

AN ORDINANCE TO AMEND AND REORDAIN SECTION(S)
18-481 AND 18-483 OF THE SOUTHAMPTON COUNTY CODE
AS IT RELATES TO THE APPOINTMENT AND RULES AND REGULATIONS
OF THE BOARD OF ZONING APPEALS

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, amended to read as follows:

1 **Sec. 18-481. Appointment; composition; compensation, term of office and removal of members;**
2 **conflicts of interest; officers.**

3 (a) A board of zoning appeals consisting of seven (7) members who are residents of the county shall be
4 appointed by the circuit court of the county. *Each member shall, upon appointment or reappointment, before*
5 *entering upon his or her duties, take and subscribe the general oath prescribed by Section 49-1 of the Code of*
6 *Virginia.* The board shall serve without pay other than for traveling expenses, and members shall be removable
7 for cause upon written charges and after public hearing. Appointments for vacancies occurring otherwise than
8 by expiration of term shall in all cases be for the unexpired term. *At the request of the board of supervisors,*
9 *the circuit court may appoint not more than three alternates to the board of zoning appeals. The*
10 *qualifications, terms and compensation of alternate members shall be the same as those of regular members. A*
11 *regular member when he knows he will be absent from or will have to abstain from any application at a*
12 *meeting shall notify the chairman twenty-four hours prior to the meeting of such fact. The chairman shall*
13 *select an alternate to serve in the absent or abstaining member's place and the records of the board shall so*
14 *note. Such alternate member may vote on any application in which a regular member abstains.*

15 (b) The term of office shall be for five (5) years.; ~~except that the first term of the sixth and seventh~~
16 ~~members appointed shall be for a term of five (5) years and four (4) years respectively. One (1) of the seven (7)~~
17 ~~members may be an active member of the planning commission. Members may be reappointed to succeed~~
18 ~~themselves. Members of the board shall hold no other public office in the locality except that one may be a~~
19 ~~member of the planning commission.~~

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

22 (d) The board shall choose annually its own chairman and vice-chairman who shall act in the absence of
23 the chairman.

24 **Sec. 18-483. Adoption of rules and regulations; meetings.**

25 (a) ~~The board of zoning appeals shall adopt such rules and regulations as it may consider necessary~~ *may*
26 *make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and*
27 *general laws of the Commonwealth.*

28 (b) ~~The meetings of the board shall be held at the call of its chairman or at such times as a quorum of the~~
29 ~~board may determine~~ *The board by resolution may fix a schedule of regular meetings, and may also fix the day*
30 *or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to*
31 *act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the*
32 *meeting. Such finding shall be communicated to the members and the press as promptly as possible. All*

33 *hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting*
34 *and no further advertisement is required.*

35 (c) The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance
36 of witnesses.

37 ~~(d) The board shall keep minutes of its proceedings, showing the vote of each member upon each~~
38 ~~question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other~~
39 ~~official actions, all of which shall be immediately filed in the office of the board and shall be a public record~~
40 *The board shall keep a full public record of its proceedings and shall submit a report of its activities to the*
41 *board of supervisors at least once each year.*

42 (e) All meetings of the board shall be open to the public.

43 (f) ~~A quorum shall be at least four (4) members.~~ *For the conduct of any hearing, a quorum shall be not*
44 *less than a majority of all the members of the board.*

45 ~~(g) A favorable vote of a majority of the membership of the board shall be necessary to reverse any order,~~
46 ~~requirement, decision or determination of an administrative official or to decide in favor of the applicant on any~~
47 ~~matter upon which the board is required to pass. Except for appeals described in paragraph (h) herein below,~~
48 *actions of the board shall be valid if authorized by a majority vote of those present and voting.*

49 (h) *The concurring vote of a majority of the membership of the board shall be necessary to reverse any*
50 *order, requirement, decision or determination of an administrative officer or to decide in favor of the*
51 *applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from*
52 *the ordinance.*

53

54 For state law authority, please see § 15.2-2308 et seq. of the 1950 Code of Virginia, as amended.

A copy teste: _____, Clerk
Southampton County Board of Supervisors
Adopted : September 26, 2011

MEMORANDUM

TO: Michael Johnson, County Administrator
FROM: Beth Lewis, AICP, Community Development Director *BL*
DATE: September 20, 2011
RE: Amendments to Sec. 18-483 of the Municipal Code regarding the Board of Zoning Appeals

At their regular meeting on September 8, 2011, the Planning Commission unanimously recommended approval of the proposed amendments to the Municipal Code regarding the composition and rules governing the Board of Zoning Appeals as was presented to the Board of Supervisors at their August meeting. The minutes from the Planning Commission meeting are attached.

