawthorn, American Plum, Serviceberry, Redbud, Shadblow, Deciduous Magnolia, Fringe Tree.

(c) Suggested evergreen or flowering shrubs are: English Yew, Japanese Yew, Azalea, Chinese Holly, Rhododendron, Obelia, Cotoneaster, Forsythia, Viburnum, Winged Euonymus, Flowering Quince, Gray Owl Juniper.

(d) Suggested screening is: Cedar, Austrian Pine, Norway Spruce, American Holly, Arborvitae, Foster Holly, White Pine, Leland Cyprus.

(e) Suggested flowers are: Daylily, Daffodil.

(f) Other alternative species ~~as~~ may be approved by the town.

(Zoning Ord. 2003, § 18.1-920.10)

Secs. 24-699--24-724. Reserved.

ARTICLE XIII. SUBDIVISIONS GENERALLY*

***State law reference—**Land subdivision and development, Code of Virginia, § 15.2-2240 et seq.

Sec. 24-725. Request for subdivision plat approval.

Whenever the owner or proprietor of any tract of land located within the town desires to subdivide the same, he shall submit a plat of the proposed subdivision to the zoning administrator for processing.

(Zoning Ord. 2003, § 18.1-1007)

Sec. 24-726. Pre-application review.

Whenever the subdivision of a tract of land within the town is proposed, the subdivider is encouraged to consult with the zoning administrator for advice and assistance. The subdivider may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout of the subdivision. The zoning administrator shall return the submitted sketch plans to the subdivider with written comments indicating where the plans do not comply with the requirements set forth therein. Submission of said sketch plans and accompanying data shall not constitute the official filing of a proposed subdivision.

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(Zoning Ord. 2003, § 18.1-1007.01)

Sec. 24-727. Preliminary plat review.

(a) Except as provided in subsection (b) of this section, any person proposing a subdivision of land shall submit to the zoning administrator four copies of a preliminary plat showing the general design and layout of the subdivision, of which one copy each shall be delivered by the zoning administrator to the resident engineer, and if individual water and sewer is proposed, one copy to the health department. The preliminary plat shall be reviewed in accordance with the procedures set forth in articles XII and XIII of this chapter.

(b) The submission of a preliminary subdivision plat for tentative approval is optional on the part of the landowner for plats involving 50 or fewer lots.

(Zoning Ord. 2003, § 18.1-1007.02)

State law reference—Preliminary plats generally, Code of Virginia, § 15.2-2260.

Sec. 24-728. Commission action on preliminary plat.

Within 45 days after submission of the preliminary plat and accompanying documents to the zoning administrator, the commission shall approve, approve with conditions, or disapprove the preliminary plat; the commission shall cause to have prepared two copies of a statement noting reasons for commission disapproval or conditional approval, if applicable, and shall return one copy of statement and plat to the subdivider with notification in writing of the action of the commission. One copy of said statement and preliminary plat shall be retained by the zoning administrator for comparison with future preliminary or final plats, where applicable, submitted by the subdivider.

(Zoning Ord. 2003, § 18.1-1007.03)

Sec. 24-729. Final plat review.

(a) Within one year of conditional approval or full approval of the preliminary plat, subject to extension by the commission, the subdivider shall submit to the zoning administrator five copies of a final plat including all or any part of the area covered by the preliminary plat, of which one copy shall be transmitted to the health department, if individual water and sewer facilities are proposed, and to the resident engineer. The final plat shall be reviewed in accordance with the procedures set forth in articles XII and XIII of this chapter.

(b) In such cases in which the zoning administrator determines that a plat does not constitute a subdivision as defined herein, the zoning administrator shall retain four copies of the plat. Such plats shall be reviewed by the zoning administrator in accordance with the requirements ~~of section 1207~~ herein.

~~The zoning administrator shall act on the final plat within 60 days after it has been officially submitted for approval by either approving or disapproving such plat in writing, and giving with the latter specific reasons therefore. However, if approval of a feature or features of the plat by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the plat to the appropriate state agency or agencies for review within 10 business days of receipt of such plat. Specific reasons for disapproval may be contained in a separate document or may be written on the plat itself, and shall relate in general terms such modifications or corrections as will permit approval of the plat.~~

~~If the zoning administrator fails to approve or disapprove the plat within 60 days after it has been officially submitted for approval, the subdivider, after ten days written notice to the zoning administrator, may petition the circuit court to decide whether the plat should or should not be approved. The circuit court shall hear the matter and make and enter such order with respect thereto as it deems proper, which may include directing approval of the plat.~~

(c) (1) Except as otherwise provided in subsections (c)(2) and (3) of this section, the zoning administrator shall act on any proposed plat within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The zoning administrator shall thoroughly review the plat and shall make a good faith effort to identify all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the plat to the appropriate state agency or agencies for review within ten business days of receipt of such plat. The state agency shall respond in accord with the requirements set forth in Code of Virginia, § 15.2-2222.1, which shall extend the time for action by the local planning commission or other agent, as set forth in subsection (c)(2) of this section. Specific reasons for disapproval shall be contained either in a separate document or on the plat itself. The reasons for disapproval shall identify deficiencies in the plat that cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections as will permit approval of the plat. The zoning administrator shall act on any proposed plat that it has previously disapproved within 45 days after the plat has been modified, corrected and resubmitted for approval.

(2) The approval of plats and plans of development solely involving parcels of commercial real estate by the zoning administrator shall be governed by subsection (c)(3) and subsections (d), (e), and (f). For the purposes of this section, the term "commercial" means all real property used for commercial or industrial uses.

(3) a. The zoning administrator shall act on any proposed plat or plan of development within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The zoning administrator shall not delay the official submission of any proposed plat or plan of development by requiring presubmission conferences, meetings, or reviews. The zoning administrator shall thoroughly review the plat or plan and shall in good faith identify, to the greatest extent practicable, all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat or plan by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the plat or plan to the appropriate state agency or agencies for review within ten business days of receipt of such plat or plan. The state agency shall respond in accord with the requirements set forth in Code of Virginia, § 15.2-2222.1, which shall extend the time for action by the local planning commission or other agent, as set

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forth in Code of Virginia, § 15.2-2259(B). Specific reasons for disapproval shall be contained either in a separate document or on the plat or plan itself. The reasons for disapproval shall identify deficiencies in the plat or plan that caused the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify, to the greatest extent practicable, modifications or corrections that will permit approval of the plat or plan.

b. In the review of a resubmitted proposed plat or plan of development that has been previously disapproved, the zoning administrator shall consider only deficiencies it had identified in its review of the initial submission of the plat or plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. In the review of the resubmission of a plat or plan, the zoning administrator shall identify all deficiencies with the proposed plat or plan that caused the disapproval by reference to specific duly adopted ordinances, regulations or policies and shall identify modifications or corrections that will permit approval of the plat or plan. Upon the second resubmission of such disapproved plat or plan, the zoning administrator's review shall be limited solely to the previously identified deficiencies that caused its disapproval. The zoning administrator shall act on any proposed plat or plan of development that it has previously disapproved within 45 days after the plat or plan has been modified, corrected and resubmitted for approval. The failure of the zoning administrator to approve or disapprove a resubmitted plat or plan within the time periods required by this section shall cause the plat or plan to be deemed approved.

c. Notwithstanding the approval or deemed approval of any proposed plat or plan of development, any deficiency in any proposed plat or plan, that if left uncorrected, would violate local, state or federal law, regulations, mandatory state department of transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated or deemed as having been approved by the zoning administrator. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the state department of transportation or by a state agency or public authority authorized by state law, then the zoning administrator's review shall not be limited to only the previously identified deficiencies identified in the prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

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(d) Upon receipt of the approvals from all state agencies and other agencies, the zoning administrator shall act upon a plat within 35 days.

(e) If the zoning administrator fails to approve or disapprove the plat within 60 days after it has been officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous disapproval or within 35 days of receipt of any agency response pursuant to subsection (b) of this section, the subdivider, after ten days' written notice to the zoning administrator, may petition the circuit court to decide whether the plat should or should not be approved.

(f) If the zoning administrator disapproves a plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the commission or other agent.

(Zoning Ord. 2003, § 18.1-1007.04)

State law reference—Local planning commission to act on proposed plat, Code of Virginia, § 15.2-2259.

Sec. 24-730. Action on final plat.

Upon satisfactory completion of all requirements set forth in this article and all other requirements specified by the commission in the preliminary review, the zoning administrator shall sign approval of the final plat.

(Zoning Ord. 2003, § 18.1-1007.05)

Sec. 24-731. Recordation of plat after final plat approval.

Within six months following approval by the zoning administrator of the final plat, one copy of the final plat shall be recorded by the subdivider in the office of the clerk of the circuit court and six copies shall be filed with the zoning administrator. The zoning administrator may, upon written request by the subdivider, grant an extension of this time limit; otherwise, he shall mark the plat null and void and return the same to the subdivider; however, in any case where construction of facilities to be dedicated for public use has commenced pursuant to an approved plan or permit with surety approved by the zoning administrator, or where the developer has furnished surety to the town council or zoning administrator by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of such facilities, the time for plat recordation shall be extended to one year after final approval or to the time limit specified in the surety agreement approved by the town council or zoning administrator, whichever is greater. Approval of the final plat shall not constitute acceptance of any offers of dedication by the town, or the resident engineer of the VDOT.

(Zoning Ord. 2003, § 18.1-1007.06)

State law reference—Similar provisions, Code of Virginia, § 15.2-2241(A)8.

Sec. 24-732. Final plat submitted as preliminary plat.

The final plat may be submitted as the preliminary plat, provided no change, erasure, or revision shall be made on the preliminary plat nor on any accompanying data sheets after the preliminary plat has been approved by the commission in accordance with the provisions herein, unless authorization for such changes has been granted by the zoning administrator.

(Zoning Ord. 2003, § 18.1-1007.07)

Sec. 24-733. Performance bond requirements.

~~Dedication for public use of any right-of-way located within any subdivision which is constructed therein, or proposed to be constructed therein, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, water line or part of a public system, or the improvement or phase thereof as approved on the final plat by the zoning administrator and other appropriate officials as required under section 18.1-1204 herein, financed or to be financed in whole or in part by private funds, shall be accepted by the town council or resident engineer only if the owner or the subdivider: (1) certifies to the zoning administrator that the construction costs have been paid to the person constructing such facilities; or (2) furnishes to the Town a certified check in the amount of the estimated costs of construction or a bond, the cash escrow, or other financial arrangement satisfactory to the town attorney, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned. The bond, in an amount calculated by the Town, shall be based upon a two year projection of cost from the date of starting construction of said improvements to insure that required improvements are completed in a workmanlike manner in accordance with specifications and construction schedules established by the Town. The improvements shall be completed within two years from date of starting construction and the bond shall guarantee such performance. The bond shall not be released until the construction has been inspected and approved by the zoning administrator and the resident engineer, where applicable.~~

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(a) As used in this section, the term "designated administrative agency" means the planning commission of the locality or an agent designated by town council for such purpose as set forth in Code of Virginia, §§ 15.2-2258 through 15.2-2261.

(b) For the acceptance of dedication for public use of any right-of-way located within any subdivision or section thereof, which has constructed or proposed to be constructed within the subdivision or section thereof, any street, curb, gutter, sidewalk, bicycle trail, drainage or sewerage system, waterline as part of a public system or other improvement dedicated for public use, and maintained by the town, the commonwealth, or other public agency, and for the provision of other site-related improvements required by ordinance for vehicular ingress and egress, including traffic signalization and control, for public access streets, for structures necessary to ensure stability of critical slopes, and for stormwater management facilities, financed or to be financed in whole or in part by private funds only if the owner or developer certifies to the town council that the construction costs have been paid to the person constructing such facilities or, at the option of the town council, presents evidence satisfactory to

the town council that the time for recordation of any mechanics lien has expired or evidence that any debt for said construction that may be due and owing is contested and further provides indemnity with adequate surety in an amount deemed sufficient by the town council or its designated administrative agency; furnishes to the town council a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the town council or its designated administrative agency, in an amount sufficient for and conditioned upon the construction of such facilities, or a contract for the construction of such facilities and the contractor's bond, with like surety, in like amount and so conditioned; or furnishes to the town council a bank or savings institution's letter of credit on certain designated funds satisfactory to the town council or its designated administrative agency as to the bank or savings institution, the amount and the form. The amount of such certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed ten percent of the estimated construction costs. If the owner or developer defaults on construction of such facilities, and such facilities are constructed by the surety or with funding from the aforesaid check, cash escrow, bond or letter of credit, the town shall be entitled to retain or collect the allowance for administrative costs to the extent the costs of such construction do not exceed the total of the originally estimated costs of construction and the allowance for administrative costs. The term "such facilities," as used in this section, means those facilities specifically provided for in this section.

(c) If a developer records a final plat which may be a section of a subdivision as shown on an approved preliminary subdivision plat and furnishes to the governing body a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the town, the commonwealth, or other public agency, the developer shall have the right to record the remaining sections shown on the preliminary subdivision plat for a period of five years from the recordation date of any section, or for such longer period as the local commission or other agent may, at the approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development, subject to the terms and conditions of this subsection and subject to engineering and construction standards and zoning requirements in effect at the time that each remaining section is recorded.

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(Zoning Ord. 2003, § 18.1-1010)

State law reference—Similar provisions, Code of Virginia, § 15.2-2241(A)5.

Sec. 24-734. Periodic partial and final release of certain performance guarantees.

~~Within seven days after notification by the owner that the construction is complete, the zoning administrator or his duly designated agent shall inspect the construction and notify the owner in writing of those items of construction which are not satisfactory, or that the construction is approved. The Town may release 50) percent of the bond upon notification by the owner that 50) percent of the construction is complete, provided the owner certifies that all construction costs have been paid to persons constructing the facilities and the zoning administrator or his duly designated agent has inspected the facilities to insure that 50) percent of the work is complete.~~

(a) There shall be periodic partial and final complete release of any bond, escrow, letter of credit, or other performance guarantee required by the town under this chapter within 30 days after receipt of written notice by the subdivider or developer of completion of part or all of any public facilities required to be constructed hereunder unless the town council or zoning administrator notifies the subdivider or developer in writing of nonreceipt of approval by an applicable state agency, or of any specified defects or deficiencies in construction and suggested corrective measures prior to the expiration of the 30-day period. Any inspection of such public facilities shall be based solely upon conformance with the terms and conditions of the performance agreement and the approved design plan and specifications for the facilities for which the performance guarantee is applicable, and shall not include the approval of any person other than an employee of the town council, the zoning administrator, the state department of transportation or other political subdivision or a person who has contracted with the town council, the zoning administrator, the state department of transportation or other political subdivision.

(b) If no such action is taken by the town council or the zoning administrator within the time specified above, the request shall be deemed approved, and a partial release granted to the subdivider or developer. No final release shall be granted until after expiration of such 30-day period and there is an additional request in writing sent by

certified mail return receipt to the town manager. The town council or the zoning administrator shall act within ten working days of receipt of the request; then if no action is taken the request shall be deemed approved and final release granted to the subdivider or developer.

(c) After receipt of the written notices required above, if the town council or the zoning administrator takes no action within the times specified above and the subdivider or developer files suit in the circuit court to obtain partial or final release of a bond, escrow, letter of credit, or other performance guarantee, as the case may be, the circuit court, upon finding the town council or the zoning administrator was without good cause in failing to act, shall award such subdivider or developer his reasonable costs and attorneys' fees.

(d) The town council or the zoning administrator shall not refuse to make a periodic partial or final release of a bond, escrow, letter of credit, or other performance guarantee for any reason not directly related to the specified defects or deficiencies in construction of the public facilities covered by said bond, escrow, letter of credit or other performance guarantee.

(e) Upon written request by the subdivider or developer, the town council or the zoning administrator shall be required to make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to no less than 90 percent of the original amount for which the bond, escrow, letter of credit, or other performance guarantee was taken, and may make partial releases to such lower amounts as may be authorized by town council or the zoning administrator based upon the percentage of public facilities completed and approved by the town council or the zoning administrator, or state agency having jurisdiction. Periodic partial releases may not occur before the completion of at least 30 percent of the public facilities covered by any bond, escrow, letter of credit, or other performance guarantee. The town council or the zoning administrator shall not be required to execute more than three periodic partial releases in any 12-month period. Upon final completion and acceptance of the public facilities, the town council or the zoning administrator shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the subdivider or developer. For the purpose of final release, the term "acceptance" means when the public facility is accepted by and taken over for operation and maintenance by the state agency, local government department or agency, or other public authority which is responsible for maintaining and operating such public facility upon acceptance.

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(f) For the purposes of this section, a certificate of partial or final completion of such public facilities from either a duly licensed professional engineer or land surveyor, as defined in and limited to Code of Virginia, § 54.1-400, or from a department or agency designated by the locality may be accepted without requiring further inspection of such public facilities.

(Zoning Ord. 2003, § 18.1-1010.01)

State law reference—Similar provisions, Code of Virginia, § 15.2-2245.

Sec. 24-735. Warranty for water and sewer improvements.

The developer and the development principals thereof shall provide the town with a guarantee or warranty against defects in water and sewerage facilities for a period of one year following acceptance by the town of the subdivision public improvements under town authority, unless said improvements were installed by the town.

(Zoning Ord. 2003, § 18.1-1010.02)

Secs. 24-736--24-753. Reserved.

ARTICLE XIV. SUBDIVISION PLATTING REQUIREMENTS

~~**Sec. 18-1201. Platting required.**~~

Sec. 24-754. Plat to be prepared.

Each subdivision plat shall be prepared by a surveyor duly certified by the commonwealth, who shall endorse upon each plat a certificate setting forth the source of title of the land subdivided and the place of record of the last instrument in the chain of title. Where more than one tract is involved, the outlines of the several tracts shall be indicated upon the plat as provided in section 24-757(b)(13).

(Zoning Ord. 2003, § 18.1-1201.01)

Sec. 24-755. Recordation of plat and its effect.

A final plat shall be recorded in the office of the clerk of the circuit court in accordance with section 24-731 herein. No street shall be opened, dedicated, or accepted by the town nor the right-of-way of any existing street in any way impinged upon, nor any public water or sewer service provided, nor any property in a subdivision transferred unless and until a final plat of said subdivision shall have been prepared, approved and recorded, as provided for herein, and until all other requirements specified in this chapter shall have been met. Penalties for noncompliance of this subsection are provided for in section 24-169.

(Zoning Ord. 2003, § 18.1-1201.02)

Sec. 24-756. Vacation of plats and boundary lines.

(a) *Vacation of plats with no lots sold*. ~~Where no lots have been sold, any plat, or part thereof, recorded under the provisions of this article may be vacated with the consent of the commission by the owners, proprietors, and trustees, if any, who signed the Certificate of Owner's Consent to Subdivision, as provided in section 1203.(7) declaring same to be vacated by a written instrument, duly executed, acknowledged, and recorded in the office of the clerk wherein the plat to be vacated is recorded. The execution and recording of such instrument shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and revest in such owners, proprietors, and trustees, if any, with the title to the streets, alleys, easements for public passage, and other public areas described in such plat.~~ Where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the following methods:

(1) With the consent of the town council, or its authorized agent, by the owners, proprietors and trustees, if any, who signed the statement required by Code of Virginia, § 15.2-2264 at any time before the sale of any lot therein, by a written instrument, declaring the plat to be vacated, duly executed, acknowledged or proved and recorded in the same clerk's office wherein the plat to be vacated is recorded and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat.

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(2) By ordinance, provided that no facilities for which bonding is required pursuant to Code of Virginia, §§ 15.2-2241--15.2-2245 have been constructed on the property and no facilities have been constructed on any related section of the property located in the subdivision within five years of the date on which the plat was first recorded. The ordinance shall not be adopted until after notice has been given as required by Code of Virginia, § 15.2-2204. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the town council at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within 30 days of the adoption of the ordinance with the circuit court. Upon appeal the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

(3) The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and easements for public passage and other public areas laid out or described in the plat.

(b) *Vacation of plats with lots sold*. ~~In cases where any lot has been sold, a plat or part thereof may be vacated according to either of the following methods:~~ In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:

~~By written instrument agreeing to said vacation signed by all owners of lots shown on said plat and by the zoning administrator on behalf of and with the approval of the town council. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage. The instrument of vacation shall be acknowledged in the manner of a deed and recorded in~~

~~the office of the clerk wherein the plat to be vacated is recorded.~~

~~By ordinance of the town council on motion of one of its members or an application of any interested person, after notice and public hearing in accordance with requirements of Code of Virginia, § 15.2-2204, as amended. An appeal from the adoption of the ordinance may be filed within 30 days with the circuit court of the county. Upon such appeal the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is upheld on appeal, a certified copy of the ordinance of vacation shall be recorded in the office of the clerk wherein the plat to be vacated is recorded.~~

(1) By instrument in writing agreeing to the vacation signed by all the owners of lots shown on the plat and also signed on behalf of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies for the purpose of showing the approval of the vacation by the governing body. In cases involving drainage easements or street rights-of-way where the vacation does not impede or alter drainage or access for any lot owners other than those lot owners immediately adjoining or contiguous to the vacated area, the governing body shall only be required to obtain the signatures of the lot owners immediately adjoining or contiguous to the vacated area. The term "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the clerk's office of any court in which the plat is recorded.

(2) By ordinance on motion of one of the members of the town council or on application of any interested person. The ordinance shall not be adopted until after notice has been given as required by Code of Virginia, § 15.2-2204. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within 30 days with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

PROOFS

Roads within the secondary system of highways may be vacated under either of the preceding methods and the action will constitute abandonment of the road, provided the land shown on the plat or part thereof to be vacated has been the subject of a rezoning or special exception application approved following public hearings required by Code of Virginia, § 15.2-2204 and provided the commissioner of highways or his agent is notified in writing prior to the public hearing, and provided further that the vacation is necessary in order to implement a proffered condition accepted by the town council pursuant to Code of Virginia, § 15.2-2297, 15.2-2298 or 15.2-2303 or to implement a condition of special exception approval. The manner of reversion shall not be affected by this section.

(c) *Effects of vacation*. The recordation of the instrument provided in subsection (a) or (b) of this section, or of the ordinance as provided in subsection (b)(2) of this section, shall operate to destroy the force and effect of the recording of the plat or part thereof so vacated, and to vest fee simple title to the centerline of any streets, alleys, or easements for public passage so vacated in the owners of abutting lots free and clear of any rights of the public or any owners of lots shown on the plat, but subject to the rights of the owners of any public utility installation which have been previously erected therein. If any such street, alley, or easement for public passage is located on the periphery of the plat, such title for the entire width thereof shall vest in such abutting lot owners. The fee simple title to any portion of the plat so vacated as was set apart for other public use shall be revested in the owners, proprietors and trustees, if any, who signed the certificate of owner's consent to subdivision, as provided in section 24-757(c)(7) free and clear of any rights of public use in the same.

(d) *Vacation of boundary lines*. ~~The boundary lines of any lot or parcel of land may be relocated or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or resubdivision provided such action does not involve the relocation or alteration of streets, public easements or other public areas; and provided further, that no easement or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.~~ The boundary lines of any lot or parcel of land may be vacated, relocated or

otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or resubdivision approved as provided in this chapter or properly recorded prior to the applicability of this chapter, and executed by the owner or owners of the land as provided in Code of Virginia, § 15.2-2264. The action shall not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas. No easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.

(Zoning Ord. 2003, § 18.1-1202)

State law reference—Similar provisions, Code of Virginia, §§ 15.2-2275, 15.2-2271, 15.2-2272.

Sec. 24-757. Preparation of preliminary plat.

(a) *Preliminary plat requirements.* The preliminary plat shall be legibly drawn in accordance with the following requirements:

(1) One or more sheets may be used, each to be numbered as "page (number) of (total number of pages)"; if two or more sheets are used, each sheet shall show the name of the subdivision and match lines shall be provided to indicate where sheets join.

(2) The scale shall not be less than one inch equals 100 feet. The zoning administrator may accept a scale which is sufficient to clearly show all required details on the plat.

(3) Where the complete plat cannot be shown on one sheet, an index map shall be provided on a separate sheet at a reduced scale.

(b) *Preliminary plat information*. The preliminary plat shall include the following information:

(1) Date of plat and name of surveyor preparing it, shown on each sheet.

(2) Scale and north meridian, designated "true" or "magnetic" and oriented to the top of each sheet, where practical.

(3) The name and signature of the owner, shown on the first sheet.

(4) Sources of data used in preparing the plat, including the deed book and page number of the last instrument in the chain of title.

PROOFS

(5) Locations, lengths, and bearings of lines of the proposed subdivision, with names of all adjoining property owners and the location of each of their common boundaries including established streets and waterways; and adjoining streets with their names.

(6) All pertinent natural and historical features and landmarks; including existing and finished contour lines as needed for review of drainage and sewer facilities, and including watercourses, marshes, lakes, impoundments, and areas of significant vegetation.

(7) All subdivisions, jurisdiction boundary lines, streets, alleys, or other public ways; and other landmarks, if any, within 2,000 feet of the proposed subdivision shown on an insert on the first sheet at a scale no smaller than 600 feet to one inch.

(8) Total acreage of the proposed subdivision and the acreage remaining in the original tract, if any.

(9) The location of existing buildings in and within 100 feet of the subdivision, and the location and description of all existing markers.

(10) The proposed locations, widths, and names of all streets and alleys.

(11) Proposed lot lines with proposed dimensions, building lines and easements, and the proposed use of each lot and other areas, including significant natural features, and those areas to be used for parking, open space, recreation, commercial purposes, or public or governmental use, and existing and proposed utility installations.

(12) Proposed lot numbers and block letters.

(13) If the proposed subdivision consists of land acquired from more than one source of title, the outlines of the several tracts shall be shown and identified on the index map.

(14) A map showing the location of the proposed subdivision with respect to any designated floodplain district, including information, but not limited to, the 100-year flood elevations, boundaries of the floodplain districts, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.

(15) Indicate current zoning of the parcel of land to be subdivided as provided herein.

(c) *Items to accompany preliminary plat*. The following items shall accompany the plat at the time it is submitted to the zoning administrator:

(1) A statement by the resident engineer that the subdivider has consulted with him as to the plans and specifications of any streets, water lines and sewer lines and public parking areas that are included in the subdivision and as to any special treatment which will be required in their construction, including the drainage system which will be required.

(2) A statement by the health department or the town, where applicable, that the subdivider has consulted with respect to providing water supply and/or sewage disposal facilities and that an adequate proposal for providing each building lot with a safe water supply and an adequate means of sewage disposal has been prepared.

(3) A statement by the administrator of the county erosion and sedimentation control ordinance, as designated by the town manager, stating that the subdivider has consulted with him as to the requirements of said program.

(4) A statement by the subdivider acknowledging that requirements of the health department and applicable approving authorities will be carried out at the expense of the subdivider.

(5) A statement by the subdivider acknowledging that requirements of the resident engineer will be carried out at the expense of the subdivider.

(6) A statement by the subdivider acknowledging that an erosion and sedimentation control plan has been prepared and that requirements of the erosion and sedimentation program will be carried out at the expense of the subdivider.

PROOFS

(7) A statement by the subdivider, in accordance with Code of Virginia § 15.2-2264, as amended, to the effect that the subdivision is with free consent and in accordance with the desires of the undersigned owners, proprietors, and trustees, as applicable, and setting forth all restrictive covenants, reservations, and dedications applicable to the proposed subdivision, giving an outline of the terms proposed and acreage involved.

(Zoning Ord. 2003, § 18.1-1203)

Sec. 24-758. Preparation of final plat.

(a) *Final plat requirements*. The final plat shall be legibly drawn and submitted in accordance with the following requirements:

(1) Copies shall be permanent copies of original tracings.

(2) One or more sheets may be used, each to be numbered as "page (number) of (total number of pages)"; if two or more sheets are used, each sheet shall show the name of the subdivision, and match lines shall be provided to indicate where the several sheets join.

(3) The scale shall not be less than one inch equals 100 feet. The zoning administrator may accept a scale which is sufficient to clearly show all required details on the plat.

(4) Where the complete plat cannot be shown on one sheet, an index map shall be provided on a separate sheet at a reduced scale.

(b) *Information contained on final plat*. The final plat shall include the following information:

(1) All of the information required of preliminary plats in section 24-757(b).

(2) Bearings, lengths, widths, centerlines, easements and rights-of-way of every street and alley within the subdivision; data for all curves and angles in streets and alleys; location or iron pipes marking street

corners, angles in streets, and the beginning (marked PC) and end (PT) of each curve in street.

(3) Building setback lines, with distance to street right-of-way and length of the setback line for each lot.

(4) Location, bearings, and dimensions of all lot lines with location of markers shown.

(5) Land or water areas to be dedicated or reserved for streets, alleys, parking areas, or other public use, or for common use of future property owners in the subdivision.

(6) All restricted covenants or reference to where such covenants are filed.