At a regular meeting of the Southampton County Planning Commission held in the Board Room of the Southampton County Office Center at 26022 Administration Center Drive, Courtland, Virginia on September 8, 2011 at 7:30 PM

COMMISSIONERS PRESENT

- Dr. Alan W. Edwards, Chairman
- Ira H. "Pete" Barham, Vice-Chairman
- Douglas A. Chesson
- Michael G. Drake
- Freeman J. Harrell
- Dallas O. Jones
- J. Michael Mann

COMMISSIONERS ABSENT

- Oliver Parker
- Keith Tennessee

OTHERS PRESENT

- Beth Lewis, Director of Community Development (Secretary)
- Richard E. Railey, Jr., County Attorney
- Cynthia J. Edwards, Administrative Secretary

Chairman Edwards called the meeting to order.

Chairman Edwards sought approval of the minutes of the August 11, 2011 meeting.

Commissioner Barham moved, seconded by Commissioner Jones, to approve the minutes as presented. All were in favor.

Chairman Edwards welcomed everyone and advised that they would make a recommendation on each item discussed to the Board of Supervisors who had the final legal say. Chairman Edwards asked that each one who approached the podium to state their name and address. Chairman Edwards stated that the Commission had set aside a time at the end of the meeting if anyone wanted to address issues or make public comments.

Chairman Edwards stated that there were several public hearings tonight. Chairman Edwards read the proposed amendment:

An ordinance amending and reordaining Chapter 18 of the Southampton County Code as it relates to the keeping of livestock on land zoned residential.

The ordinance to be considered is as follows:

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia, that the Southampton County Code be, and hereby is, amended to read as follows:

Add Sec. 18-127(16.1) and 18-177(16.1)

Sec. 18-127(16.1) Livestock, with a Conditional Use Permit

Sec. 18-177(16.1) Livestock, with a Conditional use Permit

Delete Sec. 18-450

~~Sec. 18-450. Keeping livestock on land zoned residential.~~

~~(a) In all subdivisions containing a minimum of six (6) lots and having lots with areas of less than one (1) acre, the plats of which have been recorded since January 1, 1968, it shall be unlawful for any person, owner, lessee or occupant to keep upon such lot any livestock. For the purposes of this section, the word "livestock" shall include, but is not limited to, hogs, cattle, sheep, goats, poultry, fowl, mules, horses and ponies.~~

~~(b) In those areas exempted above, upon which livestock were and continue to be kept, such livestock may remain; provided, that the number of livestock does not increase above the number certified as existing on the property on or before January 1, 1984, and the livestock are not objectionable because of dust, noise, odor, unsanitary conditions or damage to other properties in the area and/or are not allowed outside the area of confinement. A violation of any of the foregoing shall constitute a violation of this chapter.~~

~~(c) All owners of "livestock," as herein defined, shall submit to the zoning administrator's office information pertinent to the particular "livestock," on a form provided by the zoning administrator, on or before July 1, 1984. The zoning administrator shall keep all information submitted under this section on file in his office. (Ord. of 6-18-90, § 19-15.5)~~

Chairman Edwards then asked if there were any questions or if anyone wanted to address the board.

Ash Cutchin of 29018 Darden Point Road, Courtland, VA 23837 addressed the board. Ash brought up the situation with the Pitts animals and stated that if they add the word "All" that would take care of the problem. At any rate Ash stated he was glad they were going to make some kind of change. He also stated there is no provision for a fence provided.

Beth Lewis stated that the regulations only affect the unincorporated areas in the county.

Richard Railey stated that the permit allows the board to come up with a fencing requirement.

Ash Cutchin said adding the word "appropriate" would take care of that.

Glenn Updike of 33335 Statesville Road, Newsoms, VA 23874 addressed the board. Glenn stated that there are cities allowing chicken coops in the areas. He asked what was considered livestock. He stated he thought the county should be more lenient instead of insisting that the people be required to get a livestock permit because folks could not afford to get a \$500.00 livestock permit when they needed to raise chickens for the eggs.

Beth Lewis stated that only 1% of the county is in R1 which covers Darden Mills, Community of Sedley, Scottswood, Edgehill, some on Flaggy Run Road, and Story Station in front of Food Lion.