(7) An execution of the owners consent to subdivision, in accordance with Code of Virginia § 15.2-2264, as amended, to the effect that the subdivision is with free consent and in accordance with the desires of the undersigned owners, proprietors, and trustees, as applicable, and setting forth all restrictive covenants, reservations and dedications applicable to the proposed subdivision.

(8) A certificate signed by the surveyor setting forth:

a. The source of title of the owner of the land subdivided.

b. The place of record of the last instrument in the chain of title.

c. All markers are shown and described in the plat and are in place as shown.

(9) Space for signature of approval of the zoning administrator, a state department of transportation representative, and a state department of health representative, as appropriate.

(10) Name and signature of any owners of property over which a right-of-way traverses which is intended to provide required access to the subdivision. The signature block shall include the following statement:

"The owners understand and accept the prescribed right-of-way on their property as a means of access to a subdivision of property. It is understood and accepted that maintenance of the access road will take place within the right-of-way."

PROOFS

(11) For properties not served by public sewer, a signature block for the developer's state-certified on-site soil evaluator, stating:

"I certify that soils evaluation work for this subdivision has been done in accordance with both state law, and Amherst County ordinances relating to on-site sewage disposal. Data resulting from soil work, including treatment systems, pre-treatment systems, primary and reserve drainfields, has been appropriately evaluated and approved by the state department of health."

(c) *Items to accompany final plat*. The following items shall accompany the final plat at the time of submission to the zoning administrator:

(1) An unexecuted copy of the proposed deed of dedication, accompanied by a certificate signed by the subdivider and duly acknowledged before an officer authorized to accept acknowledgements of deeds, certifying that the copy is a true copy of the proposed deed of dedication which will be presented for recording. Said deed shall contain language except as provided herein such that when the deed is recorded it shall operate to transfer in fee simple to the county such portion of the platted premises as is set apart on the final plat for streets, alleys, easements, or other public use, and shall create a public right of passage over the same; and shall contain a complete description of the land subdivided and any restrictive covenants and reservations applicable to the subdivision. When public water and/or sewerage facilities shall be involved, a grant of easement to the town for maintenance and servicing public utilities shall be established; and, further, it must be provided that all individuals and entitles providing public services requiring ingress and egress for themselves, their agents, and employees, and equipment shall have the necessary easements to accomplish said public service. Public service shall include, but not be limited to, the following: public refuse collection service; public school bus service; U.S. Postal Service; fire, police and rescue service; telephone and power repair and maintenance trucks and any and all similar services.

(2) A statement signed by the administrator of the erosion and sediment control ordinance of the county certifying approval of the soil erosion and sedimentation control plan submitted by the subdivider, as

provided for in the soil erosion and sedimentation control ordinance.

(3) A certificate signed by representatives of the health department and the town, where applicable, and in the case of subdivisions to be served by on-site sewage disposal systems, by the developer's state-certified on-site soil evaluator, stating that the water and sewer systems proposed are acceptable and in conformity with current requirements of the state department of health and town ordinances, and that each lot will have an adequate and safe water supply and an adequate means of sewage disposal, if applicable. In lieu of the certificate the signature of the appropriate health department and/or town official may be required to appear on the plat.

(4) A certificate signed by the resident engineer stating that the plans for all streets, street signs, and drainage systems are acceptable and in conformity with applicable requirements and certifying approval of any installation of such improvements already undertaken. In lieu of the certificate the signature of the appropriate state department of transportation official may be required to appear on the plat.

(5) A performance bond in accordance with section 24-733.

(Zoning Ord. 2003, § 18.1-1204)

Sec. 24-759. Acceptance of improvements.

The subdivider shall dedicate to the town, county, and the highway department, where applicable, all land required for streets, easements and alleys and other public facilities as required in this chapter. The zoning administrator or his duly designated agent and the resident engineer, where applicable, shall make such inspections during and after final installation of the improvements required herein as shall be deemed necessary, and no installation shall be accepted as completed until approved by the zoning administrator or his duly designated agent, and the resident engineer, where applicable, except as otherwise provided for in section 24-733.

(Zoning Ord. 2003, § 18.1-1205)

PROOFS

Sec. 24-760. Administrative review of certain plats.

(a) Notwithstanding the provisions stated elsewhere in this chapter, the zoning administrator is hereby delegated the authority to give preliminary and final approval in the name and on behalf of the commission to applications for approval of a subdivision not exceeding four lots in size provided no new street, and water and sewage facilities are involved; the required certifications have been approved by the appropriate agent; no variances are involved; and all the requirements set forth herein are met. Any actions by the zoning administrator pursuant to this section herein shall be reported to the commission at its subsequent meeting.

(b) In the case of reconfigured lots, the applicant shall submit three copies of the plat to the zoning administrator for review and approval. Once a determination has been made that the plat meets the standards of this article, the zoning administrator shall approve and sign the plat, retain one, and return the others to the applicant. The reconfiguration plat shall clearly show the following information:

(1) Every plat which is intended for recording shall be prepared by a certified professional engineer or land surveyor who shall endorse upon each such plat a certificate signed by him setting forth the source of title of the owner of the land involved in the reconfiguration and the place of record of the last instrument in the chain of title;

(2) Date of plat;

(3) Scale;

(4) North arrow;

(5) Adjoining property owners;

(6) Bearings and distances of all lines surveyed as part of the reconfiguration;

(7) Name and signature of owner notarized;

(8) The acreage and frontage width of the reconfigured properties or a statement certifying the surveyor's knowledge that the reconfigured properties meet the minimum acreage and frontage width requirements;

(9) Tax map section, block and lot number;

(10) Plat clearly labeled reconfiguration by the surveyor;

(11) Signature block for the zoning administrator.

The applicant shall be responsible for recording the plat in the office of the clerk of the circuit court within one year of approval or it will become invalid.

(Zoning Ord. 2003, § 18.1-1206)

Secs. 24-761--24-788. Reserved.

Sec. 24-789. Design requirements. ARTICLE XV. SUBDIVISION DESIGN STANDARDS AND REQUIREMENTS

(a) *General requirements*. The following general design requirements shall apply to all subdivisions:

(1) Land subject to flooding, improper drainage, or erosion, or which is for topographical, geological or other reasons unsuitable for residential use shall not be platted for residential use nor for any other uses that will increase the danger to health, safety, or property destruction, unless the hazards can be and are corrected.

(2) The name of the subdivision must have the approval of the planning commission. The name shall not duplicate nor closely approximate the name of an existing subdivision.

(3) Access to every lot in a subdivision shall be provided over a public street. Street names shall require the approval of the commission. Road signs shall be constructed and installed to county specifications at the expense of the subdivider.

(4) All proposed subdivisions shall conform to the town comprehensive plan and development policies in effect at the time of submission to the commission.

PROOFS

(b) *Street requirements*.

~~The design of subdivision streets shall meet the following requirements:~~

~~All location, geometric design and construction of streets within a subdivision shall be in accordance with the following regulations and plans, where applicable, and shall be approved by the resident engineer:~~

- ~~The subdivision streets requirements and other applicable regulations of the highway department;~~
- ~~The county's current six-year highway improvement plan or its equivalent, including requests of the Town.~~
- ~~The Town's comprehensive plan.~~
- ~~The current transportation plan for the Lynchburg urbanizing area and adopted by the town council and the Central Virginia Transportation Planning Council.~~

~~Additional street design requirements for subdivision streets shall be met:~~

- ~~Existing street right-of-ways shall be continued at the same or greater width, but in no case shall the right-of-way of any subdivision street be less than 50) feet in width.~~
- ~~Street intersections shall be as nearly at right angles as possible with no street intersection being at any angle of less than 60 degrees;~~
- ~~Street intersections with center line offsets of less than 125 feet shall not be permitted;~~
- ~~Streets shall be reserved at strategic locations to provide for future access to adjoining properties which may be subdivided in the future. Each street connection shall intersect property lines at a 90 degree angle or as otherwise approved by approving authority;~~
- ~~Cul-de-sacs, or dead-end streets, shall be not less than 200 feet in length. They shall be provided at the closed end with a turn-around of at least 60 feet in radius, unless otherwise~~

~~approved by the resident engineer for reasons of area traffic volumes or the likelihood of future extensions of the street;~~

~~Where a subdivision abuts or contains a railroad right-of-way or a non-accessible street, which shall include any limited access highway or major street, as defined in the State Highway Improvements Plan, as amended, or any street with a proposed future right-of-way width of 65) feet or greater in said plan, or any street on the state system of primary highways, the commission may require a street approximately parallel to and on each side of such right-of-way either as a marginal access street, at a distance suitable for an appropriate use of intervening land, with a non-access reservation suitable platted. Due regard should be given to requirements for approach grades and future grade separations in determining distances. Residential lots have access only to secondary streets; the commission may require through lots;~~

~~Subdivisions that adjoin existing streets shall dedicate additional right-of-way if needed to meet the minimum street width requirements set forth in section 1301.02 (2) (a).~~

~~The entire right-of-way shall be provided where any part of subdivision is on both sides of the existing streets.~~

~~When the subdivision is located on only one side of an existing street, one half (1/2) of the required right-of-way, measured from the centerline of the existing roadway, shall be provided.~~

~~When lots in a subdivision abut on one side of any street which has been included in the state system of secondary highways, the subdivider shall be required to dedicate twenty-five (25) feet of right-of-way, as measured from the centerline of the street to the subdivision property line. The subdivider shall not be responsible for grading or surfacing such street;~~

PROOFS

~~Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with other requirements of these regulations; where the commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided, the other half of the street shall be platted within such tract;~~

~~The requirements for providing alleys within a subdivision are as follows:~~

~~No alley right-of-way shall be less than 20 feet in width.~~

~~Alleys shall be provided in commercial and industrial districts, except where other definite and assured provision is made for service access, such as off-street parking, loading and unloading, consistent with and adequate for the uses proposed;~~

~~Alleys shall not be provided in residential subdivisions and development unless the subdivider provides evidence satisfactory to the commission of the need for alleys;~~

~~Alley intersection and sharp changes in alignment shall be avoided, but where necessary corners shall provide sufficient radius to permit safe vehicular movements.~~

~~Dead-end alleys shall be avoided where possible but, if unavoidable, shall be provided with adequate turn around facilities at the dead-end, as determined by the commission;~~

(1) The design and installation of streets shall conform to VDOT standards.

(2) Street names shall require the approval of the commission which shall not approve new street names until after a recommendation is received from the county. Streets that are obviously in alignment with streets already in existence and already named shall be given the name of those of existing streets.

(3) The subdivider shall be responsible for securing written approval of the street design by VDOT prior to approval of the final plat. All new public and private streets shall be subject to this requirement.

~~Block lengths and widths. Block lengths and widths shall be determined based on the following requirements:~~

~~— Blocks shall not be greater than 2000) feet nor less than 200) feet in length, provided, however, the planning commission may waive this provision when in the judgment of the commission extreme topographic conditions would cause undue hardship if the subdivider complied with this provision.~~

~~— Blocks shall be wide enough to provide two tiers of lots of minimum depth, except where abutting upon major streets, limited access highways, or railroads or topographical or other situations make this requirement impracticable in which case the planning commission may approve a single tier of lots of minimum depth.~~

~~— Blocks intended for non-residential use shall provide adequate space for service access and off-street parking in accordance with Article VI of this chapter.~~

(c) *Lot design requirements*.

(1) Lot areas and dimensions and yard areas shall conform to applicable requirements of articles VII and VIII of this chapter~~, or, if applicable, section 1301.03 herein~~.

(2) Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage of area or street footage which would be unusable for normal purposes.

(3) Every lot shall front on a public street, and the side lines of lots shall be approximately at right angles, or radial to the street line unless otherwise approved.

(4) In the case of lots for residential purposes, the lot area shall conform to the requirements of article VIII of this chapter. The lot area may be greater than the minimum specified if the commission finds that condition of health and/or safety so require, based on recommendations of the health department, or other appropriate agencies.

(5) Double frontage lots should be avoided except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such traffic artery or other disadvantageous use.

PROOFS

(6) Drain fields and reserve drain fields must be located within the main body of the lot they serve. Peculiar lot configurations to accommodate drain fields located remotely from the main building site shall not be permitted.

(d) *Environmental design requirements*. Land to be subdivided shall be laid out and improved in reasonable conformity to existing topography, in order to minimize grading and cut and fill, and to retain, insofar as possible, the natural contours, limit stormwater runoff, and conserve the natural cover and soil. An erosion and sediment control plan must be submitted and approved prior to removal of any topsoil and/or gravel or any grading activity. All grading activity shall be done in accordance with the provisions of the county erosion and sedimentation control ordinance. Calculations shall be submitted as part of the erosion and sedimentation plan which justify the design of runoff control measures.

(e) *Easements*.

(1) Easements having a minimum width of 20 feet shall be provided as are necessary for utility lines, and underground mains and cables, where appropriate. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater drainage easement of adequate width, but not less than eight feet. Parallel streets may be required by the commission in connection therewith.

(2) It is hereby required there be a conveyance of common or shared easements to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone and electric service to the proposed subdivision. Once a developer conveys an easement that will permit electric, cable or telephone service to be furnished to a subdivision, the developer shall, within 30 days after written request by a cable television operator or telephone service provider, grant an easement to that cable television operator or telephone service provider for the purpose of providing cable television and communications services to that subdivision, which easement shall be geographically coextensive with the electric service easement, or if only a telephone or cable service

easement has been granted, then geographically coextensive with that telephone or cable service easement; however, the developer and franchised cable television operator or telephone service provider may mutually agree on an alternate location for an easement. If the final subdivision plat is recorded and does not include conveyance of a common or shared easement as provided herein, the planning commission or zoning administrator shall not be responsible to enforce the requirements of this subsection.

State law reference—Similar provisions, Code of Virginia, § 15.2-2241(A)6.

(f) *Private streets*. All new streets shall be designed and constructed in accordance with VDOT's subdivision street requirements. Private streets are discouraged but may be allowed in planned unit developments and other special applications upon issuance of a special use permit by the town council.

(Zoning Ord. 2003, § 18.1-1301)

Sec. 24-790. Physical improvements.

The subdivider shall install the following physical improvements at his cost in accordance with the provisions of this article:

(1) *Markers*. Markers shall be installed in accordance with the following provisions:

a. Markers shall be iron pipes or steel pins five-eighths of an inch in diameter and 15 inches long and driven so as to be flush with finished grades at all street corners, angles in streets, the beginning and end of all curves in streets, at all points where the street intersects the exterior boundaries of the subdivision and all lot corners and angles.

b. Where rock is encountered, a hole shall be drilled four inches deep, into which shall be cemented a steel rod one-half inch in diameter, the top of which shall be flush with the finished grade line.

(2) *Water and sewage facilities*. Water and sewage facilities shall be provided in all subdivisions and shall adhere to the following requirements:

PROOFS

a. All public water and sewage facilities shall be constructed in accordance with the current specifications of the health department or the town, whichever is applicable.

b. All public water and sewage systems shall be installed at the expense of the subdivider, and where oversized lines or pumping stations are required by the health department, or the town, whichever is applicable, to provide capacity to handle flow originating from outside the subdivision, the subdivider shall install the additional water and sewage facilities as provided for in the current line extension policies of the agency requiring the additional facilities.

c. All lots located within the subdivision shall be connected to existing public systems under the following conditions:

1. Whenever the subdivision is 1,000 feet or less from an existing public water and/or sewage system, the subdivider shall be required to install the appropriate connecting lines to the existing systems as provided for in the current policies of the health department or the town, whichever is applicable.

2. Whenever the subdivisions is more than 1,000 feet from an existing public water and/or sewage system, the town council may require the subdivider to install the appropriate connecting lines as provided for in the current policies of the health department or the town, whichever is applicable.

d. Non-public water systems and/or on-site sewage systems may be installed provided that public water and/or sewage systems cannot be constructed in the subdivision as determined by the town council.

e. All water and sewage facilities shall be inspected and approved by the appropriate official in accordance with section 24-758(c)(3). All water and sewerage facilities installed by a developer shall be inspected by a licensed engineer who shall certify that the installation was done according to a set of as-built plans and certify to the town, VDOT, and the state department of health that all

required testing was performed and approved.

f. All private waste disposal systems including their reserve areas shall be located on the same property as the building site that the private waste disposal system benefits.

(3) *Streets and drainage*. Streets and drainage facilities shall be constructed in accordance with the following requirements:

a. Extensions of existing streets or new streets of subdivision shall be paved before being opened to the public. In lieu of completion of pavement, a bond or surety shall be provided as in section 24-733. Pavements shall be in the entire length of the portion of the street opened to the public. Streets shall be constructed in accordance with the specifications of the state department of highways and transportation.

b. Street identification signs approved by the zoning administrator shall be installed at all street intersections in any subdivision by the subdivider.

c. All street and drainage improvements shall be inspected and found in compliance with requirements of this chapter and standards of the state department of highways and transportation, as evidenced by the written approval of the resident engineer, as provided in section 24-758(c)(4).

(4) *Other improvements*.

a. Where outdoor recreation facilities are provided in connection with common open space, they shall be of a design and construction approved by the commission.

b. Where the subdivider wishes to plant trees between the pavement edge and the adjacent right-of-way lines, he shall first confer with the zoning administrator to determine the side of the street on which the utility pole for power, streetlights and telephone will be located. On the side of the street on which the utility pole will be placed, the trees shall be limited to those not exceeding 20 feet in mature height. On the side of the street opposite the utility pole line, the planting of trees shall not be restricted.

c. The subdivider shall obtain approval from the town council for the design of a street lighting system. The subdivider shall fund the installation, install or have installed any street lighting system serving the subdivision and make appropriate arrangements for its maintenance.

PROOFS

(Zoning Ord. 2003, § 18.1-1302)

Sec. 24-791. Reservation of land for community facilities and open space.

(a) Where features of the town comprehensive plan, such as school sites, parks, and other public spaces are located in whole or in part in a proposed subdivision such features shall be reserved by the subdivider. Whenever such reserved land, or any portion thereof, is not acquired, optioned, or condemned by the appropriate public agency within a one-year period from the date of recording the subdivision, the subdivider may claim the original reservation, or portion thereof, and cause it to be subdivided in a manner suitable to the subdivider subject to the provisions herein. The commission may waive this reservation requirement whenever the public body responsible for land acquisition executes a written release stating that such a planned feature is not being acquired.

(b) Whenever the plat proposes the reservation of land to public use and the planning commission or the appropriate agency finds that such land is not required or suitable for public use, the commission may either refuse to approve said plat or it may require the arrangement of lots within such land.

(Zoning Ord. 2003, § 18.1-1303)

~~**Sec. 18-1401. Intent.**~~

~~This article serves to present clearly the responsibilities of the public bodies that administer this chapter. The responsibilities include those delegated by Section 15.2 Chapter 22, Articles 1-8, of the Code of Virginia, 1950, as amended, as well as those responsibilities left to local option and assigned by enactment of this chapter.~~

~~(Zoning Ord. 2003, § 18.1-1401)~~

TOWN OF AMHERST

Office of the Town Attorney

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Mailing Address:
174 S. MAIN STREET
P.O. BOX 280
AMHERST, VA 24521

FROM: **Eric M. Lansing, Town Attorney**

TO: **Mayor and Town Council of the Town of Amherst**

DATE: **June 1, 2022**

SUBJECT: **(1) Ordinance revising the Town's existing prohibition on bicycles and skateboards on sidewalks (amending Town Code §§ 20-8 and 20-9)**

(2) Ordinance requiring bicyclers and skateboarders to yield to pedestrians on sidewalks and not disrupt business (creating Town Code § 20-10)

Dear Mayor and Councilors:

At its meeting on May 11, the Town Council voted to put forward two draft ordinances for public hearing. Although both of these ordinances regulate bicycles and skateboards on sidewalks, they are presented to the Council as two separate ordinances, each of which will require a separate vote:

- The **first ordinance** presented would amend two existing sections of the Town Code (§§ 20-8 and 20-9). This ordinance would not create any new restrictions. It would simply change the penalty from a class 4 misdemeanor (a criminal offense punishable with a $250 fine) to a $50 civil penalty.[1] It would also limit the existing prohibition on skateboards on sidewalks, so that the prohibition only applies in the Central Business District (Downtown).

- The **second ordinance** presented would create a new Town Code section (§ 20-10). This new Code section would require skateboarders and bicyclers to yield to pedestrians, and would prohibit them from being disruptive on sidewalks.

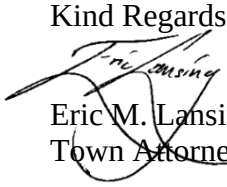
Prefatory language ("whereas" clauses) has been added to each draft ordinance. The prefatory language for the first ordinance was already presented to the Town Council in my memorandum dated January 6, 2022. The prefatory language for the second ordinance is new.

[1] The purpose of this change is to conform the Town Code sections to the requirements of the enabling legislation in Virginia Code § 46.2-904.

If you have any questions, please do not hesitate to let me know.

It is a privilege to serve the Council.

Kind Regards,



Eric M. Lansing
Town Attorney

Enclosures: Ordinance No. 220608A: Revising the Town's existing prohibition on bicycles and skateboards on sidewalks (amending Town Code §§ 20-8 and 20-9)

Ordinance No. 220608B: Requiring bicyclers and skateboarders to yield to pedestrians on sidewalks and not disrupt business (creating Town Code § 20-10)

MOTION: _____

SECOND: _____

June 8, 2022
Regular Meeting
Ord. No. 220608A

ORDINANCE OF THE TOWN OF AMHERST

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF AMHERST, VIRGINIA, CHAPTER 20 (TRAFFIC AND VEHICLES), ARTICLE I (IN GENERAL), §§ 20-8 (OPERATION OF BICYCLES ON CERTAIN SIDEWALKS) AND 20-9 (OPERATION OF SKATEBOARDS ON CERTAIN SIDEWALKS), TO PROVIDE FOR A $50 CIVIL PENALTY (IN PLACE OF THE EXISTING CLASS 4 MISDEMEANOR PENALTY) FOR RIDING A BICYCLE OR SKATEBOARD ON A SIDEWALK, AND TO LIMIT THE EXISTING PROHIBITION ON SKATEBOARDS TO SIDEWALKS IN THE CENTRAL BUSINESS DISTRICT.

WHEREAS, §§ 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950 enables a local governing body to adopt, amend and codify ordinances or portions thereof;

WHEREAS, §§ 20-8 and 20-9 of the Amherst Town Code prohibit riding a bicycle or skateboard on a sidewalk, and punish those offenses as a Class 4 misdemeanor (punishable by a criminal penalty of up to $250; *see* Va. Code § 18.2-11);

WHEREAS, § 46.2-904 of the Code of Virginia empowers the Town Council to adopt such an ordinance, and further provides: "A violation of any ordinance adopted pursuant to this section . . . shall be punishable by a civil penalty of not more than $50";

WHEREAS, § 7.01 of the Town Charter empowers the Town Council to "maintain, and clear . . . sidewalks . . . and to regulate the use of all such highways . . . and works"; "to prevent the obstruction of such streets, alleys and highways . . . and to do all other things whatsoever adapted to make the streets and highways safe, convenient and attractive"; § 9.01(1) of the Town Charter empowers the Town Council to "prevent all things detrimental to the . . . safety, convenience and welfare of the inhabitants of the town"; and § 9.01(17) of the Town Charter empowers the Town Council to "pass and enforce all . . . ordinances which it may deem necessary for the good order and government of the town . . ., and to do such other things and pass such other laws as may be necessary or proper to carry into full effect all powers . . . [of the] town";

WHEREAS, the full text of this amendment was available for public inspection in the Amherst Town Hall, at 174 S. Main Street, Amherst, VA 24521; and

WHEREAS, on June 8, 2022, a public hearing was held on this matter, and all of those wishing to speak on this topic were heard;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AMHERST, that Chapter 20 (Traffic and Vehicles), Article I (In General), §§ 20-8 and 20-9 of the Amherst Town Code are hereby amended as follows:

Sec. 20-8. – Operation of bicycles on ~~certain~~ sidewalks.

No person shall ride a bicycle on a sidewalk. Each violation of this section shall ~~constitute a Class 4 misdemeanor~~ be punishable by a civil penalty of $50.

Sec. 20-9. – Operation of skateboards on certain sidewalks.

No person shall ride a skateboard on a sidewalk in the Central Business District (as that district is defined in the Amherst Zoning Map). Each violation of this article shall ~~constitute a Class 4 misdemeanor~~be punishable by a civil penalty of $50.

The foregoing Ordinance was adopted on the 8th day of June, 2022.

_____
D. Dwayne Tuggle, Mayor

ATTEST:

_____
Clerk of Council

MOTION: _____

SECOND: _____

June 8, 2022
Regular Meeting
Ord. No. 220608B

ORDINANCE OF THE TOWN OF AMHERST

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF AMHERST, VIRGINIA, CHAPTER 20 (TRAFFIC AND VEHICLES), ARTICLE I (IN GENERAL), BY CREATING THEREIN § 20-10 ("BICYCLES AND SKATEBOARDS TO YIELD TO PEDESTRIANS ON SIDEWALKS"), TO REQUIRE SKATEBOARDERS AND BICYCLISTS TO YIELD TO PEDESTRIANS, PROHIBIT THEM FROM IMPEDING A BUSINESS OR PUBLIC BUILDING, PROHIBIT THE USE OF SIDEWALKS FOR TRICKS OR STUNTS, AND PROVIDE RELATED VIOLATIONS, DEFINITIONS, AND PENALTIES.

WHEREAS, §§ 15.2-1427 and 15.2-1433 of the Code of Virginia, 1950 enables a local governing body to adopt, amend and codify ordinances or portions thereof;

WHEREAS, § 7.01 of the Town Charter empowers the Town Council to "maintain, and clear . . . sidewalks . . . and to regulate the use of all such highways . . . and works"; "to prevent the obstruction of such streets, alleys and highways . . . and to do all other things whatsoever adapted to make the streets and highways safe, convenient and attractive"; § 9.01(1) of the Town Charter empowers the Town Council to "prevent all things detrimental to the . . . safety, convenience and welfare of the inhabitants of the town"; and § 9.01(17) of the Town Charter empowers the Town Council to "pass and enforce all . . . ordinances which it may deem necessary for the good order and government of the town . . ., and to do such other things and pass such other laws as may be necessary or proper to carry into full effect all powers . . . [of the] town";

WHEREAS, the Town Council expresses concern over a tendency to use skateboards on sidewalks for tricks and stunts rather for a legitimate transportation function, and in a manner that impedes or endangers pedestrians, or disrupts business; and

WHEREAS, on June 8, 2022, a public hearing was held on this matter, and all of those wishing to speak on this topic were heard;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AMHERST, that Chapter 20 (Traffic and Vehicles), Article I (In General) of the Amherst Town Code is hereby amended to enact a new section, § 20-10, as follows:

Sec. 20-10. – Bicycles and skateboards to yield to pedestrians on sidewalks.

A. A person riding a bicycle or skateboard on a sidewalk or across a roadway on a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing any pedestrian.

B. No person riding a skateboard on a sidewalk shall thereby (1) interfere with a business conducting its trade, (2) interfere with access to or egress from any building open to the public (including but not limited to any business, office, school, government building, place of worship, or assembly hall), or (3) use a sidewalk for tricks or stunts without the purpose of transportation.
C. "Interfere," for purposes of Subsection B, shall mean to hinder, delay, or obstruct. Factors for determining interference include (1) the extent and duration of the skateboarder's presence in front of a business or building; (2) whether the skateboarder was traveling to a fixed location, or going back and forth in front of the business or building; (3) whether the skateboarder was asked to leave by any owner, shopkeeper, patron, member, staff person, or other individual having a legitimate interest in the business, building, or its affairs; (4) the extent of hazard or difficulty imposed by the skateboarder on any individual trying to patronize or support the business or building; and (5) the speed of the skateboard and its proximity to any individual, vehicles, windows, or other damageable property in its path.
D. Each violation of this Section shall be punishable by a civil penalty of not more than $50.

The foregoing Ordinance was adopted on the 8th day of June, 2022.

_____
D. Dwayne Tuggle, Mayor

ATTEST:

_____
Clerk of Council

Mayor D. Dwayne Tuggle called a regular monthly meeting of the Amherst Town Council to order on May 11, 2022, at 7:00 P.M. in the Council Chambers of the Town Hall at 174 S. Main Street.

It was noted that a quorum was present as follows:

P	D. Dwayne Tuggle	P	Sharon W. Turner
P	Rachel A. Carton	P	Janice N. Wheaton
P	Kenneth S. Watts	A	Andra Higginbotham

Also present were the following staff members:

Sara E. McGuffin	Town Manager		Charles Thompson	Utilities Maintenance Foreman
Vicki K. Hunt	Clerk of Council		Robert Shiflett	Chief of Police
Eric Lansing	Town Attorney		Brandon Payne	Police Officer
Gary Williams	Director of Plants			

Recitation of the Pledge of Allegiance to the Flag was followed by an invocation by Charles Thompson.

Chief Shiflett gave special recognition to retiring Major Greg Harler for 25 years of service in law enforcement, including 17 years serving the Town of Amherst.

Chief Shiflett gave special recognition to Officer Brandon Payne for his promotion to Captain.

After Chief Shiflett introduced new Officer Luther Rose, Officer Rose was sworn in by Mayor Tuggle.

Terrell Stinson, Amherst, Virginia, came forward requesting consideration of an amendment to a zoning ordinance that regulates accessory structures in the Town of Amherst. The matter was deferred to the Planning Commission to hold a public hearing and recommendation from the Commission.

Town Attorney Eric Lansing gave a brief report on a proposed amendment to the Code of the Town of Amherst, Virginia, Chapter 14 (Solid Waste), Article IV (Collection and Disposal), by Enacting § 14-25 Therein, which would, if approved, prohibit the placement of waste receptacles in the public right-of-way other than during specified times prior to and after trash pickup. The new section would also give Town staff authority to remove a trashcan from the public right of-way for each offense, and to charge a return fee upon a second or subsequent offense; and it would give the Town the ability to seek and obtain injunctive relief against violation.

Mayor Tuggle opened a duly advertised public hearing at 7:19 P.M. on a proposed amendment to the Code of the Town of Amherst, Virginia, Chapter 14 (Solid Waste), Article IV (Collection and Disposal), by Enacting § 14-25 Therein, which would, if approved, prohibit the placement of waste receptacles in the public right-of-way other than during specified times prior to and after trash pickup, give Town staff authority to remove a trashcan from the public right of-way for each offense, and to charge a return fee upon a second or subsequent offense, and give the Town the ability to seek and obtain injunctive relief against violation.

There being no one present in person or otherwise who wished to speak on the proposed amendment to Town of Amherst, Virginia, Chapter 14 (Solid Waste), Article IV (Collection and Disposal), by Enacting § 14-25 Therein, the public hearing closed at 7:20 P.M.

FOR APPROVAL

Ms. Carton made a motion that was seconded by Ms. Wheaton to adopt the ordinance as recommended by staff.

There being no discussion, the motion carried 4-0 via the roll call method as follows:

D. Dwayne Tuggle			Sharon W. Turner	Aye
Rachel A. Carton	Aye		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye		Andra Higginbotham	Absent

A copy of the Ordinances is attached and made a part of these minutes.

Mayor Tuggle opened the floor for citizen comment.

Kelli Hollowell, Amherst, VA, came forward in support of installation of pole flags to honor veterans.

There being no one else listed to speak on the citizen comment sign-in sheet or otherwise, no comments were made.

Ms. Turner made a motion that was seconded by Ms. Carton to approve the Minutes of the meeting held on April 13, 2022.

There being no discussion, the motion as to the April 13, 2022, minutes carried 3-0-1 via the roll call method as follows:

D. Dwayne Tuggle			Sharon W. Turner	Aye
Rachel A. Carton	Aye		Janice N. Wheaton	Aye
Kenneth S. Watts	Abstain		Andra Higginbotham	Absent

Ms. Wheaton made a motion that was seconded by Mr. Watts, to set a public hearing on a proposed amendment to Town Charter Article III, Section 3.01(4), which would if approved, delete or change the provision in the Town Charter related to expulsion of a member for misconduct in office, and to direct staff to start the procedure for a charter change.

After discussion, the motion failed 1-3 via the roll call method as follows:

D. Dwayne Tuggle			Sharon W. Turner	Nay
Rachel A. Carton	Nay		Janice N. Wheaton	Aye
Kenneth S. Watts	Nay		Andra Higginbotham	Absent

After Town Manager McGuffin gave a brief report on the FY22-23 Town of Amherst budget, Ms. Carton made a motion that was seconded by Ms. Watts to adopt the proposed Town of Amherst FY22-23 budget including the Ordinance to Establish the Budget for the Town of Amherst, Virginia, for the Fiscal Year Beginning July 1, 2022, and Ending June 30, 2023, Making Revenue Estimates and Appropriations for Same, as presented at the public hearing on April 13, 2022, with the addition of a sheet to adopt zoning fees, and as recommended by staff.

There being no discussion, the motion carried 3-1 via the roll call method as follows:

FOR APPROVAL

D. Dwayne Tuggle			Sharon W. Turner	Nay
Rachel A. Carton	Aye		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye		Andra Higginbotham	Absent

A copy of the Ordinance and Budget are attached and made a part of these minutes.

Town Manager McGuffin gave a report on renewal and amendment of the December 1, 2019, Contract for Curbside Solid Waste Collection in the Town of Amherst, Virginia, for a one year extension. The contract would allow two additional, automatic one-year extensions with the option to cancel by either party, and amend the contract to include the option of the Town to remove trashcans that are left in the public-right-of-way.

Mr. Watts made a motion that was seconded by Ms. Turner to approve the Renewal and Amendment of the Contract for Curbside Solid Waste Collection in the Town of Amherst, Virginia, by and between The Town of Amherst and County Waste Southwest Virginia, as recommended by staff.

There being no discussion, the motion carried 4-0 via the roll call method as follows:

D. Dwayne Tuggle			Sharon W. Turner	Aye
Rachel A. Carton	Aye		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye		Andra Higginbotham	Absent

After a report by Town Manager McGuffin, Ms. Carton made a motion that was seconded by Mr. Watts to approve renewal of the water and sewer agreement between the Town of Amherst and Sweet Briar Institute, (d/b/a Sweet Briar College) and authorize Town Manager McGuffin to execute the Sewer and Water Purchase Agreement effective January 1, 2022, between The Town of Amherst and Sweet Briar Institute (d/b/a Sweet Briar College), as recommended by staff.

After discussion, the motion carried 3-1 via the roll call method as follows:

D. Dwayne Tuggle			Sharon W. Turner	Nay
Rachel A. Carton	Aye		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye		Andra Higginbotham	Absent

After a report by Town Manager McGuffin, Ms. Turner made a motion that was seconded by Mr. Watts to hold a public hearing on June 8, 2022, to consider an amendment of the 2021/22 budget to account for receipt of a grant for police cameras and ARPA Funds, and appropriate expenditure of the funds, as recommended by staff.

After discussion, the motion carried 4-0 via the roll call method as follows:

D. Dwayne Tuggle			Sharon W. Turner	Aye
Rachel A. Carton	Aye		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye		Andra Higginbotham	Absent

Town Manager McGuffin gave a report on a donation of land for the Lynchburg extension to connect from the Visitor's Center to Depot Street by the County of Amherst to the Town of Amherst, and a request

FOR APPROVAL

to Virginia Department of Transportation to accept this land into the State Secondary Road System for the purpose of allowing the construction and maintenance of a road, commonly known as Lynchburg Road.

Ms. Carton made a motion that was seconded by Ms. Turner to authorize Town Manager McGuffin to execute the acceptance of deed of dedication by and between County of Amherst, Virginia, and Town of Amherst, Virginia, for 0.644 acre described as "40' right of way hereby dedicated to the Town of Amherst for public purpose," as recommended by staff.

After discussion, the motion carried 4-0 via the roll call method as follows:

D. Dwayne Tuggle			Sharon W. Turner	Aye
Rachel A. Carton	Aye		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye		Andra Higginbotham	Absent

Ms. Carton made a motion that was seconded by Ms. Turner to Adopt the Storm Water Detention Agreement Lynchburg Road, between the Town Council of the Town of Amherst and Virginia Department of Transportation (VDOT), as recommended by staff.

There being no discussion the motion carried 4-0 via the roll call method as follows:

D. Dwayne Tuggle			Sharon W. Turner	Aye
Rachel A. Carton	Aye		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye		Andra Higginbotham	Absent

Ms. Carton made a motion that was seconded by Ms. Turner to hold a public hearing at the June 8, 2022, Town Council meeting to grant the Virginia Department of Transportation an unrestricted right of way of 40 feet along town owned property for the purpose of allowing the construction and maintenance of a road, commonly known as Lynchburg Road, as recommended by staff.

There being no discussion, the motion carried 4-0 via the roll call method as follows:

D. Dwayne Tuggle			Sharon W. Turner	Aye
Rachel A. Carton	Aye		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye		Andra Higginbotham	Absent

Town Attorney Lansing gave a report on a proposed options to amend Chapter 20, Article 1, Sec. 20-8 – Operation of bicycles on certain sidewalks, Section 20-9 Operation of skateboards on certain sidewalks, and a proposed option to amend Chapter 20, Article 1, of the Town of Amherst Code, creating a new Sec. 20-10. – Bicycles and skateboards to yield to pedestrians on sidewalks.

Ms. Turner made a motion that was seconded by Mr. Watts to hold a public hearing at the June 8, 2022, Town Council Meeting to amend to Chapter 20, Article 1, Sec. 20-8, which would, if approved prohibit bicycles on sidewalks at all times and change the penalty for violations from criminal to civil, and to amend Chapter 20, Article 1, Section 20-9, which would, if approved prohibit skateboards on sidewalks in the Central Business District during certain times.

After discussion, the motion failed 0-4 via the roll call method as follows:

FOR APPROVAL

D. Dwayne Tuggle			Sharon W. Turner	Nay
Rachel A. Carton	Nay		Janice N. Wheaton	Nay
Kenneth S. Watts	Nay		Andra Higginbotham	Absent

Ms. Turner made a motion that was seconded by Mr. Watts to hold a public hearing at the June 8, 2022, Town Council Meeting to amend Chapter 20, Article 1, Sec. 20-8, Operation of bicycles on certain sidewalks, which would, if approved, change the penalty for each violation from criminal to civil; and Sec. 20-9. - Operation of skateboards on certain sidewalks, which would, if approved, restrict riding of skateboards in the Central Business District only and change the penalty for each violation from criminal to civil.

After discussion motion carried 3-1 via the roll call method as follows:

D. Dwayne Tuggle			Sharon W. Turner	Aye
Rachel A. Carton	Aye		Janice N. Wheaton	Nay
Kenneth S. Watts	Aye		Andra Higginbotham	Absent

Ms. Wheaton made a motion to hold a public hearing at the June 8, 2022, Town Council Meeting to repeal Chapter 20, Article 1, Sec. 20-8 and Sec. 20-9 referring to bicycles and skateboards on sidewalks.

Due to lack of second, the motion failed.

Ms. Turner made a motion that was seconded by Mr. Watts to hold a public hearing at the June 8, 2022, Town Council Meeting to amend Chapter 20, Article 1, of the Town of Amherst Code, creating a new Sec. 20-10. – Bicycles and skateboards to yield to pedestrians on sidewalks. The proposed new section would, if approved, require skateboarders and bicyclists to yield to pedestrians, prohibit them from impeding a business or public building, and prohibit the use of sidewalks for tricks or stunts. The proposed new section would also provide related violations, definitions, and penalties.

After discussion the motion carried 3-1 via the roll call method as follows:

D. Dwayne Tuggle			Sharon W. Turner	Aye
Rachel A. Carton	Aye		Janice N. Wheaton	Nay
Kenneth S. Watts	Aye		Andra Higginbotham	Absent

After a report by Town Manager McGuffin on current members willingness to continue serve on various boards and noting that there are one vacancy to be filled on the Board of Zoning Appeals and one position on the Economic Development Authority that will require reappointment or replacement, Ms. Carton made a motion that was seconded by Ms. Wheaton to appoint the following individuals to the following boards and for the terms listed below.

Board	**Appointed**	**Term of Office**
Planning Commission	Ann Webster Day	7-1-2022 - 6-30-2026
Planning Commission	John Vandervelde	7-1-2022 - 6-30-2026
Economic Development Authority	Sharon Watts Turner	7-1-2022 - 6-30-2026
Property Maintenance Board	Bessie H. Kirkwood	7-1-2022 - 6-30-2026

FOR APPROVAL

There being no discussion, the motion carried 3-0-1 via the roll call method as follows:

D. Dwayne Tuggle			Sharon W. Turner	Abstain
Rachel A. Carton	Aye		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye		Andra Higginbotham	Absent

After a report by Town Manager McGuffin, Ms. Turner made a motion that was seconded by Ms. Carton to hold a public hearing at the June 8, 2022, Town Council meeting, to adopt the proposed recodified Town of Amherst Zoning and Subdivision ordinances, as recommended by staff.

There being no discussion, the motion carried 4-0 via the roll call method as follows:

D. Dwayne Tuggle			Sharon W. Turner	Aye
Rachel A. Carton	Aye		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye		Andra Higginbotham	Absent

Discussion was held on installation of pole flags to honor veterans. The matter was referred to the Utilities Committee for its recommendation to Town Council. The matter was deferred to the June 8, 2022, Town Council meeting.

Mayor Tuggle opened the floor for citizen comment.

There being no one listed to speak on the citizen comment sign-in sheet or otherwise, no comments were made.

There being no further business, the meeting adjourned at 8:27 P.M., until June 8, 2022, at 7:00 p.m. on motion of Ms. Carton seconded by Ms. Wheaton.

The motion carried 4-0 via the roll call method as follows:

D. Dwayne Tuggle			Sharon W. Turner	Aye
Rachel A. Carton	Aye		Janice N. Wheaton	Aye
Kenneth S. Watts	Aye		Andra Higginbotham	Absent

_____
D. Dwayne Tuggle, Mayor

Attest: _____
Clerk of Council

FOR APPROVAL

ORDINANCE OF THE TOWN OF AMHERST

AN ORDINANCE AMENDING THE CODE OF THE TOWN OF AMHERST, VIRGINIA, CHAPTER 14 (SOLID WASTE), ARTICLE IV (COLLECTION AND DISPOSAL), BY ENACTING § 14-25 THEREIN, TO PROHIBIT THE PLACEMENT OF WASTE RECEPTACLES IN THE PUBLIC RIGHT-OF-WAY, OTHER THAN AT DESIGNATED COLLECTION TIMES OR THE EVENING BEFOREHAND.

WHEREAS, §§ 15.2-1427 and 15.2-1433 of the Code of Virginia (1950) enable a local governing body to adopt, amend, and codify ordinances or portions thereof;

WHEREAS, § 7.01 of the Town Charter empowers the Town Council "to prevent the obstruction of . . . streets, alleys and highways . . . and to do all other things whatsoever adapted to make the streets and highways safe, convenient and attractive"; § 9.01(1) of the Town Charter empowers the Town Council to "prevent all things detrimental to the . . . safety, convenience and welfare of the inhabitants of the town"; and § 9.01(17) of the Town Charter empowers the Town Council to "pass and enforce all . . . ordinances which it may deem necessary for the good order and government of the town . . ., and to do such other things and pass such other laws as may be necessary or proper to carry into full effect all powers . . . [of the] town";

WHEREAS, the safety of the public, the good order of the Town, the convenience of the public right-of-way, and the prevention of obstruction to Town's streets, alleys, and highways, require the Town to make measures to prevent waste containers from being left in the public right-of-way;

WHEREAS, the full text of this amendment was available for public inspection in the Amherst Town Hall, at 174 S. Main Street, Amherst, VA 24521; and

WHEREAS, on May 11, 2022, a public hearing was held on this matter, and all of those wishing to speak on this topic were heard;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF AMHERST, that Chapter 14 (Solid Waste), Article II (Collection and Disposal) of the Amherst Town Code, be amended by enacting therein a newly created section, § 14-25, as follows:

Chapter 14 - Solid Waste

Article II - Collection and Disposal

Sec. 14-25. - Placement of waste container in public right-of-way prohibited

A. Prohibited acts; penalties. Except as provided in Subsection B, no person shall place any waste container in any public right-of-way (including any highway, road, street, alley, or sidewalk), or allow any such waste container to be placed in the public right-of-way in front of the property owned or occupied by that person.

B. Collection times exempted. A person who has arranged for the pickup of a waste container may place such waste container at the curb in front of the dwelling or place of business, from noon of the day preceding the scheduled trash pick-up, until noon of the day after the scheduled trash pick-up. But nothing in this Subsection shall be construed to authorize any individual to commit a public nuisance, or engage in activity otherwise prohibited by law.

C. Removal of waste containers. Any person who violates Subsection A shall be thereby deemed to have abandoned and forfeited the waste container to the Town. Town staff shall have the authority to remove any waste container left in the public right-of-way (except as exempted in Subsection B), and, upon a second or subsequent violation of this Section, shall only return the waste container after payment of a $50 return fee to the Town.

D. Equitable relief. The Town shall have power to seek appropriate relief in equity for violation of Subsection A through an injunction to any court of competent jurisdiction, including the General District Court. Violation of any such order shall be punishable as contempt of court.

E. "Waste container" defined. For purposes of this Section, "waste container" includes trash containers, recycling containers, and all other receptacles subject to § 14-21.

This ordinance was adopted on the 11th day of May, 2022.

_____
D. Dwayne Tuggle, Mayor

ATTEST:

_____
Clerk of Council

Town of Amherst
FY 23 Budget

Mayor D. Dwayne Tuggle
Vice-Mayor Rachel Carton
Councilor Andra Higginbotham
Councilor Sharon W. Turner
Councilor Kenneth S. Watts
Councilor Janice N. Wheaton

Budget presented to Council with public hearing on April 13, 2022
Budget adoption slated for May 11, 2022

Respecting the past. Attending the present. Concentrating on the future.

TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087

MEMO

Date: March 22, 2022

To: Mayor Dwayne Tuggle and Members of Town Council

From: Sara McGuffin, Town Manager

Re: FY 23 Town of Amherst Budget

It is my pleasure to present to the Amherst Town Council the proposed FY 23 budget. This budget represents both a recovery budget, in that revenues are tracking back to pre-pandemic levels, but also a budget that recognizes that our current financial climate is filled with many unknowns. Inflation in calendar year 2021 was the highest seen in decades, and employment issues continue to be a concern, as finding and retaining employees has become a challenge for all industries, but especially those requiring specialized training. Construction costs for projects continue to escalate, and supply chain problems feel like the new normal. That being said, the Town of Amherst continues to be very well positioned for all that we face. Our work force is well trained, capable, customer service oriented, and stable. Our fund balances continue to be healthy and increasing in most funds. The Town's reinvestment in facilities was extraordinarily well timed and left the Town positioned well for the use of ARPA funds and future projects. While decision making in these turbulent times on the appropriate expenditure of funds is challenging, the Town's overall position leaves us with positive options.

Assumptions and Background:

- This budget is predicated on the return of pre-pandemic tracking of revenues. Sales tax revenues are higher than anticipated, due to the change in how those are tracked by the state. Localities now see the benefit of purchases made on-line and delivered to homes. Meals tax revenues have also rebounded past expected amounts. These improvements were already beginning during the last budget cycle, but staff remained conservative on revenue estimates until the trends continued for a longer period. At this point, these trend lines show over a year of positive movement, and while we continue to be conservative in the projections, the amounts have increased.

- While the economy is creating several increased expenditure lines that are beyond the control of the Town, this budget does not recommend any increases to any taxes, fees, or rates. The Town has worked hard to manage costs and maintain a zero levy for real estate and personal property taxes. This budget maintains this course and seeks to continue it into the future. If inflationary pressure continues for multiple years, this could change, but this is out of Town control.

- The receipt of so many federal dollars to localities has created a temptation to use these dollars on items that are recurring costs for localities. The Town used approximately ten percent of its ARPA funding for lost revenue replacement in the previous fiscal year and anticipates no further use of these funds in any future year for any recurring expense line. While ARPA funds can be used for public safety salaries, doing so repeatedly sets up an operational deficit in future years. With the positive revenue tracking, the use of ARPA funds that Council has designated for a sludge dewaterer is a positive capital commitment that has no recurring costs and increases efficiency at the wastewater treatment plant. Because these funds have been designated for this purpose, these funds are capitalized, and do not appear in your FY23 budget.

- As the USDA funded sliplining debt comes online in this fiscal year, and with the expenditures from that project completing, the wastewater fund shows a loss before balancing from reserves. Debts in this fund create a seven fiscal year challenge, when one of the debts is retired in FY 30. This challenge is known and anticipated as the Town works hard to manage debt appropriately, paying debt down aggressively to save money and better position ourselves for the future.

- Upon completion of the Water Treatment Plant upgrade, staff recommends a review of debts in the Water fund for the FY24 budget process. There may be good opportunities to pay down or eliminate smaller debts once the treatment plant upgrade costs are fully known.

- Staff does not recommend any additional construction projects with this budget cycle. The current slate of construction projects should be completed and fully accounted for prior to beginning any additional projects.

Highlights:

- The completion of the USDA funded sliplining project has secured the viability of our wastewater system. The addition of the ARPA funded sludge dewaterer, which we anticipate to be largely funded in this fiscal year, bring the wastewater plant up to the next level of efficiency and technology. This reinvestment in the Town's core functions ensure reliability, compliance with standards, and financial

health of the system. The Water Treatment Plan renovation project continues in this budget and brings that plant up to the latest standard.

- Changes in the labor market are incredibly challenging right now. With the state and some localities increasing salaries at a pace which has never been seen, "the great resignation" occurring out of the pandemic, and an inflation rate of 7.4% last year, employee retention and development continues to be a key recommendation of this budget. Raises and development plans recommended by this budget do not attempt to bring the Town to the level that may be seen in other localities, but it does attempt to keep us in the marketplace. The budget has a 7.4% salary increase for employees, with a cap of $60,000 on which the raise is applied. Health insurance rates have increased 8%, and combined with the increase in the rate of inflation, create a definite funding change in this fiscal year. Finally, this budget does include one new employee as a full-time position, converting from a part time position. This employee is the Accreditation assistant, who will spend half time in the Police Department and half time in Town Hall, assisting with grants management and community development initiatives.

- This budget recommends a partially funded Capital Improvement Program cost of $135,800. This expenditure would purchase a new police car, a new truck for the maintenance department, and a small tractor for the maintenance department, as well as a roof for the lab building at the wastewater plant. While there are other expenditures that could be considered, these are the ones that keep the Town on track in our core areas for the future.

- This budget includes three revisions to the Utility Rate and Fee Policy. The changes are all required by State Code. They include a mandated renter deposit if property liens are applied on landowners, a change in the way penalties are applied, and a change in late fees (with 30 and 60 day late terms and no cut-offs before 60 days). While the Code mandates that the rental deposit needs to be between three and six months of a typical bill, staff anticipates allowing this to be paid over the first three months of the account so that it will not create an undue hardship on new renters in the Town.

Adoption Process:

Council has set a public hearing on the budget and the Capital Improvement Program (CIP) for April 13, 2022. The CIP is anticipated to be adopted at the same meeting. The budget may not be adopted at the meeting where it is heard and is slated for adoption at the Council's May 11, 2022 meeting.

Town Manager's Budget Message

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AN ORDINANCE TO ESTABLISH THE BUDGET FOR THE TOWN OF AMHERST, VIRGINIA FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023 MAKING REVENUE ESTIMATES AND APPROPRIATIONS FOR SAME.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF AMHERST, VIRGINIA:

A. SOURCES OF FUNDS

That for the support of the Town Government and its General Fund, for the tax year beginning on January 1, 2022, all taxes, fees, charges and penalties shall remain as heretofore set out by Ordinance, Resolution or other appropriate action of the Town Council except as the Town Council may establish or amend herein.

B. FUND ACCOUNTING

That the following projected sources and use of funds are hereby approved as the FY23 Town of Amherst budget and approved appropriations for the respective funds.

Estimated Revenues

General Fund	$1,478,508
Water Fund	$1,212,616
Sewer Fund	$1,040,942
Garbage Fund	$154,128
IDA Fund	$34,530

Estimated Expenditures

General Fund	$1,478,508
Water Fund	$1,212,616
- Operations	$827,784
- Debt Service and Capital Projects	$384,832
Sewer Fund	$1,040,942
- Operations	$655,099
- Debt Service and Reserve	$385,843
Garbage Fund	$154,128
IDA Fund	$34,530

C. TAX RATES

The proposed budget includes a continuation of the real estate tax rate at $0.00/$100.00 of assessed value and the personal property tax rate at $0.00/$100.00 of assessed value.

The proposed budget includes a continuation of the meals and beverage tax included in the Town Code at 6%.

The annual vehicle license fee for passenger motor vehicles, trucks and motorcycles shall be $25/year for cars, 11.00/year for motorcycles and 8.00 for trailers

The rate for Business and Professional Occupational License Taxes shall be set at:

- Contractors: $0.16 per $100 of gross receipts
- Financial, Real Estate and/or Professional Services: $0.50 per $100 of gross receipts
- Retailers: $0.10 per $100 of gross receipts
- Wholesalers: $0.04 per $100 of gross receipts
- Repair, Personal, Business and other services: $0.31 per $100 of gross receipts
- The rate for Itinerant Merchants and Peddlers shall be set at $20/year for door to door peddlers, $200/month for itinerant merchants ($500/yr max) and peddler of fresh produce $50/year

D. UTILITY RATES AND CHARGES

See attached Utility Rate and Fee Policy for rates related to water and sewer. The FY 23 budget holds all water and sewer rates and fees at the same level since fiscal year 2018.

E. DONATIONS

That donations to the following organizations are hereby authorized for the purposes listed subject to the conditions noted. These funds are to be disbursed on a reimbursement basis upon delivery of appropriate receipts:

Amount	Organization	Purpose/Conditions
$12,500	Amherst Fire Department	Operating Costs, including water, sewer, electric, training, equipment.
$3000	Village Garden Club	Civic Beautification
$2500	Amherst County Museum and Historical Society	Utilities, Programming and repairs to the Museum building.
$2500	Neighbors Helping Neighbors	Supplies for Food Bank
$20.500	Total Donations	

F. FUND BALANCE REQUIRMENTS

The Town of Amherst maintains a Fund Balance Policy to ensure that the Town has adequate funds to address emergency situations and ensure the Town's credit worthiness. Required balances for the FY21 fiscal year are as follows:

General Fund Permanent Fund		$	369,627
General Fund Contingency		$	44,355
Water Fund Permanent Fund		$	591,778
Sewer Fund Permanent Fund		$	549,618
Garbage Fund Permanent Fund		$	38,532

G. PERSONNEL

To maintain the work that has been done to keep salaries fair and competitive, the budget includes a Cost-of-Living increase for all employees of 7.4%, with a cap of $60,000 applied amount. This cap means that any employee earning over $60,000 receives the same raise based upon a salary amount of $60,000, rather than their total salary. The 7.4% is consistent with the consumer price index change in the 2021 calendar year.

Additionally, employees may receive raises during the year commensurate with their completion of career development goals.

Health insurance costs went up by approximately 8% and plan choices remain the same this year from last year.

H. CONDITIONS

The intent being to authorize spending according to this budget, all appropriations articulated herein are declared

to be maximum and conditional such that outlay shall be made only in the event the aggregate revenues collected and other resources available to the Town in the respective funds are sufficient. All debts of the Town shall be paid in full when due and payable. All expenditures shall be made in accordance with the Ordinance, the Town Charter, Town Code and Purchasing Policy and administrative rules and procedures.

This Ordinance was passed by a vote of the Amherst Town Council on the 11th of May, 2022 and reflects the complete budget for July 1, 2022 to June 30, 2023.

_____

Mayor

Attest:

_____

Clerk of Council

Town of Amherst
Schedule of Local Levy
July 1, 2021

The following are tax levies for the fiscal year beginning July 1, 2022. The Town Code contains other tax levies and a more complete description of the Town's taxation program.

1. On the $100.00 of assessed value of taxable real estate, including mobile homes, the rate shall be $0.00.

2. On the $100.00 of assessed value of machinery and tools used in manufacturing or mining business including property specifically classified by Section 58.1-3506A.6 of the Tax Code of Virginia, the rate shall be $0.00. This tax rate shall also be applicable to real and tangible personal property of public service corporations, based upon the assessments generated annually by the State Corporation Commission, and duly certified.

3. On the $100.00 of assessed value of taxable tangible personal property, including property specifically classified by Section 58.1-3506 and Section 58.1-3509 of the Code of Virginia, the rate shall be $0.00.

(Reference the provisions of VA CODE ANN. , *§58.1-3524 C.2. and §58.1-3913 E., as amended by Chapter 1 of the Acts of Assembly (2004 Special Session I) and as set forth in Item 503.E. (Personal Property Tax Relief Program) of Chapter 951 of the 2005 Acts of Assembly)*

Town of Amherst Utility Rate and Fee Policy

FY 22/23

Initiation or Termination of Service:
Requests to initiate or terminate Town water, sewer and/or refuse collection (utility) service are accepted at the Town Hall (434/946-7885) 9-5, M-F for processing by the Utilities Department. All new customers and changes to the party to be billed are required to show proper identification and will be charged a $50.00 account set-up fee/ reconnection fee/trip charge that will be added to the customer's first bill. -

Residential Customers:
All active customers shall be charged one Residential Base Charge each month for each individual residential unit, as designated consistent with building and zoning practices. Customers are charged for water and sewer usage based upon metered water usage.

Rate Component	In Town Residential Base Charge	In Town Use Charge per 1,000 gallons	Out of Town Residential Base Charge	Out of Town Use Charge per 1,000 gallons
Water:				
Effective July 1, 2017	$15.60	$7.75	$31.20	$15.50
Sewer:				
Effective July 1, 2017	$27.35	$6.85	$54.70	$13.70
Curbside Refuse Collection:				
Effective July 1, 2016	$10.60		$10.60	

Nonresidential Customers:
Base charges for non-residential water and sewer users will be computed by dividing metered use by 3,250 gallons and then multiplying by the applicable residential base charge. This applies to all non- residential users except for churches that shall be assessed on the same basis as residences. The applicableresidential charge shall be assessed for each residential unit for Curbside Refuse Collection.

Deposits
A lessee or tenant of a property shall pay a security deposit of $300 to the Town as a condition precedent to turning on water or sewer services in the name of the lessee or tenant for that property. This may be paid at a rate of $100/month, added to the monthly utility bill. Interest will not be paid on deposit refunds. Deposits will be credited to the tenant's final bill after the Town is notified that the tenant will no longer be living at a particular residence. Any remaining credit balance left on a closed account will be mailed to the account holder, within two (2) months from when the account was closed, in the form of a check. Refund checks will only be made to the account holder.

Curbside Refuse Collection:
All in-town water customers shall receive curbside refuse collection service and refuse collection serviceswill not be provided to non-water customers.

Fire Sprinkler Fees
Fire sprinkler fees are as follows:

4" Line	$17.00/Month
6" Line	$28.00/Month
8" Line	$39.00/Month
10" Line	$50.00/Month

Charges for Water Not Discharged to Sewer:
The Town charges for sewer based on 100% return of the water to the sewer system for those Town watercustomers that

are connected to the Town of Amherst wastewater collection and system. However, any customer may request that the Town install a separate "irrigation" meter for water that does not return to the sewer system – i.e. for lawn sprinkling or irrigation. For the purposes of billing, the irrigation meter shall be considered a separate account. Separate application and connection fees are required to be paid, and once activated the water-only (no sewer or refuse collection fees apply) will be billed separately. All irrigation systems must meet the provisions of the Cross Connection Control Ordinance (§17-14 of the Town Code).

Dormant Account Fees:
A dormant account fee of $5.00/month/residence or business for water and $10.00/month/residence or business for sewer will be charged to every property owner that is connected to the respective utility, has used the service in the past, but not actively using the respective service. Dormant account fees shall not be applied to accounts associated only with yard hydrants, irrigation systems or swimming pools.

Reconnection Fee:
A reconnection fee/trip charge of $50 will be charged for any activation or reactivation of utility service due to a request for new service, reactivation from disconnection due to nonpayment or a customer- requested disconnection/reconnection. This fee may be waived at the Office Manager's sole discretiondue to emergency or irregular situations.

Billing:
Water meters are read every month and bills are calculated based upon the consumption recorded. All customers are billed every month. Bills are assigned a billing date which is normally the last day of the month during which the meter is read and then mailed to the customer. Payment is due by 5:00 P.M. on the 20th day of each month except when the 20th falls on a weekend or Town holiday the due date shall become 5:00 P.M. on the next business day. When a past due account is in delinquency status for more than three months, a lien for the balance due plus any court recording fees will be recorded against the real estate. **Property owners are held responsible for utility bills against their properties.**

Adjustments for Leaks:
A property owner is responsible for paying for 100% of the water that has passed through the Town's water meter along with the associated sewer charges. However, in good-faith situations involving water that has leaked from the customer's plumbing, and upon confirmation by the owner that the leak is repaired so that it will not recur, the Office Manager is authorized to give a 50% credit for the excess water and sewer at the time of confirmation and for no more than the two preceding bills, if applicable. The Office Manager is authorized to give a 100% credit on sewer charges if the leak occurred between the meter and the house with the assumption that the water leaking from the plumbing was not being returned into the Town's sewer system. "Repaired" is defined as physical repairs to the owner's plumbing such as pipe patching, replacement of the flapper mechanism in a toilet tank, or physical replacement or removal of a plumbing fixture. For the purposes of this leak adjustment policy, merely closing a valve upstream of the leak location shall not be considered a repair.

Late Payment Charges and Disconnect Procedures:
The Town will assess a late charge penalty of 10%, which shall be assessed once for each new delinquent amount charged when the payment is not received by 5:00 P.M. on the due date. Delinquent charges shall also be assessed interest at 10% per annum ($0.\overline{833}\%$ per month) until paid. All payments received after 5:00 P.M. are processed as the next business day's receipts. If a customer receives a bill with a previous balance showing 60 days past due, that 60 days past due balance must be received by 5:00 P.M. on the 2nd Monday of the month following receipt of that bill. If the 60 day previous balance is not received by that time, customer will be put on the Town's disconnect list for the following morning. **The cut off time refers to online payments and drop box payments as well as in person payments. If you make your payment at 5:05p.m. online on the cutoff date you will be added to the disconnection list per this policy.**

Restoration of Service:
If a customer has not paid the 60 day past due balance on an account by the disconnection date or otherwise made arrangements satisfactory to the Office Manager to have the balance paid, the water service will be terminated.

Before any service is restored, all past due amounts, including the $50.00 reconnection fee/tripcharge, must be physically received by the Office Manager at 174 South Main Street in the Town of Amherst. Funds will not be accepted from customers at the service location. The $50.00 reconnection fee/trip charge will also be charged where a customer, or any entity other than the Town, has obtained water and/or sewer service prior to all applicable fees and/or charges being paid to obtain service and/or has installed a meter or other apparatus in a meter setting to gain access to public water/sewer.

In recognition that circumstances beyond the control of the customer or the Town of Amherst may contribute to late payments, a once per lifetime per customer exception to the penalty and reconnect fee may be granted for good reason at the Office Manager's sole discretion.

Returned Payments:
Any payments not honored by the bank, whether check, or credit card payment, will be charged a $50.00 handling fee and any bank fees (*see* Va. Code § 15.2-106). Service shall automatically be disconnected when a payment to pay to prevent service from being disconnected or to reconnect a service is returned or charged back to the Town for any reason. If the returned payment was paid to prevent termination of services, then the past due balance, the returned payment handling fee and a reconnection fee/trip charge shall be collected prior to service being restored via cash, money order or certified check. Once the Town has received a returned payment on an account more than one time, the Town will not accept any forms of payment other than cash or certified funds for a period of six (6) months for that account.

Any payments received by 5:00 P.M. on each business day will be credited the same day. Any payments received after 5:00 P.M. (including those received via U.S. Mail and the Town's drop box) will becredited as being received the next business day.

Payment Arrangements:
The Office Manager is authorized to enter into a payment contract if a customer cannot pay his previous balance in full. Each customer account is only allowed one (1) payment arrangement per calendar year. There is a standard "agreement" form that is available at the Town office and must be signed by the person on the account. The Office Manager may make arrangements that deviate from the standard policy only in extreme situations.

Fire Hydrant Use:
Water may not be obtained from the Town of Amherst hydrants except by the Amherst Volunteer Fire Department or other approved firefighting agency. The Office Manager (434/946-7885) should be contacted for the application form for a permit to haul water from the Town of Amherst water plant.

Cross Connections:
As required by the Virginia Department of Health, where a high potential exists for contamination of the Town's municipal water system, a backflow prevention device approved by the Town of Amherst must beinstalled. This includes irrigation systems. Where required, the owner of the backflow prevention device must have annual tests performed to certify that the device is working correctly. Failure to install and operate such devices and/or provide certification or the test results to the Town of Amherst may result in the interruption of water service. (*See* Town Code 22-53, 22-54)

Sewer Connections and Discharges:
Connections to and discharges into the Town's sewer system must conform to local, state, and federal sewage pretreatment regulations. This includes the installation of grease traps for restaurants and grittraps for car washes. Failure to meet such provisions may result in the interruption of sewer service via disconnection of the water service or other means. (*See* Town Code § 22-157.)

Availability and Connection Fees:
Availability Fees:

The Town does not charge availability fees where:

- there is programmed capacity in the system to serve the proposed connection and use,
- that connection will not hinder service to other properties, and
- the owner bears the cost of any line extensions that are required to make the connection.

If additional system capacity is required, the applicant will pay an availability fee based upon the cost ofthe improvement required.

Connection Fees: The connection fee shall be $250 for water and $250 for sewer.

Maintenance of Policy and Implementation

The Town Manager shall be responsible for maintaining and updating this policy and for its proper administration. The Town Manager shall have the authority to deviate from strict enforcement for good cause.

PUBLIC HEARING NOTICE

The Town of Amherst Town Council will hold a public hearing at 7:00 PM on April 13, 2022 in the Council Chambers of the Town Hall at 174 South Main Street, Amherst, VA, on the following matters:

Capital Improvement Program

To receive comments on the Town's 2022 – 2023 Capital Improvement Program that identifies acquisition, construction and improvement of town facilities, and acquisition of capital equipment.

A document containing the complete Capital Improvement Program proposal and supporting documentation is available online at www.amherstva.gov and for inspection in the Town Hall during normal working hours.

Fiscal Year 2022/2023 Town of Amherst Budget

This budget synopsis is prepared and published for informative planning purposes only. The inclusion of any item does not constitute an obligation or commitment on the part of the Town Council to appropriate funds for that purpose. There is no allocation or designation of Town of Amherst funds for any purpose until an appropriation for that purpose has first been made by the Town Council.

Estimated Revenues

General Fund	$1,478,508
Water Fund	$1,212,616
Sewer Fund	$1,040,942
Garbage Fund	$154,128
IDA Fund	$34,530

Estimated Expenditures

General Fund	$1,478,508
Water Fund	$1,212,616
- Operations	$827,784
- Debt Service and Capital Projects	$384,832
Sewer Fund	$1,040,942
- Operations	$655,099
- Debt Service and Reserve	$385,843
Garbage Fund	$154,128
IDA Fund	$34,530

The proposed budget maintains the previously adopted tax and utility rates and levies.

A document containing the complete budget proposal, implementing Ordinance and supporting documentation is available online at www.amherstva.gov and for inspection in the Town Hall during normal working hours.

Town of Amherst
Capital Improvement Program FY 22-23
Recommended by the Planning Commission for consideration by the Town Council

Project Description & Ranking	CIP Committee Evaluation	Planning Commission Ranking	Total Estimated Cost	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	Recommended Sources of Funds
Police									
Police Tahoe SUV-New	13		47,000.00	47,000.00			47000		General Fund
Police Interceptor-SUV	13		46,845.00		46,845.00	46,845.00			General Fund
Community Development									
Maintenance									
New Truck	11		45,000.00	45,000.00					All Funds
Mini Excavator	18		80,000.00		80,000.00				All Funds
UTV-Side by Side (shared)	19		16,500.00	16,500.00					All funds
Addition to Maintenance Shop	14		100,000.00		100,000.00				All Funds
Backhoe	19		120,000.00	-	120,000.00				All Funds
Tractor w/ bucket mower &backhoe	13		37,000.00	37,000.00					General Fund
Plants									
WWTP SCADA	22		160,590.00	$ 160,590.00					WW Fund
Roof Replacement-Lab	19		6,800.00	6,800.00					WW Fund
Water Line Replacements									
Replace Author Court W/L			200,000.00		200,000.00				Grant and Water
Sunset Drive Replacement			1,019,260.00			1,019,260.00			Grant and Water
Waugh's Ferry Road Replacement			1,406,595.00			1,406,595.00			Grant and Water
Walnut Street Replacement			136,888.00				136,888.00		Grant and Water
Union Hill Replacement			420,416.00					420,416.00	Grant and Water
Zane Snead Replacement			294,400.00				294,400.00		Grant and Water
		TOTAL	4,137,294.00	312,890.00	546,845.00	2,472,700.00	478,288.00	420,416.00	

GENERAL FUND							
		FY 19 Budget	FY 20 Budget	FY 21 BUDGET	FY 22 BUDGET	FY 23 BUDGET	
Account Name	Account Code	FY 19 Approved	FY 20 Approved	FY21 Amended Total	FY 22 Approved	FY 23 TM Recommended	FY 23 Recommended less FY22 Adopted=Difference
GENERAL FUND REVENUES							
Real Property Taxes-Current	11010-0001	-	-				-
Real Property Taxes-Delinquent	11010-0002	-	-				-
Personal Property Tax-Current	11030-0001	-	-				-
Personal Property Tax-Delinquent	11030-0002	-	-				-
Penalties on Del Taxes	11060-0001	-	-				-
Interest on Del Taxes	11060-0002	-	-				-
Local Sales & Use Tax	12010-0001	100,000.00	105,000.00	127,000.00	120,000.00	144,000.00	24,000.00
Consumer Utility Tax-Gas, Elec	12020-0001	26,000.00	26,000.00	25,500.00	24,000.00	25,200.00	1,200.00
Electric Consumption Tax	12020-0002	18,000.00	19,000.00	19,000.00	18,000.00	18,000.00	-
Business License Tax	12030-0006	120,000.00	125,000.00	80,500.00	100,000.00	115,000.00	15,000.00
Business Lic Tax-Interest & Pen	12030-0007	2,300.00	3,200.00	1,800.00	1,000.00	2,500.00	1,500.00
Motor Vehicle Licenses	12050-0001	42,000.00	42,500.00	40,000.00	40,000.00	40,000.00	-
Motor Vehicle Licenses Penatlies/Interest	12050-0002	4,000.00	400.00	400.00	100.00	300.00	200.00
Bank Stock Fee	12060-0001	75,000.00	58,000.00	60,000.00	62,500.00	70,000.00	7,500.00
Cigarette Tax	12080-0001					30,000.00	
Lodging Tax	12100-0001	7,900.00	8,500.00	8,700.00	8,400.00	12,000.00	3,600.00
Meals Tax	12110-0001	495,000.00	500,000.00	456,000.00	480,000.00	625,000.00	145,000.00
Meals Tax-Pen & Int.	12110-0002	1,000.00		600.00	600.00	600.00	-
Zoning Permits	13030-0007			600.00			-
Fines & Forfeitures	14010-0001	15,000.00	18,000.00	4,400.00	6,000.00	6,000.00	-
Interest on Bank Deposits	15010-0001	5,000.00	5,250.00	6,000.00	6,000.00	3,000.00	(3,000.00)
Interest on Investments	15010-0002	18,000.00	25,000.00	20,000.00	43,200.00	12,000.00	(31,200.00)
VIP Unrealized Gain/Loss	15010-0003			0.00		-1.00	(1.00)
Tower Lease	15020-0005	9,400.00	9,400.00	9,400.00	9,403.56	9,403.56	-
Rent-Firing Range	15020-0006	-		0.00			-
Police Security	16030-0001	1,800.00	1,000.00	0.00			-
Refunds	18030-0001			0.00			-
Credit Card Transaction Fee	18030-0004	3,000.00	250.00	50.00			-
Returned Check Fee	18030-0005	400.00	200.00	250.00	100.00	150.00	50.00
Accident Reports	18030-0006	500.00	150.00	150.00	200.00	200.00	-
Misc Rev	18030-0007	1,000.00	1,000.00	1,000.00			-
Collection Fee	18030-0008			1,000.00	3,000.00	2,200.00	(800.00)
Donations-Police	18990-0003			0.00	200.00		(200.00)
DMV Stop Fees	19020-0005	1,200.00	300.00	1,200.00	500.00	500.00	-
Rolling Stock Tax	22010-0007	2,500.00	2,500.00	2,400.00	2,400.00	2,390.00	(10.00)
Personal Property Tax Relief	22010-0009	17,455.00	17,455.00	17,455.00	17,455.00	17,455.00	-
Rental Tax	22010-0010	2,000.00	2,000.00	2,000.00	2,400.00	2,400.00	-
Game of Skills Tax							
Communication Tax from State	22010-0030	96,000.00	90,000.00	85,000.00	78,000.00	78,000.00	-
DCJS Grants	24010-0001			0.00			-
State Police Aid	24010-0003	54,588.00	54,588.00	56,608.00	56,608.00	58,820.00	2,212.00
Fire Programs Grant	24020-0001	10,000.00	10,000.00	15,000.00	15,000.00	15,000.00	-
CARES Act Funding	33020-0002			260,668.97			-
Insurance Claims	41010-0001			0.00			-
Sale of Land/Vehicles/Buildings	41020-0001			0.00			-
Carryover from previous year for budget balance				0.00			-
Transfers from Other Funds	41050-0006			0.00			-
Reserve Funds	42000-0000		9,350.24	120,751.77	107,547.19	188,390.21	80,843.02
General Fund Revenues Totals		1,129,043.00	1,134,043.24	1,423,433.74	1,202,613.75	1,478,507.77	245,894.02

Account Name	Account Code	FY 19 Budget FY 19 Approved	FY 20 Budget FY 20 Approved	FY 21 BUDGET FY21 Amended Total	FY 22 BUDGET FY 22 Approved	FY 23 BUDGET FY 23 TM Recommended	FY 23 BUDGET FY 23 Recommended less FY22 Adopted=Difference
GENERAL FUND EXPENSES							
TOWN COUNCIL							
Wages	11010-1100	11,400.00	11,400.00	11,400.00	11,400.00	11,400.00	-
FICA	11010-2100	872.10	872.10	872.10	872.10	872.10	-
Travel-Milage/Hotels/Conference	11010-5501		2,500.00	500.00	1,500.00	1,500.00	-
Employee Recognition	11010-5811	2,000.00	2,000.00	0.00			-
Town Council Totals		14,272.10	16,772.10	12,772.10	13,772.10	13,772.10	-
TOWN MANAGER							
Wages	12110-1100	24,759.00	25,632.99	26,699.94	27,073.74	28,261.74	1,188.00
PT Wages	12110-1300	32,827.09	35,982.75	35,391.48	35,882.04	60,481.52	24,599.48
FICA	12110-2100	4,405.34	4,560.60	4,749.99	4,816.12	6,788.86	1,972.74
VRS	12110-2200	3,825.03	4,107.52	5,606.99	5,685.49	9,649.13	3,963.64
Health Insurance	12110-2300	2,462.40	2,462.40	2,579.04	2,553.12	7,900.20	5,347.08
Group Life Insurance	12110-2400	306.66	329.31	357.78	362.79	672.68	309.89
STD/Long-Term Disability	12110-2500	178.26	151.23	140.98	142.95	380.89	237.94
Unemployment Insurance	12110-2600	50.00	25.00	25.00	25.00	41.45	16.45
Worker's Comp	12110-2700	146.01	137.42	133.93	144.11	147.83	3.72
Professional Svcs	12110-3150	800.00	2,500.00	2,500.00		3,000.00	3,000.00
Printing & Binding	12110-3500			0.00			-
Advertising	12110-3600	3,000.00	2,000.00	2,000.00	1,000.00	1,000.00	-
Contingency requirement	12110-5000	98,021.65	33,871.00	44,855.66	36,078.12	44,455.00	8,376.88
CARES Act Expenses	12110-5001			0.00			
Postage	12110-5210	200.00	200.00	200.00	200.00	200.00	-
Telecommunications	12110-5230	540.00	540.00	540.00	540.00	540.00	-
Crime & Cyber Insurance	12100-5307	2,329.00	2,481.00	2,481.00	2,956.00	2,956.00	-
Travel-Mileage/Hotel/Conference	12110-5501	4,150.00	4,150.00	800.00	2,000.00	2,000.00	-
Dues & Memberships	12110-5810	3,600.00	4,829.00	1,500.00	3,600.00	2,500.00	(1,100.00)
Capital Improvement Program	12110-8000		33,534.00	0.00	52,845.00	135,800.00	82,955.00
Town Manager Totals		181,600.44	157,494.22	130,561.79	175,904.48	306,775.30	130,870.82
Town Attorney	12210-3150	40,000.00	30,000.00	35,000.00	20,000.00	25,000.00	5,000.00
Independent Auditor	12240-3150	16,000.00	20,000.00	17,000.00	20,000.00	20,000.00	-
FINANCE DEPARTMENT							
Wages	12420-1100	38,781.19	40,149.35	42,037.82	42,626.35	46,280.54	3,654.19
PT Wages	12420-1300	9,612.97	10,019.49	3,264.07	4,422.57	4,750.80	328.23
FICA	12420-2100	3,702.15	3,837.92	3,465.60	3,599.24	3,903.90	304.66
VRS	12420-2200	6,336.85	6,433.67	6,726.05	6,820.22	7,835.30	1,015.08
Health Insurance	12420-2300	6,657.60	6,657.60	6,972.96	6,902.88	7,489.80	586.92
Group Life Insurance	12420-2400	508.03	515.80	563.31	571.19	620.16	48.97
Unemployemnt Insurance	12420-2600	50.00	50.00	45.00	45.00	29.83	(15.17)
Worker's Comp	12420-2700	141.27	146.54	105.48	120.37	130.19	9.81
DMV Stops	12420-3009	1,500.00	1,500.00	1,500.00	1,000.00	1,200.00	200.00
Professional Svcs	12420-3150	-	2,800.00	2,800.00	2,800.00	2,800.00	-
Banking Service Charges	12420-3160	3,000.00	1,500.00	1,500.00	200.00	840.00	640.00
VIP Management Fee	12420-3170			5,000.00	4,000.00	3,500.00	(500.00)
Service Contracts	12420-3320	3,215.00	3,215.00	3,500.00	4,250.00	4,250.00	-
Advertising	12420-3600	-		200.00	200.00	200.00	-
Postage	12420-5210	3,000.00	3,000.00	5,000.00	2,000.00	3,000.00	1,000.00
Telecommunications	12420-5230	1,080.00	1,080.00	1,080.00	1,080.00	1,080.00	-
Tuition Reimbursement	12420-5400					5,000.00	
Travel-Mileage/Hotel/Conference	12420-5501	1,850.00	1,850.00	500.00	1,000.00	1,000.00	-
Dues & Memberships	12420-5810	210.00	210.00	500.00	200.00	210.00	10.00
Office Supplies	12420-6001	3,500.00	4,000.00	3,500.00	3,500.00	4,000.00	500.00
Finance Totals		83,145.06	86,965.37	88,260.29	85,337.83	98,120.51	7,782.68

		FY 19 Budget	FY 20 Budget	FY 21 BUDGET	FY 22 BUDGET	FY 23 BUDGET	
Account Name	Account Code	FY 19 Approved	FY 20 Approved	FY21 Amended Total	FY 22 Approved	FY 23 TM Recommended	FY 23 Recommended less FY22 Adopted=Difference
Information Technology							
I.T. Services	12510-3150	10,000.00	8,000.00	8,000.00	13,880.00	9,000.00	(4,880.00)
Phone Maintenance	12510-3330	1,200.00	1,000.00	1,000.00	500.00	500.00	-
Website Maintenance	12510-3340	500.00	1,000.00	1,000.00	1,000.00	1,000.00	-
Microsoft Office Service	12510-5600	5,760.00	7,620.00	8,580.00	6,300.00	6,480.00	180.00
I.T. Supplies	12510-6002	2,000.00	2,000.00	1,000.00	3,000.00	3,000.00	-
I.T. Equipment	12510-8001	2,000.00	2,000.00	37,000.00	1,000.00	1,000.00	-
I.T. Totals		21,460.00	21,620.00	56,580.00	25,680.00	20,980.00	(4,700.00)
POLICE DEPARTMENT							
Wages	31100-1100	308,087.94	309,138.55	325,905.98	330,468.67	379,712.76	49,244.09
Overtime	31100-1200		3,500.00	3,500.00	3,500.00	3,500.00	-
PT Wages	31100-1300	7,614.67	7,614.67	31,167.43	12,826.59	47,634.99	34,808.40
Other Pay/Holiday	31100-1400	9,659.07	10,500.00	37,351.27	14,021.69	16,547.41	2,525.72
Security Wages	31100-1500	1,800.00	1,800.00	0.00			-
FICA	31100-2100	25,027.87	25,708.97	30,441.24	29,460.30	34,225.73	4,765.43
VRS	31100-2200	50,341.57	50,513.24	52,144.96	52,874.99	67,999.53	15,124.54
Health Insurance	31100-2300	57,936.00	57,936.00	58,920.00	58,344.00	66,690.00	8,346.00
Group Life Insurance	31100-2400	4,035.95	4,049.72	4,367.14	4,428.28	5,295.57	867.29
Unemployment Insurance	31100-2600	75.00	50.00	70.00	70.00	221.64	151.64
Worker's Comp	31100-2700	10,879.06	10,656.51	13,309.28	14,474.39	17,484.23	3,009.85
LODA Insurance	31100-2710	2,787.00	5,849.00	6,725.00	6,125.00	6,125.00	-
Repair & Maint. Svcs	31100-3310	9,000.00	9,000.00	8,500.00	8,500.00	6,000.00	(2,500.00)
CODE RED	31100-3400	2,500.00	2,500.00	2,500.00	0.00	2,700.00	2,700.00
Advertising	31100-3600	500.00	500.00	400.00	400.00	500.00	100.00
Postage	31100-5210	500.00	500.00	500.00	500.00	500.00	-
Telecommunications	31100-5230	6,000.00	6,600.00	11,543.16	11,700.00	11,760.00	60.00
Motor Vehicle Insurance	31100-5305	3,180.14	3,530.39	3,463.05	3,722.96	3,722.96	-
Other Property Insurance	31100-5306	479.90	509.22	548.24	545.42	545.42	-
Tuition Reimbursement	31100-5400			4,000.00	8,000.00	0.00	(8,000.00)
Travel-Mileage/Conference/Hotel	31100-5501	2,000.00	4,000.00	3,000.00	10,000.00	4,000.00	(6,000.00)
Public Safety Event	31100-5700			5,000.00	5,000.00	6,000.00	1,000.00
Fire Range Fees	31100-5800	3,000.00	3,000.00	3,000.00	3,000.00	3,000.00	-
Attorney Fees	31100-5801	2,955.00	2,955.00	3,000.00	3,000.00	2,000.00	(1,000.00)
Dues & Memberships	31100-5810	5,000.00	5,000.00	5,000.00	5,500.00	5,500.00	-
Office Supplies	31100-6001	1,500.00	2,500.00	2,500.00	2,000.00	3,000.00	1,000.00
Fuel	31100-6008	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	-
Vehicle/Power Equipment Supplies	31100-6009	9,000.00	9,000.00	9,000.00	9,000.00	9,000.00	-
Police Supplies	31100-6010	6,000.00	9,000.00	10,936.34	10,000.00	28,000.00	18,000.00
Uniforms	31100-6011	5,000.00	5,000.00	5,000.00	5,000.00	4,000.00	(1,000.00)
Crime Prevention	31100-6030	4,000.00	4,000.00	4,000.00	5,000.00	4,000.00	(1,000.00)
Investigation Expense	31100-6032	1,000.00	2,000.00	2,000.00	1,000.00	2,500.00	1,500.00
Grant Expenses	31100-6040	-		0.00			-
Vehicles	31100-8005	-		0.00		0.00	-
Police Department		554,859.17	571,911.27	662,793.09	633,462.29	757,165.25	123,702.96
PUBLIC SAFETY							
Fire Dept Contributions	32200-5600	10,000.00	12,250.00	20,000.00	12,250.00	12,500.00	250.00
Fire Programs Grants	32200-5701	10,000.00	10,000.00	15,000.00	15,000.00	15,000.00	-
Rescue Contributions	32300-5600	10,500.00		0.00			-
Public Safety		30,500.00	22,250.00	35,000.00	27,250.00	27,500.00	250.00
Streetlights	41320-5100	26,225.00	25,500.00	25,995.15	26,000.00	26,000.00	-

		FY 19 Budget	FY 20 Budget	FY 21 BUDGET	FY 22 BUDGET	FY 23 BUDGET	
Account Name	Account Code	FY 19 Approved	FY 20 Approved	FY21 Amended Total	FY 22 Approved	FY 23 TM Recommended	FY 23 Recommended less FY22 Adopted=Difference
GENERAL PROPERTIES							
Wages	43200-1100	17,455.57	18,266.10	20,114.07	20,395.67	21,904.95	1,509.28
PT Wages	43200-1300	12,032.02	12,735.78	13,263.68	13,447.46	14,442.71	995.25
Other Pay/Holiday	43200-1400	354.16	279.52	314.17	318.56	342.14	23.57
FICA	43200-2100	2,282.89	2,366.03	2,577.43	2,613.37	2,806.77	193.40
VRS	43200-2200	2,852.24	2,927.02	3,218.25	3,263.31	3,708.51	445.20
Health Insurance	43200-2300	4,104.00	4,104.00	5,906.40	5,863.20	6,225.00	361.80
Group Life Insurance	43200-2400	228.67	234.66	269.53	273.30	293.53	20.22
Long-Term Disability	43200-2500			0.00	0.00		-
Unemployment Insurance	43200-2600	75.00	75.00	60.00	60.00	46.20	(13.80)
Worker's Comp	43200-2700	201.72	183.47	173.48	183.20	196.74	13.54
Maintenance Contracts	43200-3310	5,000.00	5,000.00	5,000.00	0.00		-
Electric	43200-5100	2,800.00	11,460.76	8,531.62	8,000.00	8,000.00	-
Heating Services	43200-5110	3,200.00	3,200.00	5,000.00	5,000.00	3,500.00	(1,500.00)
Water/Sewer	43200-5120	13,595.00	11,000.00	5,000.00	2,970.92	3,400.00	429.09
Telecommunication	43200-5230	6,720.00	6,792.00	10,774.92	11,120.00	10,600.00	(520.00)
Property Insurance	43200-5304	548.98	559.15	664.98	563.21	563.21	-
Motor Vehicle Insurance	43200-5305	1,259.63	1,322.09	1,371.69	1,474.64	1,474.64	-
Other Property Insurance	43200-5306	1,116.34	1,305.70	1,307.21	1,307.21	1,307.21	-
General Liability Insurance	43200-5308	12,510.00	12,953.00	13,734.00	14,783.00	14,783.00	-
Lease of Equipment	43200-5410	2,000.00	2,000.00	2,000.00	2,000.00	7,000.00	5,000.00
Travel-Mileage/Conference/Hotel	43200-5501	2,000.00	2,000.00	1,000.00	1,000.00	1,000.00	-
Dues & Memberships	43200-5810	-		0.00			-
Office Supplies	43200-6001	1,000.00	1,000.00	750.00	750.00	750.00	-
Janitorial Supplies	43200-6005	2,000.00	1,000.00	2,000.00	3,000.00	3,000.00	-
Repair & Maint. Supplies	43200-6007	5,000.00	15,000.00	21,500.00	21,500.00	21,500.00	-
Fuel	43200-6008	12,000.00	13,000.00	13,000.00	15,000.00	15,000.00	-
Vehicle/Power Equipment Supplies	43200-6009	29,000.00	29,000.00	25,000.00	24,000.00	24,000.00	-
Uniforms	43200-6011	2,000.00	2,000.00	2,000.00	3,000.00	2,500.00	(500.00)
Christmas Decorations	43200-6012	4,000.00	4,000.00	6,200.00	2,000.00	3,500.00	1,500.00
Ag Supplies	43200-6013	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	-
Equipment/Vehicles	43200-8005			16,200.00			-
General Properties Totals		147,336.22	165,764.28	188,931.43	165,887.06	173,844.61	7,957.56
Second Stage Contri	71300-5600	2,500.00	2,750.00	2,750.00		0.00	-
Amherst Mountain Bike Club	71500-5600			0.00			-
Village Garden Club Contri.	72100-5600	**2,500.00**	3,500.00	3,000.00	3,000.00	3,000.00	-
Rotary Club	72150-5600	-	200.00	0.00			-
Museum Contributions	72200-5600	**2,500.00**	2,500.00	2,900.00	2,500.00	2,500.00	-
Planning/Zoning							
Professional Services	81100-3100			0.00			-
Advertising	81100-3600	1,000.00	500.00	200.00	200.00	200.00	-
Postage	81100-5210	100.00	100.00	75.00	75.00	75.00	-
Dues/Memberships	81100-5810	1,045.00	1,045.00	0.00	1,045.00	1,075.00	30.00
General Properties Totals		2,145.00	1,645.00	275.00	1,320.00	1,350.00	30.00
Community Development							
Chamber of Commerce Contri.	81600-5600	2,500.00	2,671.00	0.00		0.00	-
Neighbors Helping Neighbors Contri.	83500-5600	1,500.00	2,500.00	2,500.00	2500	2,500.00	-
Community Development Totals		4,000.00	5,171.00	2,500.00	2,500.00	2,500.00	0.00
Purchase of Land/Buildings	94000-8000			0.00			-
General Fund Expense Total		1,129,042.99	1,134,043.24	1,435,856.60	1,202,613.75	1,478,507.77	270,894.02

WATER FUND							
		FY 19 Budget	FY 20 Budget	FY 21 Budget	FY 22 Budget	FY 23 Budget	
Account Name	Account Code	FY 19 Approved	FY 20 Approved	FY 21 Amended	FY 22 Approved	FY 23 Town Manager Recommended	FY 23 Recommended less FY22 Adopted=Difference
WATER FUND REVENUE							
Water In-Town Base Charges	16080-0005	283,770.38	283,723.58	256,895.26	245,907.94	254,707.54	8,799.60
Water OT Base Charges	16080-0006	192,915.17	192,852.77	166,864.32	175,554.62	150,338.98	(25,215.65)
Water In-Town Usage Charge	16080-0007	417,806.34	417,806.34	390,330.87	390,858.85	374,019.84	(16,839.01)
Water OT Usage Charges	16080-0008	317,304.69	317,304.69	274,956.36	291,729.53	253,848.46	(37,881.07)
Penalties	16080-0009	16,000.00	15,000.00	13,100.00	18,000.00	20,000.00	2,000.00
Trip Charges	16080-0010	11,000.00	15,000.00	11,000.00	10,000.00	12,000.00	2,000.00
Dormant Acct Fee	16080-0011	9,110.00	3,716.01	3,582.41	3,856.83	3,662.66	(194.17)
Fire Sprinklers	16080-0012	4,968.00	4,968.00	4,968.00	4,781.00	4,749.55	(31.45)
Avalability Fee	16080-0013			-			-
Water Charges-SBC	16080-0014	113,653.44	113,653.44	117,838.68	119,488.32	131,625.12	12,136.80
Reimbursement of Const. Cost	19020-0004	-		-			-
Grant Revenue	21000-0000	-		-			-
	33020-0002			15,409.56			-
Transfer from Reserve	41040-0006		45,172.68	-		7,663.39	7,663.39
Transfer from Other Fund				20,396.67			-
Revenue Totatls		1,366,528.02	1,409,197.51	1,275,342.13	1,260,177.09	1,212,615.54	(47,561.55)
WATER FUND EXPENSES							
TOWN MANAGER							
Wages	12110-1100	36,680.00	37,974.80	39,555.47	40,109.24	41,869.24	1,760.00
PT Wages	12110-1300	4,103.39	4,247.84	4,423.94	4,485.25	4,817.90	332.64
FICA	12110-2100	3,119.93	3,230.03	3,364.42	3,411.48	3,571.57	160.09
VRS	12110-2200	5,666.71	6,085.21	8,306.65	8,422.94	8,792.54	369.60
Health Insurance	12110-2300	3,648.00	3,648.00	3,820.80	3,782.40	4,104.00	321.60
Group Life Insurance	12110-2400	454.30	487.86	530.04	537.46	561.05	23.58
STD/Long-Term Disability	12110-2500	264.10	224.05	208.85	211.78	221.07	9.29
Unemployment Insurance	12110-2600			-			-
Contingency	12110-5000	25,000.00	25,000.00	40,409.56	25,000.00		(25,000.00)
Town Manager Totals		78,936.43	$ 80,897.79	$ 100,619.73	85,960.56	63,937.36	$ (22,023.20)
FINANCE DEPARTMENT							
Wages	12420-1100	34,066.27	35,267.30	37,160.41	37,680.66	40,718.94	3,038.29
PT Wages	12420-1300	20,027.02	20,873.95	6,528.15	8,845.14	9,501.60	656.46
FICA	12420-2100	4,138.14	4,294.81	3,342.17	3,559.22	3,841.87	282.65
VRS	12420-2200	5,566.43	5,651.35	5,945.67	6,028.91	6,893.72	864.81
Health Insurance	12420-2300	**6,384.00**	6,384.00	6,686.40	6,719.20	7,182.00	462.80
Group Life Insurance	12420-2400	446.27	453.08	497.95	504.92	545.63	40.71
Unemployment Insurance	12420-2600			-			-
Professional Services	12420-3120			-			-
Banking Service Charges	12420-3160	1,000.00	2,000.00	1,500.00	100.00	-	(100.00)
Support Contracts	12420-3320	2,625.00	2,625.00	2,750.00	3,700.00	3,600.00	(100.00)
Misc Exp	12420-5000			-			-
Postage	12420-5210			2,500.00	3,710.00	3,500.00	(210.00)
Supplies	12420-6001			7,000.00	2,200.00	2,200.00	-

Account Name	Account Code	FY 19 Budget FY 19 Approved	FY 20 Budget FY 20 Approved	FY 21 Budget FY 21 Amended	FY 22 Budget FY 22 Approved	FY 23 Budget FY 23 Town Manager Recommended	FY 23 Budget FY 23 Recommended less FY22 Adopted=Difference
WATER OPERATIONAL DEPARTMENT							
Wages	44000-1100	123,364.41	127,730.34	132,034.75	133,883.24	145,735.81	11,852.57
Overtime	44000-1200				30,000.00		(30,000.00)
PT Wages	44000-1300	13,759.20	14,244.90	14,551.28	14,758.57	15,849.66	1,091.10
Other/Holiday	44000-1400	3,850.70	5,117.03	5,164.90	5,424.25	5,961.45	537.20
FICA	44000-2100	10,784.54	11,204.23	11,608.95	14,081.05	12,817.34	(1,263.71)
VRS	44000-2200	20,157.74	20,467.95	21,125.56	21,421.32	24,673.07	3,251.75
Health Insurance	44000-2300	18,960.00	22,800.00	23,880.00	23,640.00	25,650.00	2,010.00
Group Life Insurance	44000-2400	1,616.07	1,640.94	1,769.27	1,794.04	1,952.86	158.82
Long-Term Disability	44000-2500	269.52	224.28	196.99	199.75	227.39	27.64
Unemployment Insurance	44000-2600	75.00	75.00	40.00		92.40	92.40
Worker's Comp	44000-2700	3,631.73	3,569.05	4,820.67	6,174.24	5,374.40	(799.84)
Water Shed Mgmt	44000-3100	23,000.00	0.00	-			-
Testing Services	44000-3140	18,000.00	12,000.00	12,500.00	31,000.00	31,000.00	-
Professional Svcs	44000-3150	3,000.00	3,000.00	3,200.00	3,200.00	3,200.00	-
Repair & Maint. Svcs	44000-3310	10,000.00	10,000.00	10,000.00	10,000.00	10,000.00	-
Advertising	44000-3600	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	-
Electrical Svcs	44000-5100	48,000.00	40,000.00	34,881.99	35,000.00	37,000.00	2,000.00
Water & Sewer	44000-5120	48,000.00	32,000.00	30,678.32	3,883.29	7,500.00	3,616.71
Postage	44000-5210	2,500.00	2,000.00	2,000.00	2,000.00	2,000.00	-
Telecommunications	44000-5230	3,660.00	3,480.00	4,320.00	5,040.00	4,500.00	(540.00)
Property Insurance	44000-5304	3,028.50	3,084.61	3,668.40	3,106.98	3,106.98	-
Motor Vehicle Insurance	44000-5305	403.23	423.23	439.11	472.06	472.06	-
Travel-Mileage/Hotel/Conference	44400-5501	4,000.00	4,000.00	4,000.00	4,000.00	3,000.00	(1,000.00)
Lease/Rent Equipment	44000-5410			-			-
Permits	44000-5600			-	4,000.00	4,000.00	-
Dues & Memberships	44000-5810	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	-
Office Supplies	44000-6001	5,000.00	2,500.00	2,500.00	2,500.00	2,000.00	(500.00)
Lab Supplies	44000-6004	12,500.00	15,000.00	15,000.00	15,000.00	15,000.00	-
Repair & Maint. Supplies	44000-6007	25,000.00	25,000.00	25,000.00	25,000.00	20,000.00	(5,000.00)
Fuel/Oil	44000-6008	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	-
Vehicle & Equip Supplies	44000-6009	5,000.00	5,000.00	5,000.00	5,000.00	4,000.00	(1,000.00)
Uniforms	44000-6011	1,000.00	1,500.00	1,500.00	1,500.00	1,500.00	-
Chemicals	44000-6051	40,000.00	42,000.00	65,000.00	68,000.00	70,000.00	2,000.00
Equipment	44000-8005	25,000.00	25,000.00	25,000.00	25,000.00	25,000.00	-
Operational Totals		479,560.65	439,061.56	465,880.19	501,078.78	487,613.43	(13,465.35)

Account Name	Account Code	FY 19 Budget FY 19 Approved	FY 20 Budget FY 20 Approved	FY 21 Budget FY 21 Amended	FY 22 Budget FY 22 Approved	FY 23 Budget FY 23 Town Manager Recommended	FY 23 Budget FY 23 Recommended less FY22 Adopted=Difference
WATER MAINTENANCE DEPARTMENT							
Wages	45000-1100	87,277.84	91,330.52	100,570.37	101,978.35	109,524.75	7,546.40
PT Wages	45000-1200	1,941.69	616.31	642.01	650.97	699.29	48.32
Other Pay/Holiday	45000-1300	1,770.79	1,397.62	1,570.83	1,592.82	1,710.69	117.87
FICA	45000-2100	6,960.76	7,005.88	7,862.92	7,972.99	8,563.01	590.01
VRS	45000-2200	14,261.20	14,635.12	16,091.26	16,316.54	18,542.54	2,226.00
Health Insurance	45000-2300	20,520.00	20,520.00	21,492.00	5,264.18	23,085.00	17,820.82
Group Life Insurance	45000-2400	1,143.34	1,173.32	1,347.64	1,366.51	1,467.63	101.12
Long-Term Disability	45000-2500			-	-		-
Unemployment Insurance	45000-2600	-		-			-
Worker's Comp	45000-2700	3,496.36	3,496.36	6,820.59	7,348.03	7,737.04	389.01
Repair & Maint. Svcs	45000-3310	-		-			-
Miss Utility	45000-5130	600.00	600.00	600.00	800.00	800.00	-
Telecommunication	45000-5230	-		-			-
Motor Vehicle Insurance	45000-5305	1,259.63	1,322.09	1,371.69	1,474.64	1,474.64	-
Lease of Equipment	45000-5410	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	-
Travel-Mileage/Conference/Hotel	45000-5501	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	-
Dues & Memberships	45000-5810	200.00	200.00	200.00	200.00	200.00	-
Repair & Maint. Supplies	45000-6007	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	-
Maintenance Totals		163,431.61	166,297.22	182,569.31	168,965.04	197,804.60	28,839.55
WTP Improvements	94000-8002					444.00	444.00
Debt Payments							
60W W/L Principle	95000-9000	13,695.00	14,320.00	14,760.00	16,210.00	16,697.98	487.98
60W W/L Interest	95000-9001	15,350.00	14,725.00	14,295.00	12,836.00	10,288.28	(2,547.72)
Mainstreet W/L Principle	95000-9004	70,848.10	67,050.58	68,570.00	76,620.00	78,352.35	1,732.35
Mainstreet W/L Interest	95000-9005	52,103.58	55,902.00	54,390.00	46,332.95	14,866.45	(31,466.50)
Sterling Debt Refi Prin	95000-9006		89,710.87	109,840.00	95,640.00	98,887.58	3,247.58
Sterling Debt Refi Interest	95000-9007		37,500.00	41,215.00	31,565.00	28,315.66	(3,249.34)
Water Plant Upgrades Prin	95000-9008					44,529.08	
Water Plant Upgrades Interest	95000-9009					92,895.00	
Debt Reserve	95000-9010			149,292.15	150,788.34		(150,788.34)
Capital Improvement Program		233,143.54	366,183.00	-			-
Debt Totals		570,346.22	645,391.45	452,362.15	429,992.29	384,832.38	(182,583.99)
Water Fund Expense Totals		1,366,528.04	1,409,197.51	1,275,342.13	1,259,044.72	1,212,615.53	(183,853.26)

SEWER FUND							
		FY 19 Budget	FY 20 Budget	FY 21 Budget	FY 22 Budget	FY 23 Budget	
Account Name	Account Code	FY 19 Approved	FY 20 Approved	FY 21 Amended	FY 22 Approved	FY 23 Town Manager Recommended	FY 23 Recommended less FY22 Adopted=Difference
SEWER REVENUE							
Sewer In-Town Base Charges	16080-0005	391,457.77	391,594.52	349,103.04	327,844.37	342,220.20	14,375.83
Sewer OT Base Charges	16080-0006	176,663.16	176,663.16	142,187.52	155,026.20	133,646.24	(21,379.96)
Sewer In-Town Usage Charge	16080-0007	284,208.46	284,208.46	260,898.74	255,899.08	243,134.20	(12,764.88)
Sewer OT Usage Charges	16080-0008	143,801.23	143,801.23	115,738.56	126,189.06	108,786.08	(17,402.97)
Penalties	16080-0009	12,000.00	10,000.00	7,300.00	18,000.00	20,000.00	2,000.00
Dormant Acct Fee	16080-0011	5,393.99	5,393.99	4,994.87	5,382.01	5,217.14	(164.87)
Avalability Fee	16080-0012			-		-	-
SBC-Rut. Creek Operations	19020-0003	42,000.00	42,000.00	42,000.00	42,000.00	48,000.00	6,000.00
SBC Sewer Rehab	19020-0004			-			-
Reimbursement of Const. Cost	19020-0005			13,797.00			-
Nutrient Credit	24040-0003	1,000.00	720.00	400.00	700.00	600.00	(100.00)
CARES Act Utility Forgiveness	33020-0002			15,409.56			-
Transfer from Other Funds	41040-0006			30,253.12		139,338.26	139,338.26
Revenue Totals		1,056,524.61	1,054,381.36	982,082.41	931,040.71	1,040,942.12	109,901.41
SEWER EXPENSES TOWN MANAGER							
Wages	12110-1100	27,510.00	28,481.10	29,666.60	30,081.93	31,401.93	1,320.00
PT Wages	12110-1300	3,693.05	3,823.06	3,981.54	4,036.73	4,336.11	299.38
FICA	12110-2100	2,387.03	2,503.76	2,574.08	2,610.08	2,733.96	123.88
VRS	12110-2200	4,250.03	4,563.91	6,229.99	6,317.21	6,594.41	277.20
Health Insurance	12110-2300	2,736.00	2,736.00	2,865.60	2,836.80	3,078.00	241.20
Group Life Insurance	12110-2400	340.73	365.89	397.53	403.10	420.79	17.69
STD/Long-Term Disability	12110-2500	198.07	168.04	156.64	158.83	165.80	6.97
Unemployment Insurance	12110-2600			-			-
Contingency	12110-5000	50,000.00	25,000.00	40,409.56	18,208.17		(18,208.17)
Town Manager Totals		91,114.91	67,641.76	86,281.54	64,652.85	48,730.99	(15,921.85)
FINANCE DEPARTMENT							
Wages	12420-1100	26,920.96	27,870.26	29,313.76	29,724.15	32,163.66	2,439.51
PT Wages	12420-1300	10,013.51	10,436.97	6,364.94	8,624.01	9,264.06	640.05
FICA	12420-2100	2,825.49	2,930.50	2,729.42	2,933.63	3,169.22	235.59
VRS	12420-2200	4,398.89	4,466.03	4,690.20	4,755.86	5,445.31	689.44
Health Insurance	12420-2300	4,924.80	4,924.80	5,158.08	5,106.24	5,540.40	434.16
Group Life Insurance	12420-2400	352.66	358.05	392.80	398.30	430.99	32.69
Unemployment Insurance	12420-2600			-			-
Banking Service Charges	12420-3160	1,000.00	2,000.00	1,500.00	100.00	-	(100.00)
Service Contracts	12420-3320	2,625.00	2,625.00	2,750.00	3,710.00	3,700.00	(10.00)
Postage	12420-5210			2,500.00	3,710.00	3,700.00	(10.00)
Supplies	12420-6001				2,200.00	2,200.00	
Finance Totals		53,061.31	55,611.61	55,399.20	61,262.21	65,613.65	4,351.44

		FY 19 Budget	FY 20 Budget	FY 21 Budget	FY 22 Budget	FY 23 Budget	
Account Name	Account Code	FY 19 Approved	FY 20 Approved	FY 21 Amended	FY 22 Approved	FY 23 Town Manager Recommended	FY 23 Recommended less FY22 Adopted=Difference
SEWER OPERATIONAL DEPARTMENT							
Wages	44000-1100	122,742.21	113,625.42	125,441.77	127,197.95	138,423.95	11,226.00
PT Wages	44000-1300			-			-
Other/Holiday	44000-1400	3,563.47	3,423.78	3,779.20	5,051.42	5,553.68	502.26
FICA	44000-2100	9,662.38	8,786.34	9,885.40	10,117.08	11,014.29	897.21
VRS	44000-2200	20,056.08	18,207.73	20,070.68	20,351.67	23,435.17	3,083.50
Health Insurance	44000-2300	22,800.00	22,800.00	23,880.00	23,640.00	25,650.00	2,010.00
Group Life Insurance	44000-2400	1,607.92	1,459.74	1,680.92	1,704.45	1,854.88	150.43
Long-Term Disability	44000-2500	$ -	199.09	185.59	191.95	214.27	22.32
Unemployment Insurance	44000-2600	75.00	50.00	50.00		66.00	66.00
Worker's Comp	44000-2700	2,478.88	2,096.49	2,063.48	2,239.22	2,376.64	137.42
Sludge & Trash Removal-Rut.Crk	44000-3120	2,000.00	2,400.00	2,000.00	2,000.00	2,000.00	-
Testing Services	44000-3140	25,000.00	30,000.00	35,000.00	38,000.00	38,000.00	-
Professional Svcs	44000-3150	3,000.00	3,000.00	3,200.00	3,200.00	3,200.00	-
Repair & Maint. Svcs-Rut Crk	44000-3310	15,000.00	20,000.00	20,000.00	15,000.00	14,000.00	(1,000.00)
Advertising	44000-3600	1,000.00	1,000.00	1,000.00	500.00	500.00	-
Electrical Svcs-Rut. Crk	44000-5100	45,000.00	41,000.00	35,316.60	35,000.00	35,000.00	-
Water, Sewer -Rut. Crk	44000-5120	10,600.60	20,000.00	12,285.67	6,000.00	6,000.00	-
Electrical Svcs-Pump Station	44000-5130	2,000.00	2,100.00	1,905.07	2,000.00	1,622.92	(377.08)
Water, Sewer-Pump Station	44000-5140	240.00	200.00	200.00	200.00	200.00	-
Postage	44000-5210	2,500.00	2,000.00	2,000.00	500.00	250.00	(250.00)
Telecommunications	44000-5230	2,880.00	3,480.00	3,660.00	4,080.00	4,260.00	180.00
Property Insurance	44000-5304	5,475.28	5,576.72	6,632.16	5,617.17	5,617.17	-
Motor Vehicle Insurance	44000-5305	382.72	401.70	416.77	448.05	448.05	-
Lease/Rent Equipment	44000-5410	-		-			-
Travel-Mileage/Hotel/Conference	44000-5501	4,000.00	2,000.00	4,000.00	4,000.00	3,000.00	(1,000.00)
Permits	44000-5600	8,000.00	8,000.00	8,000.00	4,000.00	4,000.00	-
Dues & Memberships	44000-5810	2,000.00	2,000.00	2,000.00	1,217.86	2,000.00	782.14
Office Supplies	44000-6001	500.00	2,500.00	2,500.00	2,500.00	2,000.00	(500.00)
Lab Supplies	44000-6004	4,000.00	4,000.00	6,000.00	6,000.00	7,000.00	1,000.00
Repair & Maint. Supplies-Rut. Crk	44000-6007	25,000.00	15,000.00	28,797.00	15,000.00	18,000.00	3,000.00
Fuel/Oil	44000-6008	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	-
Vehicle & Equip Supplies	44000-6009	5,000.00	5,000.00	5,000.00	3,000.00	3,000.00	-
Uniforms	44000-6011	1,000.00	1,500.00	1,500.00	1,500.00	2,000.00	500.00
Chemicals-Rut Crk	44000-6051	7,000.00	7,000.00	7,000.00	2,500.00	3,000.00	500.00
Equipment-Rut Crk	44000-8001			-			-
Vehicles	44000-8005			-			-
Treatment Totals		356,564.54	350,807.01	377,450.31	344,756.82	365,687.02	20,930.20

		FY 19 Budget	FY 20 Budget	FY 21 Budget	FY 22 Budget	FY 23 Budget	
Account Name	Account Code	FY 19 Approved	FY 20 Approved	FY 21 Amended	FY 22 Approved	FY 23 Town Manager Recommended	FY 23 Recommended less FY22 Adopted=Difference
SEWER MAINTENANCE DEPARTMENT							
Wages	45000-1100	87,277.84	91,330.52	109,524.75	101,978.35	109,524.75	7,546.40
PT Wages	45000-1300	897.86	616.31	699.29	650.97	699.29	48.32
Other Pay/Holiday	45000-1400	1,770.79	1,397.62	1,710.69	1,592.82	1,710.69	117.87
FICA	45000-2100	6,880.91	6,880.91	8,563.01	7,972.99	8,563.01	590.01
VRS	45000-2200	14,261.20	14,635.12	18,542.54	16,316.54	18,542.54	2,226.00
Health Insurance	45000-2300	20,520.00	20,520.00	21,492.00	21,276.00	23,085.00	1,809.00
Group Life Insurance	45000-2400	1,143.34	1,173.32	1,467.63	1,366.51	1,467.63	101.12
Long-Term Disability	45000-2500			-	-		-
Unemployment Insurance	45000-2600	-		-			-
Worker's Comp	45000-2700	1,653.40	1,653.40	-			-
Repair & Maint. Services	45000-3310	-		-			-
Telecommunication	45000-5230	-		-			-
Motor Vehicle Insurance	45000-5305	1,259.63	1,322.09	1,371.69	1,474.64	1,474.64	-
Lease of Equipment	45000-5410	2,000.00	4,000.00	4,000.00	2,000.00	2,000.00	-
Travel-Mileage/Conference/Hotel	45000-5501	-		-			-
Misc	45000-5800	-		-			-
Dues & Memberships	45000-5810	-		-			-
Repair & Maint. Supplies	45000-6007	5,000.00	10,000.00	10,000.00	8,000.00	8,000.00	-
Fuel	45000-6008	-		-			-
Vehicle/Power Equipment Supplies	45000-6009	-		-			-
Uniforms	45000-6011	-		-			-
Equipment/Vehicles	45000-8005	-		-			-
Maintenance Totals		142,664.97	153,529.29	177,371.60	162,628.83	175,067.55	12,438.72
Debt Payments							
WWTP Loan Principle	95000-9000	53,270.00		-			-
WWTP Loan Interest	95000-9001	106,290.00		-			-
Sterling Bank WWTP Refi Prin	95000-9002		190,640.00	179,250.00	203,235.00	210,136.13	6,901.13
Sterling Bank WWTP Refi Int	95000-9003		79,680.00	67,250.00	67,075.00	60,170.78	(6,904.22)
Sewer Rehab Principle	95000-9004				11,450.00	69,184.17	
Sewer Rehab Interest	95000-9005				15,980.00	46,351.83	
Debt Reserve	95000-9010	253,558.87	118,838.69	39,079.76			-
Capital Program			37,633.00	-			-
Debt Totals		413,118.87	426,791.69	285,579.76	297,740.00	385,842.91	(3.09)
Sewer Fund Expense Totals		1,056,524.60	1,054,381.36	982,082.41	931,040.71	1,040,942.12	21,795.41

GARBAGE FUND

Account Name	Account Code	FY 19 Budget FY 19 Approved	FY 20 Budget FY 20 Approved	FY 21 Budget FY 21 Amended	FY 22 Budget FY 22 Approved	FY 23 Budget FY 23 Town Manager Recommended	FY 23 Budget FY 23 Recommended less FY22 Adopted=Difference
GARBAGE REVENUE							
Garbage IT Charges	16080-0005	80,677.30	121,052.00	121,677.40	121,264.00	122,451.20	1,187.20
Garbage OT Charges	16080-0006	24,083.20	17,574.80	17,119.00	17,140.20	17,299.20	159.00
Penatlies	16080-0009	1,500.00	1,300.00	2,000.00	2,800.00	2,800.00	-
Transfer from Garbage Reserv	41040-0006			501.21	2,438.03	11,577.44	9,139.41
Transfer for Other Funds				556.59			-
Revneue Totals		106,260.50	$ 139,926.80	$ 141,854.20	$ 143,642.23	$ 154,127.84	$ 10,485.61
TOWN MANAGER							
Wages	12110-1100	2,751.00	2,848.11	2,966.66	3,008.19	3,140.19	132.00
PT Wages	12110-1300	410.34	424.78	442.39	448.53	481.79	33.26
FICA	12110-2100	241.84	250.38	260.79	264.44	277.08	12.64
VRS	12110-2200	425.00	465.38	623.00	631.72	659.44	27.72
Health Insurance	12110-2300	273.60	273.60	286.56	283.68	307.80	24.12
Group Life Insurance	12110-2400	34.07	37.31	39.75	40.31	42.08	1.77
STD/Long-Term Disability	12110-2500	19.81	16.80	15.66	15.88	16.58	0.70
Contingency	12110-5000	5,505.11	835.88	-			-
Town Manager Totals		4,155.66	$ 5,152.24	$ 4,634.81	$ 4,692.75	$ 4,924.96	$ 232.21
FINANCE DEPARTMENT							
Wages	12420-1100	1,450.27	1,501.39	1,582.78	1,604.94	1,733.71	128.76
PT Wages	12420-1300	400.54	417.48	163.20	221.13	237.54	16.41
FICA	12420-2100	141.59	146.79	133.57	139.69	110.66	(29.04)
VRS	12420-2200	236.97	245.33	253.25	256.79	293.52	36.73
Health Insurance	12420-2300	273.60	273.60	286.56	283.68	307.80	24.12
Group Life Insurance	12420-2400	19.00	19.67	21.21	21.51	23.23	1.73
Banking Service Charges	12420-3160	200.00	400.00	100.00			-
Finance Totals		2,721.97	3,004.26	2,540.57	2,527.74	2,706.45	178.71
GARBAGE EXPENSES							
Collection In-Town	43200-3160	73,411.44	110,737.20	113,125.44	114,598.32	123,036.96	8,438.64
Collection Out of Town	43200-3170	10,930.32	17,858.40	18,244.80	18,480.00	19,840.80	1,360.80
Garbage Totals		84,341.76	$ 128,595.60	$ 131,370.24	$ 133,078.32	$ 142,877.76	$ 9,799.44
GARBAGE MAINTENANCE DEPARTMENT							
Wages	45000-1100	1,939.51	2,145.59	2,234.90	2,266.19	2,433.88	167.70
PT Wages	45000-1300	6,599.02	-	-			-
Other Pay/Holiday	45000-1400	39.35	31.06	34.91	35.40	38.02	2.62
FICA	45000-2100	159.80	163.34	173.64	176.07	189.10	13.03
VRS	45000-2200	316.92	350.59	357.58	362.59	412.06	49.47
Health Insurance	45000-2300	**456.00**	456.00	477.60	472.80	513.00	40.20
Group Life Insurance	45000-2400	25.41	28.11	29.95	30.37	32.61	2.24
Maintenance Totals		9,536.00	$ 3,174.69	$ 3,308.58	$ 3,343.41	$ 3,618.67	$ 275.26
Garbage Fund Expense Totals		100,755.39	$ 139,926.79	$ 141,854.20	$ 143,642.23	$ 154,127.84	$ 10,485.62

INDUSTRIAL DEVELOPMENT AUTHORITY

Account Name	Account Code	FY 19 Budget FY 19 Approved	FY 20 Budget FY 20 Approved	FY 21 Budget FY 21 Amended	FY 22 Budget FY 22 Approved	FY 23 Budget FY 23 Town Manager Recommended	FY 23 Budget FY 23 Recommended less FY22 Adopted=Difference
IDA REVENUES							
Lease/Sale of Lots	701-41020-0001				75,000.00	-	(75,000.00)
BP Recoupment Rev	701-41030-0001	26,058.00	25,968.00			26,771.75	26,771.75
Zoning Fees		-					-
Bond Issue	701-41040-0001	16,239.00	9,673.75		7,476.25	6,325.00	(1,151.25)
Home Owners Reimb	701-41060-0001	1,332.00	1,345.11		1,350.00	1,433.40	83.40
Transfer from Other Funds				120,331.38			-
Revenue Totals		43,629.00	36,986.86	120,331.38	83,826.25	34,530.15	(49,296.10)
IDA EXPENSES							
PT Wages	45000-1300	6,599.02	7,395.72	$ 307.13	7,811.60	8,391.44	579.84
FICA	45000-2100	504.83	565.77	$ 24.25	597.59	8,391.44	7,793.85
Worker's Comp	45000-2700				328.09	352.44	24.35
Repair & Maint. Svcs	81500-3310	-					-
Professional Services	81500-3150	2,000.00	2,000.00				-
Electrical Svcs	81500-5100	325.00	325.00		200.00	200.00	-
Dues & Membership	81500-5810	2,756.00	2,749.00		2,731.00	2,728.00	(3.00)
Transfer to IDA fund ba	81500-9200	31,444.15	23,951.37		65,157.97	14,466.83	(50,691.14)
Small Business Grant				120,000.00			-
Capital expenses					7,000.00		
Expense Totals		43,629.00	36,986.86	120,331.38	76,826.25	34,530.15	(42,296.10)
Revenue Totals		3,701,985.13	3,774,535.77	346,520.23	3,621,300.03	3,591,532.55	(38,810.49)
Expense Totals		3,696,480.02	3,774,535.76	358,943.10	3,613,167.65	4,083,833.43	(31,810.48)

FY22 PAY & BENEFIT COST ALLOCATION

	Portion of Time Per Fund			
Job Title	General	Water	Sewer	Garbage
Town Manager	27%	40%	30%	3%
Deputy Town Clerk	80%	10%	9%	1%
Alison	100%	0%	0%	0%
Town Manager Total				
Office Manager	50%	25%	24%	1%
Fiscal Assistant	23%	45%	30%	2%
Office Assistant (2)	20%	40%	39%	1%
Finance Total				
Chief of Police	100%	0%	0%	0%
Major	100%	0%	0%	0%
Detective	100%	0%	0%	0%
Officers (3)	100%	0%	0%	0%
PT Office Assistant (2)	100%	0%	0%	0%
PT Officer (2)	100%	0%	0%	0%
Holiday Pay	100%	0%	0%	0%
Retiree Health	100%	0%	0%	0%
Overtime	100%	0%	0%	0%
Police Total				
Director of Plant Utilities	0%	50%	50%	0%
WWTP Operator (2)	0%	0%	100%	0%
Holiday	0%	0%	100%	0%
Sewer Total				
Lead WTP Operator	0%	100%	0%	0%
WTP Operator (2)	0%	100%	0%	0%
PT WTP Operator	0%	100%	0%	0%
Holiday	0%	100%	0%	0%
Water Total				
Maintenance Foreman	9%	45%	45%	1%
Maintenance Tech. (4)	9%	45%	45%	1%
Maintenance Tech PT	30%	5%	5%	60%
Custodian	100%	0%	0%	0%
Holiday	9%	45%	45%	1%
Retiree Health	100%	0%	0%	0%
Utility Total				

Undesignated Fund Balance and Contingency Calculation For FY23								2/4/2022
Permanent Fund principal for the General Fund							GF Revenues	$ 1,478,508
(based on proposed FY23 Budget)					Administration Fee (covered in W & S Funds)			-
							Net GF Revenues	$ 1,478,508
Reserve per October 2010 policy	15%						Reserve per @	25%
GF target Permanent Fund principal	$ 221,776.17						GF target Permanent Fund principal	$ 369,626.94
Required contingency in the General Fund							GF Expenses	$ 1,478,508
(based on proposed FY23 Budget)							Reserve per October 2010 policy	3.0%
							GF Contingency	$ 44,355
Permanent Fund principal for the Water Fund (based on the proposed FY23 Budget)								
	Fund 501 WATER FUND				**FY23 Budget**			
	DEBT SERVICE				$ 384,832		Debt	384,832
	ALL OTHER EXPENSES				$ 827,783		25%/Operation	$ 206,946
	Total						WF target Permanent Fund principal	$ 591,778
Permanent Fund principal for the Sewer Fund (based on the proposed FY23 Budget)								
	Fund 502 SEWER FUND				**FY23 Budget**			
	DEBT SERVICE				$ 385,843		Debt	385,843
	ALL OTHER EXPENSES				$ 655,099		25%/Operation	$ 163,775
	Total						SF target Permanent Fund principal	$ 549,618
Permanent Fund principal for the Garbage Fund (based on the proposed FY23 Budget)								
	Fund 514 GARBAGE FUND				**FY23 Budget**			
	ALL EXPENSES				154,128		25% operations	$ 38,532
							Garb target Permanent Fund principal	$ 38,532
							Total of all undesignated fund balances	**$ 1,549,555**

General Fund Permanent Fund	$ 369,627
General Fund Contingency	$ 44,355
Water Fund Permanent Fund	$ 591,778
Sewer Fund Permanent Fund	$ 549,618
Garbage Fund Permanent Fund	$ 38,532

TOWN OF AMHERST DEBT BALANCES & DEBT PAYMENTS

Description	Original Loan Amount	Outstanding Loan Balance at 12/31/21	Interest Rate	Maturity Date	Principal Payment FY23	Interest Payment FY23	Total Debt Payment FY23
Sterling Debt Refi	$ 3,933,409.44	$ 2,936,405.13	3.35%	6/30/2030	$ 309,023.71	$ 88,486.44	$ 397,510.15
Mainstreet Water Line	$ 2,368,672.03	$ 2,078,289.64	2.25%	1/1/2047	$ 78,352.35	$ 14,866.45	$ 93,218.80
60 W. Water Line	$ 565,935.00	$ 431,882.59	3.00%	7/1/2043	$ 16,697.98	$ 10,288.28	$ 26,986.26
Sewer Sliplining Project	$ 3,414,000.00	$ 3,414,000.00	3.63%	2/10/2062	$ 69,184.17	$ 46,351.89	$ 115,536.06
Water Treatment Plan Re	$ 3,730,000.00	$ 3,730,000.00	2.50%	7/1/2052	$ 47,424.08	$ 87,529.08	$ 134,953.16
						This figure is just an estimate. The amortization does not give a specific amount.	

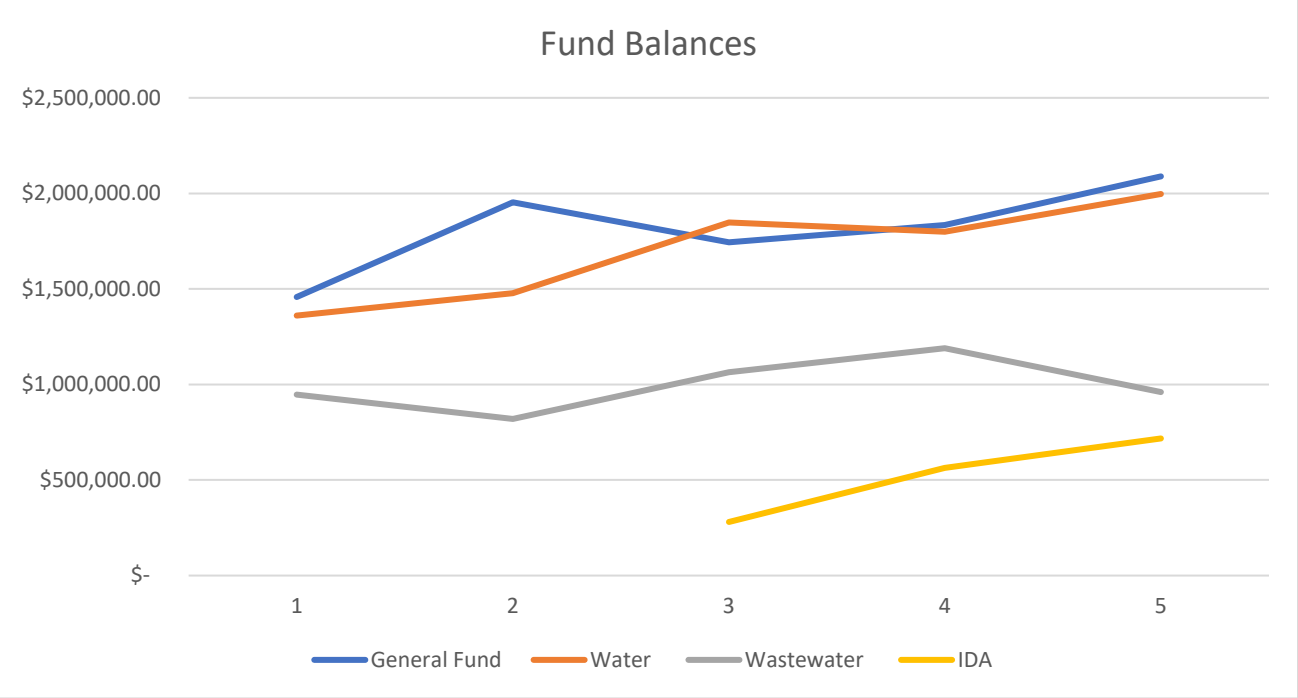
Outstanding Debt Balances							
		Sliplining	Sterling Refi	60 WL	Main St. WL	WTP Loan	Total
	FY 2022	3,402,582.45	2,811,057.32	423,838.87	$ 2,040,194.56	$ 3,730,000.00	$ 9,005,090.75
	FY 2023	3,333,398.28	2,502,033.62	407,387.66	$ 1,962,713.87	$ 3,730,000.00	$ 8,602,135.15
	FY 2024	3,263,381.07	2,182,512.13	390,439.21	$ 1,883,480.05	$ 3,640,429.76	$ 8,096,861.15
	FY 2025	3,192,270.78	1,852,136.24	372,978.48	$ 1,802,453.45	$ 3,548,787.55	$ 7,576,355.72
	FY 2026	3,120,176.53	1,510,537.21	354,990.01	$ 1,719,593.49	$ 3,455,025.46	$ 7,040,146.17
	FY 2027	3,047,084.73	1,257,332.59	336,457.83	$ 1,634,858.70	$ 3,359,094.43	$ 6,587,743.55
	FY 2028	2,973,094.88	892,130.20	317,365.51	$ 1,548,206.65	$ 3,260,944.31	$ 6,018,646.67
	FY 2029	2,897,967.90	389,981.55	297,696.13	$ 1,459,593.96	$ 3,160,523.75	$ 5,307,795.39
	FY 2030	2,821,801.40	0	277,432.25	$ 1,368,976.27	$ 3,057,780.24	$ 4,704,188.76
	FY 2031	2,744,580.98		256,555.89	$ 1,276,308.21	$ 2,952,660.04	$ 4,485,524.14
	FY 2032	2,666,393.84		235,048.55	$ 1,181,543.40	$ 2,845,108.17	$ 4,261,700.12

FY23 TOWN OF AMHERST VEHICLES

MAKE	MODEL	YEAR	VIN NUMBER	MILEAGE
POLICE				
Ford	Interceptor (Watts)	2017	254	87,387
Ford	Interceptor (Harler)	2021	6442	2,870
Ford	Explorer (Shiflett)	2014	8654	109,300
Ford	Interceptor (Payne)	2017	7002	70,610
Ford	Interceptor (Robinson)	2015	1494	96,647
Ford	Interceptor (Martin)	2021	6441	1,865
Ford	Interceptor (Spare)	2016	8692	107,565
MAINTENANCE				
Ford	SUV	2007	7723	101,246
Dodge	Pickup	2014	4675	66,383
Chevy	Pickup	2011	5012	79,401
Dodge	Work Truck	2013	7481	60,298
GMC	Bucket Truck	1995	5212	115,052
GMC	Dump Truck	2003	9981	49,827
Ford	Explorer (Office)	2011	4253	69,396
UTILITIES				
Dodge	Wastewater	2012	9843	66,738
Dodge	Water	2008	4271	96,967

Fund Balances and Analysis of Reserves

Year	General Fund	Water	Wastewater	IDA
2016	$ 1,203,035.00	$ 1,191,623.00	$ 726,216.00	
2017	$ 1,458,055.00	$ 1,360,124.00	$ 946,198.00	
2018	$ 1,954,032.00	$ 1,477,324.00	$ 819,116.00	
2019	$ 1,743,817.00	$ 1,848,141.00	$ 1,063,572.00	$ 280,479.00
2020	$ 1,834,360.00	$ 1,799,144.00	$ 1,188,806.00	$ 562,748.00
2021	$ 2,089,532.00	$ 1,997,481.00	$ 960,340.00	$ 716,372.00



Losses:
General Fund loss from FY 18-19 reflects transfer of funds to the IDA fund, rather than combined.
General Fund also has an additional $904,830 of ARPA funds to be spent.
Wastewater Fund loss in from FY 17-18 reflects engineering expenses for sliplining project.

Town of Amherst Pay Plan | **Lowest Wage** | **$19,385 per year** | **Step Increase** | **0.02**

July 1, 2022-June 30, 2023 | **Hours/yr** | **2080** | **Grade Increase** | **0.06**

Grade:	Step: 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
1	$ 19,385.00	$ 19,772.70	$ 20,168.15	$ 20,571.52	$ 20,982.95	$ 21,402.61	$ 21,830.66	$ 22,267.27	$ 22,712.62	$ 23,166.87	$ 23,630.21	$ 24,102.81	$ 24,584.87	$ 25,076.56	$ 25,578.10	$ 26,089.66	$ 26,611.45	$ 27,143.68	$ 27,686.55	$ 28,240.28	$ 28,805.09
	$ 9.32	$ 9.51	$ 9.70	$ 9.89	$ 10.09	$ 10.29	$ 10.50	$ 10.71	$ 10.92	$ 11.14	$ 11.36	$ 11.59	$ 11.82	$ 12.06	$ 12.30	$ 12.54	$ 12.79	$ 13.05	$ 13.31	$ 13.58	$ 13.85
2	$ 20,548.10	$ 20,959.06	$ 21,378.24	$ 21,805.81	$ 22,241.92	$ 22,686.76	$ 23,140.50	$ 23,603.31	$ 24,075.37	$ 24,556.88	$ 25,048.02	$ 25,548.98	$ 26,059.96	$ 26,581.16	$ 27,112.78	$ 27,655.04	$ 28,208.14	$ 28,772.30	$ 29,347.75	$ 29,934.70	$ 30,533.40
	$ 9.88	$ 10.08	$ 10.28	$ 10.48	$ 10.69	$ 10.91	$ 11.13	$ 11.35	$ 11.57	$ 11.81	$ 12.04	$ 12.28	$ 12.53	$ 12.78	$ 13.03	$ 13.30	$ 13.56	$ 13.83	$ 14.11	$ 14.39	$ 14.68
3	$ 21,780.99	$ 22,216.61	$ 22,660.94	$ 23,114.16	$ 23,576.44	$ 24,047.97	$ 24,528.93	$ 25,019.51	$ 25,519.90	$ 26,030.29	$ 26,550.90	$ 27,081.92	$ 27,623.56	$ 28,176.03	$ 28,739.55	$ 29,314.34	$ 29,900.63	$ 30,498.64	$ 31,108.61	$ 31,730.78	$ 32,365.40
	$ 10.47	$ 10.68	$ 10.89	$ 11.11	$ 11.33	$ 11.56	$ 11.79	$ 12.03	$ 12.27	$ 12.51	$ 12.76	$ 13.02	$ 13.28	$ 13.55	$ 13.82	$ 14.09	$ 14.38	$ 14.66	$ 14.96	$ 15.26	$ 15.56
4	$ 23,087.85	$ 23,549.60	$ 24,020.59	$ 24,501.01	$ 24,991.03	$ 25,490.85	$ 26,000.66	$ 26,520.68	$ 27,051.09	$ 27,592.11	$ 28,143.95	$ 28,706.83	$ 29,280.97	$ 29,866.59	$ 30,463.92	$ 31,073.20	$ 31,694.66	$ 32,328.56	$ 32,975.13	$ 33,634.63	$ 34,307.32
	$ 11.10	$ 11.32	$ 11.55	$ 11.78	$ 12.01	$ 12.26	$ 12.50	$ 12.75	$ 13.01	$ 13.27	$ 13.53	$ 13.80	$ 14.08	$ 14.36	$ 14.65	$ 14.94	$ 15.24	$ 15.54	$ 15.85	$ 16.17	$ 16.49
5	$ 24,473.12	$ 24,962.58	$ 25,461.83	$ 25,971.07	$ 26,490.49	$ 27,020.30	$ 27,560.70	$ 28,111.92	$ 28,674.16	$ 29,247.64	$ 29,832.59	$ 30,429.24	$ 31,037.83	$ 31,658.58	$ 32,291.76	$ 32,937.59	$ 33,596.34	$ 34,268.27	$ 34,953.64	$ 35,652.71	$ 36,365.76
	$ 11.77	$ 12.00	$ 12.24	$ 12.49	$ 12.74	$ 12.99	$ 13.25	$ 13.52	$ 13.79	$ 14.06	$ 14.34	$ 14.63	$ 14.92	$ 15.22	$ 15.52	$ 15.84	$ 16.15	$ 16.48	$ 16.80	$ 17.14	$ 17.48
6	$ 25,941.50	$ 26,460.33	$ 26,989.54	$ 27,529.33	$ 28,079.92	$ 28,641.52	$ 29,214.35	$ 29,798.63	$ 30,394.61	$ 31,002.50	$ 31,622.55	$ 32,255.00	$ 32,900.10	$ 33,558.10	$ 34,229.26	$ 34,913.85	$ 35,612.12	$ 36,324.37	$ 37,050.85	$ 37,791.87	$ 38,547.71
	$ 12.47	$ 12.72	$ 12.98	$ 13.24	$ 13.50	$ 13.77	$ 14.05	$ 14.33	$ 14.61	$ 14.91	$ 15.20	$ 15.51	$ 15.82	$ 16.13	$ 16.46	$ 16.79	$ 17.12	$ 17.46	$ 17.81	$ 18.17	$ 18.53
7	$ 27,497.99	$ 28,047.95	$ 28,608.91	$ 29,181.09	$ 29,764.71	$ 30,360.01	$ 30,967.21	$ 31,586.55	$ 32,218.28	$ 32,862.65	$ 33,519.90	$ 34,190.30	$ 34,874.10	$ 35,571.59	$ 36,283.02	$ 37,008.68	$ 37,748.85	$ 38,503.83	$ 39,273.91	$ 40,059.38	$ 40,860.57
	$ 13.22	$ 13.48	$ 13.75	$ 14.03	$ 14.31	$ 14.60	$ 14.89	$ 15.19	$ 15.49	$ 15.80	$ 16.12	$ 16.44	$ 16.77	$ 17.10	$ 17.44	$ 17.79	$ 18.15	$ 18.51	$ 18.88	$ 19.26	$ 19.64
8	$ 29,147.87	$ 29,730.83	$ 30,325.45	$ 30,931.96	$ 31,550.59	$ 32,181.61	$ 32,825.24	$ 33,481.74	$ 34,151.38	$ 34,834.41	$ 35,531.09	$ 36,241.72	$ 36,966.55	$ 37,705.88	$ 38,460.00	$ 39,229.20	$ 40,013.78	$ 40,814.06	$ 41,630.34	$ 42,462.95	$ 43,312.21
	$ 14.01	$ 14.29	$ 14.58	$ 14.87	$ 15.17	$ 15.47	$ 15.78	$ 16.10	$ 16.42	$ 16.75	$ 17.08	$ 17.42	$ 17.77	$ 18.13	$ 18.49	$ 18.86	$ 19.24	$ 19.62	$ 20.01	$ 20.41	$ 20.82
9	$ 30,896.74	$ 31,514.68	$ 32,144.97	$ 32,787.87	$ 33,443.63	$ 34,112.50	$ 34,794.75	$ 35,490.65	$ 36,200.46	$ 36,924.47	$ 37,662.96	$ 38,416.22	$ 39,184.54	$ 39,968.23	$ 40,767.60	$ 41,582.95	$ 42,414.61	$ 43,262.90	$ 44,128.16	$ 45,010.72	$ 45,910.94
	$ 14.85	$ 15.15	$ 15.45	$ 15.76	$ 16.08	$ 16.40	$ 16.73	$ 17.06	$ 17.40	$ 17.75	$ 18.11	$ 18.47	$ 18.84	$ 19.22	$ 19.60	$ 19.99	$ 20.39	$ 20.80	$ 21.22	$ 21.64	$ 22.07
10	$ 32,750.55	$ 33,405.56	$ 34,073.67	$ 34,755.15	$ 35,450.25	$ 36,159.25	$ 36,882.44	$ 37,620.09	$ 38,372.49	$ 39,139.94	$ 39,922.74	$ 40,721.19	$ 41,535.62	$ 42,366.33	$ 43,213.65	$ 44,077.93	$ 44,959.49	$ 45,858.68	$ 46,775.85	$ 47,711.37	$ 48,665.59
	$ 15.75	$ 16.06	$ 16.38	$ 16.71	$ 17.04	$ 17.38	$ 17.73	$ 18.09	$ 18.45	$ 18.82	$ 19.19	$ 19.58	$ 19.97	$ 20.37	$ 20.78	$ 21.19	$ 21.62	$ 22.05	$ 22.49	$ 22.94	$ 23.40
11	$ 34,715.58	$ 35,409.89	$ 36,118.09	$ 36,840.45	$ 37,577.26	$ 38,328.81	$ 39,095.38	$ 39,877.29	$ 40,674.84	$ 41,488.33	$ 42,318.10	$ 43,164.46	$ 44,027.75	$ 44,908.31	$ 45,806.47	$ 46,722.60	$ 47,657.06	$ 48,610.20	$ 49,582.40	$ 50,574.05	$ 51,585.53
	$ 16.69	$ 17.02	$ 17.36	$ 17.71	$ 18.07	$ 18.43	$ 18.80	$ 19.17	$ 19.56	$ 19.95	$ 20.35	$ 20.75	$ 21.17	$ 21.59	$ 22.02	$ 22.46	$ 22.91	$ 23.37	$ 23.84	$ 24.31	$ 24.80
12	$ 36,798.52	$ 37,534.49	$ 38,285.18	$ 39,050.88	$ 39,831.90	$ 40,628.54	$ 41,441.11	$ 42,269.93	$ 43,115.33	$ 43,977.63	$ 44,857.19	$ 45,754.33	$ 46,669.42	$ 47,602.81	$ 48,554.86	$ 49,525.96	$ 50,516.48	$ 51,526.81	$ 52,557.34	$ 53,608.49	$ 54,680.66
	$ 17.69	$ 18.05	$ 18.41	$ 18.77	$ 19.15	$ 19.53	$ 19.92	$ 20.32	$ 20.73	$ 21.14	$ 21.57	$ 22.00	$ 22.44	$ 22.89	$ 23.34	$ 23.81	$ 24.29	$ 24.77	$ 25.27	$ 25.77	$ 26.29
13	$ 39,006.43	$ 39,786.56	$ 40,582.29	$ 41,393.93	$ 42,221.81	$ 43,066.25	$ 43,927.57	$ 44,806.13	$ 45,702.25	$ 46,616.29	$ 47,548.62	$ 48,499.59	$ 49,469.58	$ 50,458.97	$ 51,468.15	$ 52,497.52	$ 53,547.47	$ 54,618.42	$ 55,710.79	$ 56,825.00	$ 57,961.50
	$ 18.75	$ 19.13	$ 19.51	$ 19.90	$ 20.30	$ 20.70	$ 21.12	$ 21.54	$ 21.97	$ 22.41	$ 22.86	$ 23.32	$ 23.78	$ 24.26	$ 24.74	$ 25.24	$ 25.74	$ 26.26	$ 26.78	$ 27.32	$ 27.87
14	$ 41,346.81	$ 42,173.75	$ 43,017.23	$ 43,877.57	$ 44,755.12	$ 45,650.22	$ 46,563.23	$ 47,494.49	$ 48,444.38	$ 49,413.27	$ 50,401.54	$ 51,409.57	$ 52,437.76	$ 53,486.51	$ 54,556.24	$ 55,647.37	$ 56,760.32	$ 57,895.52	$ 59,053.43	$ 60,234.50	$ 61,439.19
	$ 19.88	$ 20.28	$ 20.68	$ 21.09	$ 21.52	$ 21.95	$ 22.39	$ 22.83	$ 23.29	$ 23.76	$ 24.23	$ 24.72	$ 25.21	$ 25.71	$ 26.23	$ 26.75	$ 27.29	$ 27.83	$ 28.39	$ 28.96	$ 29.54
15	$ 43,827.62	$ 44,704.18	$ 45,598.26	$ 46,510.22	$ 47,440.43	$ 48,389.24	$ 49,357.02	$ 50,344.16	$ 51,351.05	$ 52,378.07	$ 53,425.63	$ 54,494.14	$ 55,584.02	$ 56,695.70	$ 57,829.62	$ 58,986.21	$ 60,165.93	$ 61,369.25	$ 62,596.64	$ 63,848.57	$ 65,125.54
	$ 21.07	$ 21.49	$ 21.92	$ 22.36	$ 22.81	$ 23.26	$ 23.73	$ 24.20	$ 24.69	$ 25.18	$ 25.69	$ 26.20	$ 26.72	$ 27.26	$ 27.80	$ 28.36	$ 28.93	$ 29.50	$ 30.09	$ 30.70	$ 31.31
16	$ 46,457.28	$ 47,386.43	$ 48,334.15	$ 49,300.84	$ 50,286.85	$ 51,292.59	$ 52,318.44	$ 53,364.81	$ 54,432.11	$ 55,520.75	$ 56,631.17	$ 57,763.79	$ 58,919.06	$ 60,097.45	$ 61,299.40	$ 62,525.38	$ 63,775.89	$ 65,051.41	$ 66,352.44	$ 67,679.49	$ 69,033.08
	$ 22.34	$ 22.78	$ 23.24	$ 23.70	$ 24.18	$ 24.66	$ 25.15	$ 25.66	$ 26.17	$ 26.69	$ 27.23	$ 27.77	$ 28.33	$ 28.89	$ 29.47	$ 30.06	$ 30.66	$ 31.27	$ 31.90	$ 32.54	$ 33.19
17	$ 49,244.72	$ 50,229.61	$ 51,234.20	$ 52,258.89	$ 53,304.07	$ 54,370.15	$ 55,457.55	$ 56,566.70	$ 57,698.04	$ 58,852.00	$ 60,029.04	$ 61,229.62	$ 62,454.21	$ 63,703.29	$ 64,977.36	$ 66,276.91	$ 67,602.44	$ 68,954.49	$ 70,333.58	$ 71,740.25	$ 73,175.06
	$ 23.68	$ 24.15	$ 24.63	$ 25.12	$ 25.63	$ 26.14	$ 26.66	$ 27.20	$ 27.74	$ 28.29	$ 28.86	$ 29.44	$ 30.03	$ 30.63	$ 31.24	$ 31.86	$ 32.50	$ 33.15	$ 33.81	$ 34.49	$ 35.18
18	$ 52,199.40	$ 53,243.39	$ 54,308.26	$ 55,394.42	$ 56,502.31	$ 57,632.36	$ 58,785.00	$ 59,960.70	$ 61,159.92	$ 62,383.12	$ 63,630.78	$ 64,903.39	$ 66,201.46	$ 67,525.49	$ 68,876.00	$ 70,253.52	$ 71,658.59	$ 73,091.76	$ 74,553.60	$ 76,044.67	$ 77,565.56
	$ 25.10	$ 25.60	$ 26.11	$ 26.63	$ 27.16	$ 27.71	$ 28.26	$ 28.83	$ 29.40	$ 29.99	$ 30.59	$ 31.20	$ 31.83	$ 32.46	$ 33.11	$ 33.78	$ 34.45	$ 35.14	$ 35.84	$ 36.56	$ 37.29
19	$ 55,331.36	$ 56,437.99	$ 57,566.75	$ 58,718.09	$ 59,892.45	$ 61,090.30	$ 62,312.10	$ 63,558.35	$ 64,829.51	$ 66,126.10	$ 67,448.62	$ 68,797.60	$ 70,173.55	$ 71,577.02	$ 73,008.56	$ 74,468.73	$ 75,958.11	$ 77,477.27	$ 79,026.81	$ 80,607.35	$ 82,219.50
	$ 26.60	$ 27.13	$ 27.68	$ 28.23	$ 28.79	$ 29.37	$ 29.96	$ 30.56	$ 31.17	$ 31.79	$ 32.43	$ 33.08	$ 33.74	$ 34.41	$ 35.10	$ 35.80	$ 36.52	$ 37.25	$ 37.99	$ 38.75	$ 39.53
20	$ 58,651.25	$ 59,824.27	$ 61,020.76	$ 62,241.17	$ 63,486.00	$ 64,755.72	$ 66,050.83	$ 67,371.85	$ 68,719.28	$ 70,093.67	$ 71,495.54	$ 72,925.45	$ 74,383.96	$ 75,871.64	$ 77,389.07	$ 78,936.86	$ 80,515.59	$ 82,125.90	$ 83,768.42	$ 85,443.79	$ 87,152.67
	$ 28.20	$ 28.76	$ 29.34	$ 29.92	$ 30.52	$ 31.13	$ 31.76	$ 32.39	$ 33.04	$ 33.70	$ 34.37	$ 35.06	$ 35.76	$ 36.48	$ 37.21	$ 37.95	$ 38.71	$ 39.48	$ 40.27	$ 41.08	$ 41.90
21	$ 62,170.32	$ 63,413.73	$ 64,682.00	$ 65,975.64	$ 67,295.15	$ 68,641.06	$ 70,013.88	$ 71,414.16	$ 72,842.44	$ 74,299.29	$ 75,785.27	$ 77,300.98	$ 78,847.00	$ 80,423.94	$ 82,032.42	$ 83,673.07	$ 85,346.53	$ 87,053.46	$ 88,794.53	$ 90,570.42	$ 92,381.83
	$ 29.89	$ 30.49	$ 31.10	$ 31.72	$ 32.35	$ 33.00	$ 33.66	$ 34.33	$ 35.02	$ 35.72	$ 36.44	$ 37.16	$ 37.91	$ 38.67	$ 39.44	$ 40.23	$ 41.03	$ 41.85	$ 42.69	$ 43.54	$ 44.41
22	$ 65,900.54	$ 67,218.55	$ 68,562.92	$ 69,934.18	$ 71,332.86	$ 72,759.52	$ 74,214.71	$ 75,699.01	$ 77,212.99	$ 78,757.25	$ 80,332.39	$ 81,939.04	$ 83,577.82	$ 85,249.38	$ 86,954.36	$ 88,693.45	$ 90,467.32	$ 92,276.67	$ 94,122.20	$ 96,004.64	$ 97,924.74
	$ 31.68	$ 32.32	$ 32.96	$ 33.62	$ 34.29	$ 34.98	$ 35.68	$ 36.39	$ 37.12	$ 37.86	$ 38.62	$ 39.39	$ 40.18	$ 40.99	$ 41.80	$ 42.64	$ 43.49	$ 44.36	$ 45.25	$ 46.16	$ 47.08
23	$ 69,854.57	$ 71,251.66	$ 72,676.70	$ 74,130.23	$ 75,612.84	$ 77,125.09	$ 78,667.59	$ 80,240.95	$ 81,845.77	$ 83,482.68	$ 85,152.33	$ 86,855.38	$ 88,592.49	$ 90,364.34	$ 92,171.63	$ 94,015.06	$ 95,895.36	$ 97,813.27	$ 99,769.53	$ 101,764.92	$ 103,800.22
	$ 33.58	$ 34.26	$ 34.94	$ 35.64	$ 36.35	$ 37.08	$ 37.82	$ 38.58	$ 39.35	$ 40.14	$ 40.94	$ 41.76	$ 42.59	$ 43.44	$ 44.31	$ 45.20	$ 46.10	$ 47.03	$ 47.97	$ 48.93	$ 49.90
24	$ 74,045.85	$ 75,526.76	$ 77,037.30	$ 78,578.05	$ 80,149.61	$ 81,752.60	$ 83,387.65	$ 85,055.40	$ 86,756.51	$ 88,491.64	$ 90,261.47	$ 92,066.70	$ 93,908.04	$ 95,786.20	$ 97,701.92	$ 99,655.96	$ 101,649.08	$ 103,682.06	$ 105,755.70	$ 107,870.82	$ 110,028.23
	$ 35.60	$ 36.31	$ 37.04	$ 37.78	$ 38.53	$ 39.30	$ 40.09	$ 40.89	$ 41.71	$ 42.54	$ 43.39	$ 44.26	$ 45.15	$ 46.05	$ 46.97	$ 47.91	$ 48.87	$ 49.85	$ 50.84	$ 51.86	$ 52.90
25	$ 78,488.60	$ 80,058.37	$ 81,659.54	$ 83,292.73	$ 84,958.58	$ 86,657.75	$ 88,390.91	$ 90,158.73	$ 91,961.90	$ 93,801.14	$ 95,677.16	$ 97,590.71	$ 99,542.52	$ 101,533.37	$ 103,564.04	$ 105,635.32	$ 107,748.03	$ 109,902.99	$ 112,101.05	$ 114,343.07	$ 116,629.93
	$ 37.73	$ 38.49	$ 39.26	$ 40.04	$ 40.85	$ 41.66	$ 42.50	$ 43.35	$ 44.21	$ 45.10	$ 46.00	$ 46.92	$ 47.86	$ 48.81	$ 49.79	$ 50.79	$ 51.80	$ 52.84	$ 53.89	$ 54.97	$ 56.07
26	$ 83,197.91	$ 84,861.87	$ 86,559.11	$ 88,290.29	$ 90,056.10	$ 91,857.22	$ 93,694.36	$ 95,568.25	$ 97,479.62	$ 99,429.21	$ 101,417.79	$ 103,446.15	$ 105,515.07	$ 107,625.37	$ 109,777.88	$ 111,973.44	$ 114,212.91	$ 116,497.17	$ 118,827.11	$ 121,203.65	$ 123,627.72
	$ 40.00	$ 40.80	$ 41.61	$ 42.45	$ 43.30	$ 44.16	$ 45.05	$ 45.95	$ 46.87	$ 47.80	$ 48.76	$ 49.73	$ 50.73	$ 51.74	$ 52.78	$ 53.83	$ 54.91	$ 56.01	$ 57.13	$ 58.27	$ 59.44
27	$ 88,189.79	$ 89,953.58	$ 91,752.66	$ 93,587.71	$ 95,459.46	$ 97,368.65	$ 99,316.03	$ 101,302.35	$ 103,328.39	$ 105,394.96	$ 107,502.86	$ 109,652.92	$ 111,845.98	$ 114,082.90	$ 116,364.55	$ 118,691.84	$ 121,065.68	$ 123,486.99	$ 125,956.73	$ 128,475.87	$ 131,045.39
	$ 42.40	$ 43.25	$ 44.11	$ 44.99	$ 45.89	$ 46.81	$ 47.75	$ 48.70	$ 49.68	$ 50.67	$ 51.68	$ 52.72	$ 53.77	$ 54.85	$ 55.94	$ 57.06	$ 58.20	$ 59.37	$ 60.56	$ 61.77	$ 63.00
28	$ 93,481.18	$ 95,350.80	$ 97,257.82	$ 99,202.97	$ 101,187.03	$ 103,210.77	$ 105,274.99	$ 107,380.49	$ 109,528.10	$ 111,718.66	$ 113,953.03	$ 116,232.09	$ 118,556.73	$ 120,927.87	$ 123,346.43	$ 125,813.36	$ 128,329.62	$ 130,896.21	$ 133,514.14	$ 136,184.42	$ 138,908.11
	$ 44.94	$ 45.84	$ 46.76	$ 47.69	$ 48.65	$ 49.62	$ 50.61	$ 51.63	$ 52.66	$ 53.71	$ 54.79	$ 55.88	$ 57.00	$ 58.14	$ 59.30	$ 60.49	$ 61.70	$ 62.93	$ 64.19	$ 65.47	$ 66.78
29	$ 99,090.05	$ 101,071.85	$ 103,093.28	$ 105,155.15	$ 107,258.25	$ 109,403.42	$ 111,591.49	$ 113,823.32	$ 116,099.78	$ 118,421.78	$ 120,790.21	$ 123,206.02	$ 125,670.14	$ 128,183.54	$ 130,747.21	$ 133,362.16	$ 136,029.40	$ 138,749.99	$ 141,524.99	$ 144,355.49	$ 147,242.60
	$ 47.64	$ 48.59	$ 49.56	$ 50.56	$ 51.57	$ 52.60	$ 53.65	$ 54.72	$ 55.82	$ 56.93	$ 58.07	$ 59.23	$ 60.42	$ 61.63	$ 62.86	$ 64.12	$ 65.40	$ 66.71	$ 68.04	$ 69.40	$ 70.79
30	$ 105,035.45	$ 107,136.16	$ 109,278.88	$ 111,464.46	$ 113,693.75	$ 115,967.62	$ 118,286.98	$ 120,652.72	$ 123,065.77	$ 125,527.09	$ 128,037.63	$ 130,598.38	$ 133,210.35	$ 135,874.55	$ 138,592.04	$ 141,363.89	$ 144,191.16	$ 147,074.99	$ 150,016.49	$ 153,016.82	$ 156,077.15
	$ 50.50	$ 51.51	$ 52.54	$ 53.59	$ 54.66	$ 55.75	$ 56.87	$ 58.01	$ 59.17	$ 60.35	$ 61.56	$ 62.79	$ 64.04	$ 65.32	$ 66.63	$ 67.96	$ 69.32	$ 70.71	$ 72.12	$ 73.57	$ 75.04

Notes: This merit plan applies to full-time, non-probationary employees. The Town Manager may approve merit raises for a specific employee at any time during the fiscal year within budget limitations upon recommendation and justification of the supervisor.

Upper lines contain annualized pay rates, lower lines contain hourly pay rates.

Positions with professional development paths may be promoted within a budget year once they have meant the requirements to do so.

Following is a list of positions included in the Town's Pay Plan:

	Administration
20	Office Manager/Finance Director (Exempt)
19	Clerk to Council
13	Fiscal Assistant
14	Senior Fiscal Assistant
9	Office Assistant (part-time)
9	Intern

	Police
25	Chief of Police (Exempt)
23	Major (Exempt)
22	Captain (Exempt)
20	Investigator
18	Accredidation Manager
19	Police Officer 3
17	Police Officer 2
15	Police Officer 1
10	Administrative Officer
14	Administrative Analyst

	Public Utilities
25	Public Utilities Director (Exempt)
23	Director of Plants (Exempt)
17	Utility Maintenance Foreman (Exempt)
15	Lead Treatment Plant Operator
13	Treatment Plant Operator
12	Treatment Plant Operator-Apprentice
12	Utility Maintenance Technician
8	Custodian

For the FY22-23 budget, the following positions are included:

Administration
Town Manager
Office Manager/Finance Director
Senior Fiscal Assistant
Office Assistant 2 PT)
Clerk to Council

Police
Chief
Major
Investigator
Police Officer 3
Police Officer 2
Accredidation Manager
Administravive Officer (PT)
Administrative Analyst
Part Time Officers (as needed)

Public Utilities
Director of Plants
Utility Maintenance Foreman
Lead Treatment Plant Operator (2)
Treatment Plant Operator (2 FT, 1 PT)
Utilitiy Maintenance Technicial (4 FT and 1 PT)
Custodian (PT, 1)

Administrative fee structure

In order to cover costs incurred by the town council, the commission, the board of zoning appeals and the zoning administrator incidental to the review, hearing and reporting of the processing applications for a zoning certificate for a permitted use or a special use permit, a zoning amendment, an administrative review, a variance, a site plan and subdivision plats, the following fees shall be required to accompany appropriate applications:

Application Type	**Application Fee**
Permitted Use	No fee
Special Use Permit	$ 300
Zoning Ordinance Amendment	$ 300
Variance	$ 150
Any other application to the Board of Zoning Appeals	$ 300
Site Plan subject to special review under Section 1103	$ 200
Other Site Plan	No fee
Subdivision Pre-application review	No fee
Preliminary Plat	$ 40
Final Plat	$60+$15/lot

Town Manager's Report
June 8, 2022
Status of all items shown in italics

From the Council's Strategic Plan:

Ongoing or immediate

- Discuss Brockman Park development with IDA- *Mini-retreat with IDA on 8.24*
- Advise the IDA about Council's interest in exploring an EDA- *Completed 5.3.21*
- Review the previously developed walkability plan- *Completed 4.15.21*
- Town Manager meet with the County Administrator and brief him on Council's desire to improve relationships with the County- *Completed*

Within three (3) months – by June 1, 2021

- Develop a sidewalk plan in priority blocks downtown- *Additional planning to be completed through Comprehensive Plan and continued grant work.*
- Mayor and Chair of Amherst County Board of Supervisors meeting
- Develop a business visitation plan and commence visits- *IDA has begun visitation of all businesses in town. Completion pending.*
- Develop a plan for a new Council table/dais, including the layout and components, get price quotes, and report back to Council- *Clerk is reviewing options for construction of a workstation for her at the meetings.*

Within six (6) months – by September 1, 2021

- Bring to Council a plan for a pathway forward for the IDA to become an EDA- *Completed.*
- Convene a joint Town Council/IDA meeting *Held July 6, 2021*
- Explore creating a façade improvement program, with incentives
- Joint Town Council/Board of Supervisors meeting
- Explore the (additional) resources necessary to implement the workplan and report back to Council

By January 1, 2022

- Negotiate and approve a revised utility agreement with Sweet Briar College- *Completed.*

Within one year – by March 1, 2022

- Develop a workplan for the IDA/EDA with goals- *In process.*
- Comprehensive Plan update, including a Downtown Revitalization Component, *In process.*

Within two (2) years – by March 1, 2023

- Complete initial visitation of town businesses- *Pending, report to Council next month.*
- Adopt a revised Comprehensive Plan- *Anticipated completion by Summer, 2022. Staff is working with the PDC on a citizen engagement survey on issues in town, and anticipates*

that the survey will go live shortly. Survey completion will coincide with a public meeting.

Other Major Projects:

Sewer Sliplining Project
Wastewater Treatment Plant improvements are complete. On the collection side of the project, we have worked with the contractor on a plan of action for the remaining work. USDA has approved pipe bursting and working to get a completion schedule.

Water Treatment Plant
The project is proceeding well, although there are time delays due to supply chain issues and a pandemic related shutdown.

Brockman Park Engineering Work
Survey and delineation work is complete, and 50% grading plans are complete. Stormwater plans and other regulatory items have been summitted to the state for approval.

Standalone Generator at Waugh's Ferry Water Tank
Site work has begun on this project and the generator structure is going in.

Centrifuge Facility (Sludge Dewaterer)
Bids will be opened on this equipment on June 10, 2022. Staff will come to Council in July to recommend a bid award.

Town of AMHERST POLICE Department

May 2022 MONTHLY REPORT TOTAL CALLS: 248 TOTAL MILEAGE: 5766

CALLS FOR SERVICE	NUMBER
MOTORIST ASSIST	19
ALARM	13
PHONE COMPLAINT	149
BOLO	11
MISSING PERSON	
SHOPLIFTING	
PROBLEM WITH OTHERS	9
DOMESTIC	2
CHECK WELFARE	2
NOISE OR DOG COMPLAINT	3
TRAFFIC CRASH	6
EMS CALLS	3
SUDDEN DEATH	2
SUSPICIOUS PERSON	5
OTHER	61
CALLS AT AMBRIAR	5

OFFICER INITIATED	NUMBER
BUILDING CHECKS	195
BUSINESS VISIT	93
BUILDING SEARCH	10
TRAFFIC SUMMONS	47
DRUNK IN PUBLIC	
EXTRA PATROLS/PARKS	197/41
WARRANT SERVICE	17
PROPERTY WALK AROUNDS	137
WARRANTS OBTAINED	7
PARKING TICKETS	
MISD. INVESTIGATION	3
FELONY INVESTIGATION	9
NARCOTICS INV.	2
SEARCH WARRANT	
PUBLIC RELATIONS	35
CITIZEN CONTACT	373

OTHER	NUMBER
ASSIST OTHER OFFICER	16
ASSIST OTHER AGENCY	13
COURT	8 hrs
REPORTS	8
SCHOOL / TRAINING	5
MEETINGS	7
TOWED / IMPOUNDED VEH	

TRAFFIC STOPS TICKETED	NUMBER
SPEEDING	21
EQUIPMENT VIOLATION	
RECKLESS DRIVING	4
SUSPENDED LICENSE	1
INSPECTION/REGISTRATION	14
SEAT BELT / TEXTING	
ALL OTHER VIOLATIONS	7

WARNINGS	NUMBER
SPEEDING	17
EQUIPMENT VIOLATION	1
RECKLESS DRIVING	2
SUSPENDED LICENSE	
INSPECTION/REGISTRATION	7
SEAT BELT / TEXTING	
ALL OTHER VIOLATIONS	

ARREST	NUMBER
MISDEMEANOR	7
FELONY	6
EPO/PPO	3
ECO	1
NARCOTICS VIOLATION	
DUI / DUID	1

Town of
AMHERST
POLICE
Department

PLEASE LIST ALL PASS ON'S, INVESTIGATIONS, ARREST, IMPOUNDED VEHICLES WITH REASON AND LOCATION, AND BUSINESSES WITH OPEN DOORS OR ANY OTHER SIGNIFICANT COMPLAINTS.

MONTH OF **MAY ACTIVITIES:**

School Visits:
Amherst Elementary School – 18
Central Elementary School – 6
Amherst High School – 10
Patrol Rifle Course – 48 hours total 8 officers completed training
Reserve Officer Training – 12 hours

AFTER HOURS CALLS

5/8/22: Alarm – 143 Ambriar Plz – Building Secure
5/16/22: Prowler – 195 Mt. Olive Rd. – unfounded
5/18/22: Traffic Crash – Mt. Olive/West Court – advice
5/19/22: Suspicious Person – 29/Ambriar – gave subject a ride
5/24/22: Suspicious Vehicle – Post Office – advice

ASSIST COUNTY CALLS

5/1/22: Alarm - Apple Market – advice
5/2/22: Mental Health – 580 Deerfield Dr – advice
5/5/22: Domestic – 894 Union Hill Rd – advice
5/10/22: DUI – Apple Market – assist
5/15/22: Alarm – 208 New Glasgow Rd – disregarded

Town of
AMHERST
POLICE
Department

SIGN TRAILER

5/3/22 South Main/Town Hall
5/4/22 North Main/Cedar Street
5/5/22 North Main/Glenway
5/6/22 Rain
5/7/22 Weekend
5/8/22 Weekend
5/9/22 South Main/Town Hall
5/10/22 North Main/Glenway
5/11/22 South Main/Town Hall
5/12/22 Rain
5/13/22 Rain
5/14/22 Weekend
5/15/22 Weekend
5/16/22 Rain
5/17/22 Did not set up
5/18/22 South Main/Town Hall
5/19/22 South Main/Garland
5/20/22 Recharge Day
5/21/22 Weekend
5/22/22 Weekend
5/23/22 not working
5/24/22 not working
5/25/22 Rain
5/26/22 Rain
5/27/22 Rain
5/28/22 Weekend
5/29/22 Weekend
5/30/22 Memorial Day
5/31/22 Did not set up

Town of AMHERST POLICE Department

- Planning for First Responder Parade
- Retirement party for Major Harler at Town Hall 5/3/22
- Captain Payne completed Breath Operator re-cert training in Roanoke 5/9/22
- Self-Inflicted shooting at Quike investigation 5/10/22
- Department recognition Major Harler on retirement, Promoted Captain Payne, and introduced Officer Rose at council meeting 5/11/22
- Community Policing Data submitted 5/13/22
- Officer L. Rose taught 18 hours CIT 5/16-5/17
- Investigator Watts completed CIT school 5/16 -5/17
- Chief Shiflett attended and spoke at CIT graduation 5/17/22
- All officers are now CIT certified. Three officers (Robinson, Rose, Martin) are now CIT certified instructors.
- Rifle Training completed 5/23/22
- Officer Martin attended CIT Advisory Council Meeting 5/24/22
- Chief attended RASAC meeting 5/26/22
- All police radios were updated by Amherst Public Safety 5/26/22
- Officer Martin completed biased based policing training through academy online training 5/29/22
- Officer Martin met with Amherst Cemetery Association twice in reference to pending felony cases.
- Shooting at Food Lion was deemed accidental by Commonwealth Attorney. No charges will be filed. Case Closed.
- Investigator Watts attended MDT meeting.

TOWN OF AMHERST

P.O. Box 280 174 S. Main Street Amherst, VA 24521
Phone (434)946-7885 Fax (434)946-2087

To: Town Council

From: Tracie Morgan

Date: June 2, 2022

Re: May 2022 Monthly Report

Utilities – April utility billing total was $192,156.40.

A/P – The total amount of checks cut for May 2022 bills, including payroll deductions were $296,845.93.

Meals and Beverage Tax – 16 Businesses paid $59,120.42 in Meals and Beverage Tax for the month of April 2022.

Audit- We have received draft documents from the auditors.

Business License – Business License notices and applications were sent out the beginning of March. Applications and payments were due by May 1, 2022 to avoid penalty and interest. Collection efforts will begin in August. We have received $125,064.25 in License Fees for this fiscal year. That is $25,064.25 over the anticipated revenue.

FY22 Budget Amendment – Mrs. McGuffin will be requesting to hold a Public Hearing in June 2022 to amend the FY 22 Budget. According to the Code of Virginia, if a locality expenses out more than one percent of their adopted budget they must amend the budget. In our case if we spend anything over $36,201.67 we will have to amend the budget. The purchase of the police interceptor quickly took us over that amount as well as police in-car and on-person cameras and a new maintenance truck. I am not requesting to appropriate any money from the reserves. All appropriation requests associated with this amendment are from grant reimbursements or ARPA money that we used for revenue replacement. I was able to cover the cost of the police interceptor and the new maintenance truck with the switch out of ARPA funds for the Police salaries.

CLERK OF COUNCIL REPORT
MAY 2022

COMMITTEE MEETINGS

Industrial Development Authority

Regular Meeting on 05-02-22: Receive and review agenda materials; assemble packet for meeting; distribute and post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website.

Planning Commission

Regular Meeting on 05-04-22: Receive and review agenda materials; assemble packet for meeting; distribute and post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website.

Town Council

Regular Meeting on 05-11-22: Receive and review agenda materials; assemble packet for meeting; distribute and post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website.

Board of Zoning Appeals

Regular Meeting on 05-16-22: Receive and review agenda materials; assemble packet for meeting; distribute and post agenda packet to website; prepare for and attend meeting; draft minutes for approval; post to Town website.

Quorums: Confirm meeting with board members

TOWN WEBSITE DESIGN AND CONTENT MANAGEMENT

Administration of website generating and continuously uploading information/documents; revising website pages with latest information and links to documents and/or outside sites; examining traffic through the site; design for overall look and feel of the site, including photos, color, graphics, and layout; creating, editing, posting, updating, and cleaning up outdated content.

TOWN FACEBOOK ADMINISTRATOR

- Create content and/or design and post on Facebook with links to Town website including, but not limited to:
    - Notice: Procedures for Amherst Town Council May meeting
    - Notice: DMV to go service at Town Hall
    - Notice: Trash Can Ordinance
    - Notice: First Responders Parade
- Share links to community news and events; Monitor feedback.

ZONING ORDINANCE RECODIFICATION

Redline proof for discussion purposes

BANNER PERMIT

Emails with VDOT re pole banners

OTHER:

- Convert and post audio meeting recording to website
- Prepare legal ads; correspond with News and Advance re publication; post public hearing notices
- Correspond with BZA re potential meeting dates
- Contact Municode re inclusion of ordinance not yet codified
- Research new website calendar plugins
- First Responder's Parade: Prepare flyer; revise parade entry form
- Miscellaneous phone calls, correspondence; miscellaneous research.
- Prepare miscellaneous purchase orders.

Town of Amherst Committees – May 30, 2022, Update; See Attached.

Town of Amherst Committees as of MAY 30, 2022

Appointed/Term Expires

TOWN COUNCIL

D. Dwayne Tuggle, Mayor	01/01/19	12/31/22
Rachel A. Carton, Vice	01/01/21	12/31/24
Kenneth S. Watts	01/01/19	12/31/22
Sharon W. Turner	01/01/21	12/31/24
Andra A. Higginbotham	11/11/21	2022 special election (2024 term)
Janice N. Wheaton	11/12/19	12/31/22

PLANNING COMMISSION

June Driskill, Chairperson	05/13/20	06/30/24
Janice N. Wheaton	01/01/21	12/31/22 (TC rep)
William Jones	07/01/19	06/30/23
Nathaniel Holden Case	11/11/21	11/10/25
John Kendrick Vandervelde	07/01/22	06/30/26
Clifford Hart	07/01/19	06/30/23
Anne Webster Day	07/01/22	06/30/26

BOARD OF ZONING APPEALS

June Driskill	11/13/20	08/31/25
Ed Carton	09/01/19	08/31/24
Teresa Tatlock	11/11/21	08/31/26
Marvin Hensley	08/31/17	08/31/22
R.A. "Tony Robertson	01/13/21	08/31/23

ECONOMIC DEVELOPMENT AUTHORITY

Clifford Hart	07/01/19	08/31/23
Sharon Watts Turner	07/01/22	06/30/26
Aaron H. Mahler	07/01/21	06/30/25
Jacob Bailey	07/01/20	06/30/24
Manly Rucker	07/01/21	06/30/25
Kim Odell Stein	07/11/18	06/30/22
Richard Wydner	07/01/19	06/30/23

PROPERTY MAINTENANCE INVESTIGATION BOARD

C. Manly Rucker, III	05/13/20	06/30/24
Bessie H. Kirkwood	07/01/22	06/30/26
Glenda Hash	05/13/20	06/30/24

CENTRAL VIRGINIA PLANNING COMMISSION/MPO

D. Dwayne Tuggle	01/01/21	12/31/22
Sara Carter	01/01/21	12/31/22

Appointed/Term Expires

CENTRAL VIRGINIA TRANSPORTATION COUNCIL (MPO)

D. Dwayne Tuggle	01/01/21	12/31/22
Sara E. Carter	01/01/21	12/31/22

TOWN/SWEET BRIAR SEWER USE ADVISORY COMMISSION

Andra Higginbotham	01/01/22	12/31/22
Kenneth S. Watts	01/01/21	12/31/22

TOWN COUNCIL COMMITTEES (FOR THE 01/01/21-12/31/22 TERM)

FINANCE COMMITTEE

Rachel A. Carton (Chairman) and Sharon W. Turner

- Monitor the budget development process.
- Review accounting procedures, budgets, and bookkeeping activities.
- Interface with auditors.

UTILITIES COMMITTEE

Kenneth S. Watts (Chairman) and Andra A. Higginbotham

- Monitor the development and construction of capital improvement projects.
- Review proposed utility system upgrades and extensions.
- Interface and assist developers in coordinating Town policies with proposed new developments.

TOWN HALL MEETING ROOM REHABILITATION AD HOC COMMITTEE

Rachel Carton (Chairman) and Sharon Turner

- Oversee and monitor rehabilitation and refurbishment

TOWN OF AMHERST
DEPARTMENT OF PLANTS
MONTHLY PRODUCTION AND OPERATIONAL REPORT
May -- 2022

SUBMITTED BY: **GARY S. WILLIAMS, DIRECTOR OF PLANTS**
SUBMITTED ON: **Thursday, June 2, 2022**

Grandview Water Filtration Plant,

Work continued throughout the month on the pumps, motors, and piping in the lower floor pump gallery. All three finished water pumps have been installed along with their associated check and isolation valves (Picture 1).

Picture 1

The new backwash pump and associated plumbing have also been installed (Pictures 2&4). Because of the original 1950 design redundancy, at no time during the pumps and motors change was staff left without the ability to pump water to the distribution system or backwash filters. That design was kept in the new upgrade with new piping and valves installed.

Picture 2

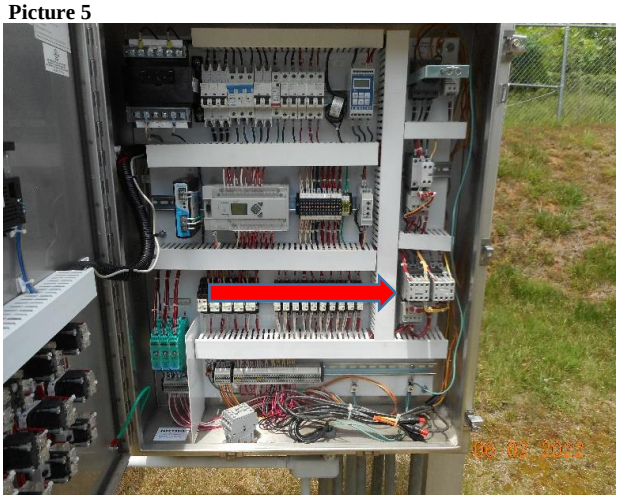
Picture 3

Repair Work At Rutledge Creek WWTP on Step Screen,

The raw influent step screen at wastewater had started tripping off. Plant staff reviewed the mechanical operation of the screen and could not find a cause (Picture 4). Staff reached out to Hubber Technologies, the original supplier, and was quoted over $5,000.00 for a diagnostic site visit. Staff chose to reach out to Electric Motor Shop, which offered a free diagnostic site visit. The problem was not mechanical but electrical. The controller (Picture 5) had a faulty auxiliary contact. The parts quote was $82.50. The parts have arrived, plant personnel has installed the contact, and the step screen is running normally.

Picture 4

Picture 5



Utility/Town Maintenance and Construction Report

May-22

Water Meter Read	1150
Water Meter Re-Read	57
Disconnects	16
VA-811 Service locations	32
Vehicle PM Work Orders	22
Pump Station/Plant Work Orders	35
Banners Installed/Dismantled	0
Water Services Installed/Replaced	6
Sewer Services Installed/Replaced	4
Minor Leaks Repaired	4
Major Leaks Repaired	1
Minor Sewer Problems Resolved	3
Major Sewer Problems Resolved	2

Man Hours

Meter Reading	126
Street/Sidewalk Maintenance	310
Safety Training	6
Bush gogging/ Right of way water/ sewer	55
Flushing Water	3
Equipment Maintenance	80
Xmas decorations	0

Major Issues & Comments

Routine/Annual Work	Projects/Unusual Work
Service Work Orders	Locating Un-marked/Unknown Water & Sewer System Assets
Meter Reading	Continue Safety and Shop/Yard Clean-up
Prev-Maint Work Orders	Staff has been working on finding water valves and addressing issues
Disconnects	Working on clearing water right of ways.
Re-connects	
Flushing Program	
in Select Locations	

UTILITIES COMMITTEE
MINUTES

February 10, 2022
6:00 pm

Attendees: Kenneth Watts and Andra Higginbotham
Staff: Sara Carter

The committee met to discuss having pole banners on electric poles in Town to honor veterans. Staff reported that APCO and VDOT are both amenable to the idea, but that the Town needs to make a proposal for the size, shape and location of the banners before a permit can be granted.

The committee requested that staff check how many poles are used for the Christmas lights and determine if this is adequate. They further asked that staff check with the County on the size of the Madison Heights banners.

The committee would like to work for installation next year, from Memorial Day to Veterans Day and keep the banners for use for multiple years.

The banners were suggested to say, “Amherst Proudly Supports” with the name and branch displayed. The committee suggested that veterans be required to show their DD-214 to confirm that they were honorably discharged.

The committee adjourned at 5:24 pm.

Town of Amherst
Board of Zoning Appeals

A meeting of the Town of Amherst Board of Zoning Appeals was called to order by Vice Chairman Edward Carton at 7:00 PM on May 16, 2022, in the Council Chambers of the Town Hall at 174 S. Main Street.

The Chair noted that a quorum was present as follows and asked for a moment of silence.

P	Edward Lawrence Carton	P	June Driskill
A	Marvin Hensley	P	R. A. "Tony" Robertson
P	Teresa Tatlock Stinson		

Town Manager Sara McGuffin, and Clerk of Council Vicki Hunt, were also present.

Mr. Carton made a motion that was seconded by Ms. Stinson to dispense with the reading and approve the minutes from the April 4, 2017, meeting.

There being no discussion, the motion to approve the April 4, 2017, minutes carried 4-0 according to the following:

Aye	Edward Lawrence Carton	Abstain	June Driskill
Absent	Marvin Hensley	Aye	R. A. "Tony" Robertson
Aye	Teresa Tatlock Stinson		

Mr. Carton asked Town Manager McGuffin to chair the meeting during the election of officers. Ms. Stinson nominated Mr. Carton to be Chairman. There being no other nominations, the Board voted 4-0 to elect Mr. Carton Chairman by acclamation as follows:

Aye	Edward Lawrence Carton	Aye	June Driskill
Absent	Marvin Hensley	Aye	R. A. "Tony" Robertson
Aye	Teresa Tatlock Stinson		

Town Manager McGuffin asked for nominations for Vice Chairman. Ms. Stinson entered her name for election as Vice Chairman. There being no other nominations, the Board voted 4-0 to elect Ms. Stinson Vice Chairman by acclamation as follows:

Aye	Edward Lawrence Carton	Aye	June Driskill
Absent	Marvin Hensley	Aye	R. A. "Tony" Robertson
Aye	Teresa Tatlock Stinson		

Ms. Stinson nominated Town Manager McGuffin to be the Board's Secretary. There being no other nominations, the Board voted 4-0 to elect Ms. McGuffin Secretary by acclamation as follows:

Aye	Edward Lawrence Carton	Aye	June Driskill
Absent	Marvin Hensley	Aye	R. A. "Tony" Robertson
Aye	Teresa Tatlock Stinson		

Variance Application Review: T&T Investments, Inc. – Property Located on Address TBD Sunset Drive, between 184 and 204 Sunset Drive

Town Manager/Secretary McGuffin provided a report on a variance application as follows:

T&T Investments, Inc., owner Troy Cash, and their agent Trevor Gillespie, has applied for a variance to allow construction of a single-family home for property located between 184 and 204 Sunset Drive (TM# 95-3-B-11), zoned Limited Residential District R-1.

The application pertains to use of existing vacant lot for the construction of a new single-family home on an existing non-conforming lot. It is the desire of the property owner to remedy issues regarding the existence of a corner of a neighbor's existing septic drain field on a small portion of the lot between 184 and 204 Sunset Drive which would require a lot reconfiguration. If approved:

1. The reconfiguration of the non-conforming lot would be allowed.
2. The size provision found in Sec.18.1-802, minimum lot area, from 20,000 square feet to 17,424 square feet would be allowed.

Code section 18.1-601.01 was amended in 2018 upon a recommendation of the Planning Commission, by the Town Council, to encourage the development of non-conforming infill lots located within the Town.

The Board should pay close attention to the state law and the Town's Zoning and Subdivision Ordinance in addition to the testimony during the required public hearing. Three affirmative votes by Board members will be required to approve this request. Town Code §18.1-1006.05 indicates that "substantially the same petition affecting the same land shall not be considered within any twelve (12) month period."

Trevor Gillespie, Realtor and Agent for Applicant/Property Owner Troy Cash came forward to explain the application and answer questions.

Applicant/Property Owner Troy Cash and Applicant Thomas Hill, President of T & T Investments were present to answer questions.

Chairman Carton opened a duly advertised public hearing at 7:25 P.M. on the Application for Variance submitted by T&T Investments, Inc. for property located on address TBD Sunset Drive, between 184 and 204 Sunset Drive. (TM# 95-3-B-11, zoned Limited Residential District R-1).

Shah Kanev, 204 Sunset Drive, Amherst, VA, came forward in opposition expressing her belief that if the variance is approved the proximity of a new construction on the subject property to her adjacent house would cause depreciation and raise privacy issues.

Andrey and Katerina Sunstev, 193 Sunset Drive, Amherst, VA, by letter opposed approval of the requested variance.

Joan C. Smith, 206 Sunset Drive, Amherst, VA, came forward in opposition and referred to subdivision restrictions pertaining to side yard set-back lines.

Shannan Carter, 184 Sunset Drive, Amherst, VA, came forward in opposition to the requested variance expressing her belief that new construction would be too close to her adjacent property.

William Carter, 184 Sunset Drive, Amherst, VA, came forward in opposition to the requested variance, referring to Health Department documents with a sketch of the drainage field.

Edgar Kinnear and Telia Jones Kinnear, 201 Sunset Drive, Amherst, VA, by letter, opposed approval of the requested variance expressing their belief that two drainage fields would be too close together.

Rob Bouldin, 224 Sunset Drive, Amherst, VA, came forward in opposition expressing his belief that approval of the requested variance would fundamentally alter and cause damage to the character of that section of the neighborhood.

Amy Dawson, 203 Sunset Drive, Amherst, VA, came forward in opposition expressing her belief that approval of the variance would contribute to depreciation of neighboring houses.

Bill Dawson, 203 Sunset Drive, Amherst, VA, came forward in opposition of approval of the requested variance.

Svet Kanev, 204 Sunset Drive, Amherst, VA, came forward in opposition of approval of the requested variance.

There being no one else present who wished to speak, the public hearing was closed at 8:14 P.M.

Chairman Carton recessed the meeting at 8:15 PM.

The meeting reconvened at 8:21 PM. It was noted that a quorum was present as follows:

P	Edward Lawrence Carton	P	June Driskill
A	Marvin Hensley	P	R. A. “Tony” Robertson
P	Teresa Tatlock Stinson		

Upon applicant’s request, the matter was deferred for 30 days to the next meeting of the Board of Zoning Appeals upon motion of Mr. Carton, seconded by Ms. Stinson, and carried 4-0 as follows:

Aye	Edward Lawrence Carton	Aye	June Driskill
Absent	Marvin Hensley	Aye	R. A. “Tony” Robertson
Aye	Teresa Tatlock Stinson		

There being no further business, the meeting was adjourned at 8:27 P.M.

_____
Edward Carton, Chairman

ATTEST: _____
Secretary

TOWN OF AMHERST
PROPERTY MAINTENANCE INVESTIGATION BOARD
MINUTES
MAY 26, 2022
5:15 PM

A meeting was called to order by Town Manager Sara McGuffin on May 26, 2022, at 5:15 PM in Council Chambers of Town Hall, 174 S. Main Street, Amherst, VA. It was noted that a quorum was present as follows:

A	Glenda Hash	P	C. Manly Rucker
P	Bessie H. Kirkwood		

Town Manager Sara E. McGuffin, in her capacity as Secretary to the Committee was present.

Glenda Hash arrived at the meeting.

After a report by Town Manager McGuffin and discussion, Mr. Rucker made a motion to find that property in the Town of Amherst located at 316 N. Main Street is neglected property and should be mowed by town staff due to high weeds, as recommended by Town Manager. There will be lien placed on the property for the compensation of the cost.

The motion carried 3-0 as follows:

Glenda Hash	Aye
Bessie H. Kirkwood	Aye
C Manly Rucker	Aye

After a report by Town Manager McGuffin and discussion, Mr. Rucker made a motion to recommend that the Council require demolition of a property located in the Town of Amherst. The property is condemned and deteriorating and is located at 172 Depot Street.

The motion carried 3-0 as follows:

Glenda Hash	Aye
Bessie H. Kirkwood	Aye
C Manly Rucker	Aye

The meeting adjourned at 5:33 pm.

Robert E. Lee Soil & Water Conservation District
7631-A Richmond Hwy.
Appomattox, VA 24522
Phone 434-352-2819 FAX 434-352-9405
www.releeconservation.com

Board of Directors Regular Meeting Minutes
The Spring House Restaurant
9789 Richmond Hwy
Lynchburg, VA 24504
April 28,2022 – 6:00 p.m.

Directors:	Jeff Floyd, Chairman
(Present)	Brandon Schmitt, Assistant Chairman
	Doug Perrow, Treasurer
	Chad Barrett, Assistant Treasurer
	Charles Smith
	Joetricia Humbles
	Bonnie Swanson
	Bruce Jones
Directors:	Brandon Payne
(Absent)	Karen Angulo
Staff/Partners:	Jonathan Wooldridge, RELSWCD District Manager/Sr. Ag BMP Cons. Spec.
(Present)	Mark Hollberg, CDC, DCR Conservation District Coordinator
	Cindy Miller, RELSWCD Office Administrator
	Lauran Campbell, RELSWCD Conservation Education Specialist
	Kelly Burke, NRCS District Conservationist
	Charles Falwell, Timberlake WID
Others:	Kelly Hitchcock, CVPDC

Call to order: The regular meeting of the Robert E. Lee Soil and Water Conservation District Board of Directors was called to order April 28, 2022, at 6:00 p.m., by Jeff Floyd, Chairman, at The Spring House Restaurant, 9789 Richmond Hwy, Lynchburg, Virginia.

Acknowledgement of Guests: Kelly Hitchcock, CVPDC

Adopting the Agenda: Jeff Floyd, Chairman, asked if there were any changes to the agenda. M**otion was made to approve agenda as listed. Approved (Perrow, Schmitt passed 8/0)**

Reading and Approving of the March 24, 2022 Minutes: Jeff Floyd, Chairman, asked if there were any corrections to the minutes (copy filed with the minutes). **Motion was made to approve the minutes as presented. Approved (Perrow, Smith passed 8/0).**

REPORT OF OFFICERS/PARTNERS/STAFF

1-Treasurer's Report – March 2022 –Doug Perrow, Treasurer, gave the Treasurer's report (copy filed with minutes). Cost Share and Operation Savings bank statements were reconciled to the checkbook and QuickBooks program. The Operations Checkbook had a variance of $3700.07 due to fraudulent activity by someone in CT. Advised Board that Truist Bank has filed a fraud report and is hoping to reimburse us for the loss. Appomattox County Sherriff's Department was also called. The March 2022 Treasurer's report will be filed in the District Office. If any updates are received, they will be reported promptly to the Board of Directors.

Kelly Hitchcock, CVPDC was reintroduced to the Board and discussed the Buffer & Boats Field Day event being held on May 26, 2022 from 8:45 am to 3 pm at River edge Park in Lynchburg Va. Kelly asked that the Board of Directors share the information for the event and share her flyers. Lauran will post flyer on our Facebook page and at the office.

2-DCR Conservation District Coordinator Report - Mark Hollberg, CDC gave the April 2022 report. (Copy filed with minutes).

Administration:

Third quarter reports are due in my office Friday, April 15.
Reminders of deliverables in the operational grant with DCR:
Review strategic plan (at least once/year) and annual plan (at least twice/year) - document in minutes

Conduct timely employee evaluations and review personnel policy
Review employee position descriptions and performance expectations
Prepare FY23 annual plan of work (board approval in June)
Prepare an FY22 annual report (expected completion in August or September)
Review *Desktop Procedures for District Fiscal Operations* - document in minutes
Helpful to also do an annually review all district policies (purchasing policy, credit card policy, etc.)

VACS:

Before SL-8B and SL-8H practices receive payment or tax credit: Producers must be fully implementing a current nutrient management plan prepared and signed by a certified nutrient management planner. The plan must address all agricultural production acres contained within the field that contain the cover crop acreage. **Cost-Share payments or Tax Credits cannot be issued until a current nutrient management plan is on file with the SWCD.**
Review carry-over procedures on pages II-41 to 44 in the VACS manual. Board action carrying over this year's eligible bmps is needed before the end of this fiscal year. Notify Blair Gordon by **May 13** of any bmps needing DCR approval prior to district approval.
Secondary considerations should be in development soon for submission no later than June 30 to the Ag Incentives Program Manager for review. Secondary considerations (vetted by DCR) and average BMP component cost lists need to be approved by district boards before any 2023 VACS contracts are approved.

As of the March 23 meeting, the **State Board approved** a recommendation from the Audit Subcommittee to require reimbursement to DCR for any paid practice (after July 1, 2022) found during CDC reviews, audits or verification checks to have been issued without all necessary signatures in place on parts 1, 2, and 3 of the contracts. This reimbursement will include both the cost-share and technical assistance funds associated with the contract.

Miscellaneous:

Matt Wells started March 21 as DCR director. **Travis Voyles** has been appointed as Acting Secretary of Natural and Historic Resources.
Temporary OAG contact: Michael A. Jagels, 804/225-4878, MJagels@oag.state.va.us

General Assembly veto session April 27

Meeting attended and future meeting are on file.

3-USDA Natural Resources Conservation Service Report – Kelly Burke, NRCS District Conservationist gave the April 2022 report. (Copy filed with minutes)

Program Updates/ Deadlines:

May 13	Ending of the CRP Grassland sign-up
May 27	CSP Classic Ranking Deadline
May 27	Local Work Group Meeting Minutes due
June 3	EQIP-CIC Ranking Deadline
June 3	CSP Classic Preapproval Selections
July 8	2022 FSA Compliance Review Due
Aug 30	EQIP – CI Obligation Deadline
Sept 16	Classic Obligations
Sept 30	CRP contacts expiring Status Reviews Deadline

Environmental Quality Incentives Program (EQIP)
- EQIP Contracts: 23
- EQIP Applications: 28
- EQIP-CIC Applications: 3

Conservation Stewardship Program (CSP)
- Classic Contracts: 6
- Classic Applications: 7
- Renewals Contracts: 7
- Renewals Applications: 9
- GCI Contracts: 28

Agricultural Conservation Easement Program (ACEP)
- None at this time

Conservation Reserve Program/Conservation Reserve Enhancement Program (CRP/CREP)
- FY2022
    - Expiring Continuous CRP: 1
    - Expiring General CRP: 6
    - Expiring CREP: 15

- FY2023
    - Expiring Continuous CRP: 0
    - Expiring General CRP: 6
    - Expiring CREP: 12
- FY2022 General Applications: 0
- Conservation Technical Assistance
    - None at this time

BMP Projects/ Partnership Activities

- None at this time

Other Collaborations/ Key Interactions Benefitting Districts

- None at this time

Local Working Group/ Public Meetings

- LWG Meeting held on 4/28/2022
- LWG Meeting Minutes Due: 5/27/2022

Outreach/ Agency Activities/ Events (dates)

- April 27- Brookville High School Reality Store

Trainings are on file

VA NRCS Operational/ Personnel Changes

- Rustburg FSA CED: Dallas Vermillion

4-Virginia Department of Forestry Report – Rick Butler, Appomattox Forester –April report (copy filed with minutes).

Planted 22 tracts for 853 acres
Planted 4 tracts for 22.5 acres under The James River watershed project
All tracts were eligible and received cost share
Delivered 31 talks to Appomattox Primary School for Little Farmer's Day which was fantastic due to the absence of Smokey over the past two years due to Covid. The students learned about Tree Farming and Fire prevention and finished with promising to be a helper and were allowed to shake Smokey's paw.
Conducted the Forestry event for the Envirothon at Holiday Lake 4-H center
In process of evaluating tracts in need of release from Hardwood competition and those needing Site preparation before being planted

5-Virginia Cooperative Extension Report – Bruce Jones, Appomattox VCE Agent – gave the April 2022 report (Copy filed with minutes).

Upcoming events:

1. Central Virginia Livestock Show and Sale – Friday May 6 for Swine and Saturday May 7 for cattle, sheep and goats. Swine show starts at 5:30 pm and runs till around 8 pm on Friday. Saturday starts with cattle at 9 am and the market animal sale is at 7 pm. Event held at the Lynchburg Livestock Market located at 243 Livestock Rd, Lynchburg, VA 24501.
2. Learn how to Build a Custom Website program – focused on farmer direct marketers and farmers market sellers – Appomattox campus of Central Virginia Community College – May 24, 2022 10 till 3. See attached brochure
3. Well Water (drinking water) testing Program – Collection on June 15 at Extension offices
    a. Appomattox, Campbell, Amherst, Lynchburg and Bedford participating
    b. $60 fee
    c. bacteria, lead, copper, arsenic, iron, manganese, pH, hardness, sodium, sulfate, fluoride, and nitrate will be measured
4. Central Virginia Farm Tour – June 26 – 1-6pm
5. Southern Virginia Precision Agriculture and Farm Efficiency Grant – funded by the Virginia Tobacco Commission – Appomattox and Campbell counties included
    a. Items covered include precision agriculture equipment, hay barns, vegetable focused equipment, etc.
    b. 1/3 cost share program up to $5,000 reimbursement

6-RELSWCD District Manager/Sr. Ag BMP Conservation Specialist Report: Jonathan Wooldridge gave the April report (copy filed with minutes).

Practices and Conservation Plans for Board Approval:

Contract	Instance	Co.	Est. Cost	CS amt.	Comp/Date	Funding Source	Practice/ Ranking

10-22-0028	**474359**	**AM/CB**	**$110,475.00**	**$118,743.00 Includes Buffer Payment: $8,268.00**	**June 30, 2023**	**PY22 CB VACS**	**SL-6W/115**
10-22-0029	**475045**	**AP/CB**	**$108,925.00**	**$119,953.00 Includes Buffer Payment: $11,028.00**	**June 30, 2023**	**PY22 CB VACS**	**SL-6W/105**
10-22-0031	**475560**	**AP/CB**	**$80,654.50**	**$85,478.50 Includes Buffer Payment: $4,824.00**	**June 30, 2023**	**PY22 CB VACS**	**SL-6W/105**
10-22-0032	**475988**	**AM/CB**	**$80,402.25**	**$92,114.25 Includes Buffer Payment: $11,712.00**	**June 30, 2023**	**PY22 CB VACS**	**SL-6W/115**
10-22-0033	**475989**	**AM/CB**	**$120,647.10**	**$98,360.33 Tax Credit: $5,571.70**	**June 30, 2022**	**PY22 CB VACS**	**SL-1/108**
10-22-0034	**476082**	**AP/CB**	**$53,150.00**	**$58,670.00 Includes Buffer Payment: $5,520.00**	**June 30, 2023**	**PY22 CB VACS**	**SL-6W/105**
10-22-0035	**476091**	**AP/CB**	**$123,089.00**	**$135,089.00 Includes Buffer Payment: $12,000.00**	**June 30, 2023**	**PY22 CB VACS**	**SL-6W/103**
10-22-0036	**476100**	**AP/CB**	**$114,825.00**	**$125,089.00 Includes Buffer Payment: $10,680.00**	**June 30, 2023**	**PY22 CB VACS**	**SL-6W/103**
10-22-0037	**476147**	**CAM/OCB**	**$41,960.80**	**$33,470.60 Tax Credit: $2,122.55**	**June 30, 2022**	**PY22 OCB VACS**	**SL-1/98**

Motion requested to approve Practice 10-22-0028 thru 10-22-0035 approved (Perrow/Schmitt) 8/0.
6:56 Schmitt and Barrett stepped out.
Motion requested to approve Practice 10-22-0036 and 10-22-0037 approved (Perrow/ Jones) 6/0.
6:58 Schmitt and Barrett stepped out.
PY22 CB request for April: $833,913.08
PY22 OCB request for April: $33,470.60

Total PY22 CB Cost Share approved pending April approval: $1,334,243.00/ Allocated: $1,338,379.00. $4,136 remaining.
Total PY22 OCB Cost Share approved pending April approval: $531,489.00/ Allocated: $532611.00 $1,122.00 remaining
Meetings are on file.

Watershed Dams:
Watershed dams are doing well and in good shape. Checking on the dams as the rainfall events happen.

Hours/Mileage:
158hrs worked
1312 miles traveled

7-RELSWCD Conservation Education Specialist- Lauran Campbell gave her report for April 2022 (copy filed with minutes).

Education Programs:

Meetings are on file.

Date/Location	Program	# of people reached
3/29 Appomattox Schools	Enviroscape	43
3/30 Appomattox Schools	Enviroscape	41
3/31 Appomattox Schools	Enviroscape	41
4/1 Appomattox Schools	Enviroscape	18
4/6 Appomattox Library	Read & Craft	15
4/11 Boy Scouts	Erosion	11
4/12 Campbell County	Water Quality	19
4/13 Campbell County	Water Quality	22
4/14 Campbell County	Water Quality	25
4/16 Appomattox	Recycle Field Day	26
4/20 Appomattox	Kindergarten Day @ ACHS	173
4/21 Amherst Trout In Classroom	Enviroscape	50
4/22 Amherst Trout in Classroom	Enviroscape	48
4/26 Holiday Lake	Area V Envirothon	80
4/27 Campbell County	Reality Store	100

Future Programs:
4/30 City of Lynchburg Wrap up Event @ Riverfront Park
5/2 Amherst- Water Quality
5/4 Appomattox Homeschool- Enviroscape
5/11 Training for Camp Wild Life
5/12 Class Day @ Amherst High School 6pm (if needed)
5/14 JRSP – Pollinator mask
5/19 Class Day @ Appomattox High School 9am (if needed)
5/20 Appomattox Christian Academy @ JRSP Macroinvertebrates
5/21 Herbal Day @ Evergreen Lavender Farm, Rain Garden
5/26 ACA Soil Babies

8-RELSWCD Office Administrator Report – Cindy Miller gave the April report (copy filed with minutes).

Monthly duties are kept up to date.

- Distributed the approved minutes from the February 24, 2022 Board of Directors meeting.
- Draft minutes for the March 24, 2022 RELSWCD Board of Directors meeting were prepared and distributed for review.
- Prepared the March 2022 Treasurer's and Budget reports and forwarded them to Doug Perrow Treasurer. Fraud on account of $3700.07. Truist Bank is investing and a reimbursement is expected. Report off stolen funds reported to the Appomattox Sheriff's Department.
- Opened new checking account and currently no online account is open.
- Updated new checking account with payroll, IRS, VA Retirement, Virginia Department of Taxation and Virginia Employment Commission.
- Reconciled the bank statements (3), checkbook, QBs and multi-funded account balances.
- Ran the Budget to Actual Expense report monthly and year to date and reviewed for errors.

- Payroll summary (monthly) and general ledger for the month reviewed for accuracy, each month.
- Processed the Monthly payroll, taxes, and retirement.
- Prepared the draft agenda for the April 28, 2022 regular Board of Directors meeting and forwarded for review.
- Ran Quarterly reports & submitted Completed Attachment E to CDC
- Assisted with Budget & Finance and Personnel Committee Meetings.
- Assisted Lauran with Recycle Field Day April 16th and other activities as needed.
- Assisted with Area V Envirothon on April 26th at Holliday Lake State Park.
- Meet with Nathan Simpson about questions on our website. Quote to be provided for his company to take over as our email server.

Motion request: To approve the updated Robert E Lee SWCD Travel Expense Policy with updates provided by Blair Gordon with DCR and per the Audit Subcommittee with VASWCD. Approved (Schmitt/ Barrett) 8/0.

Meetings are on file.

Our next Board of Directors meeting will be on Thursday May 26, 2022.

9. Timberlake WID –Charles Falwell stated that the Timberlake WID project is now complete. Mr. Lockridge to work with VDOT to fix run off issue.

REPORT OF COMMITTEES –

Education Committee- Notes reviewed with Board of Directors. Motion made to approve Ella Lewis and Andrew Gallier to receive the Robert E Lee SWCD $2000 each Scholarships, Approved (Schmitt, Swanson) 8/0. Motion made to approve Ella Lewis to be submitted to the VASWCD for consideration of the State level Scholarship. Approved (Schmitt, Jones) 8/0.

Personnel Committee- Motion to approve all. Copy on file. Approved (Perrow, Schmitt) 8/0.

Budget & Finance Committee- Motion to approve all as presented. All policies and desk top procedures. Copy on file. Approved (Schmitt, Smith) 8/0.

UNFINISHED BUSINESS- Joetricia Humbles stated she will not be extending her At-Large position. Board Action will need to be taken by the July 2022 meeting. Motion made to advertise the At-Large position on social media. Approved (Perrow, Schmitt) 8/0.

Discussion of the letter received by Blair Gordon in reference to Audit Subcommittee. Jeff Floyd left copy for the Directors to read.

NEW BUSINESS- None

PUBLIC COMMENT - None

ANNOUNCEMENTS – None

ADJOURNMENT - The Chairman adjourned the meeting at 7:37 p.m. **Approved (Barrett, Schmitt passed 8/0)**

_____ _____

Jeff Floyd, Chairman Cindy Miller, Office Administrator