Glenn Updike asked if Willie Johnson of Sedley would be required to get a livestock permit since he raises sheep in an R1 area.

Beth Lewis stated that if Willie Johnson had been raising sheep there since 1968 he would be grandfathered in. Beth Lewis also stated that if they get a complaint they would investigate it.

Chairman Edwards stated that he thought adding the word "livestock" and deleting 18-450 would be the best route to take. Richard Railey agreed.

Ash Cutchin asked if it would be possible to lower the cost of the permit fee maybe to \$300.00 or \$325.00.

Beth Lewis stated that the \$500.00 fee doesn't even cover the cost of running the ads in the newspaper; we are losing money with the fee being \$500.00.

There being no one else to address the board, Chairman Edwards closed the public hearing. Chairman Edwards moved that the board approve the following amendment. Commissioner Tennessee seconded the motion. It was approved unanimously. It will be passed on to the board.

Chairman Edwards stated that the next public hearing was Amendment of Sec. 18-481 of the Southampton County Code providing for the appointment of alternate members to the Board of Zoning Appeals; and Amendment of Sec. 18-483 of the Southampton County Code as it relates to the rules, regulations and meetings of the Board of Zoning Appeals.

AN ORDINANCE TO AMEND AND REORDAIN SECTION(S)
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OF THE BOARD OF ZONING APPEALS

BE IT ORDAINED by the Board of Supervisors of Southampton County, Virginia that the Southampton County Code be, and hereby is, amended to read as follows:

Sec. 18-481. Appointment; composition; compensation, term of office and removal of members; conflicts of interest; officers.

(a) A board of zoning appeals consisting of seven (7) members who are residents of the county shall be appointed by the circuit court of the county. The board shall serve without pay other than for traveling expenses, and members shall be removable for cause upon written charges and after public hearing. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term. *At the request of the board of supervisors, the circuit court may appoint not more than three alternates to the board of zoning appeals. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman twenty-four hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.*

(b) ~~The term of office shall be for five (5) years, except that the first term of the sixth and seventh members appointed shall be for a term of five (5) years and four (4) years respectively. One (1) of the seven (7) members may be an active member of the planning commission. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the locality except that one may be a member of the planning commission.~~

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

(d) The board shall choose annually its own chairman and vice-chairman who shall act in the absence of the chairman.

Sec. 18-483. Adoption of rules and regulations; meetings.

(a) ~~The board of zoning appeals shall adopt such rules and regulations as it may consider necessary may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth.~~

(b) ~~The meetings of the board shall be held at the call of its chairman or at such times as a quorum of the board may determine. The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice-chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required.~~

(c) The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

(d) ~~The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the board of supervisors at least once each year.~~

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

(f) ~~A quorum shall be at least four (4) members. For the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board.~~

(g) ~~A favorable vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass. Except for appeals described in paragraph (h) herein below, actions of the board shall be valid if authorized by a majority vote of those present and voting.~~

(h) ~~The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance.~~

For state law authority, please see ' 15.2-2308 et seq. of the 1950 Code of Virginia, as amended.

A copy teste: _____, Clerk
Southampton County Board of Supervisors
Adopted : September 26, 2011

Secretary Lewis stated that state law says we can't have over three (3) alternates.

Attorney Railey stated it is only common courtesy to notify the board if they are not going to be able to attend the meetings. Commissioner Chesson stated that it would be nice to have a 24 hour notice prior to the meeting if members are not able to attend. Commissioner Jones agreed. Beth Lewis stated that the Vice-Chairman serves in the absence of the Chairman.

Commissioner Chesson wanted to know why change the wording of the BZA. Secretary Lewis stated that we must change the wording to be in accordance with the state law.

Chairman Edwards opened the Public Hearing.

Glenn Updike of 33335 Statesville Road, Newsoms, VA 23874 addressed the board questioning the fact that if a member can't attend they should be able to decide who the alternate would be to attend in their place. By the Commissioner selecting who attends in their place they would be able to select someone who has the same ideas and feelings that they do. Beth Lewis stated that the state law requires the Chairman appoint the alternate.

Ash Cutchin asked if the Planning Commission has alternates. He feels that it should.

Chairman Edwards said he would be leery of having alternates to the Planning Commission.

Bruce Phillips of 17413 Cary's Bridge Road, Courtland, VA addressed the board. Bruce Phillips was concerned because one of the members had not been sworn in and was not able to vote at the last meeting. Attorney Railey stated the Clerk was in his office and the member was told to go to the Clerk's office and be sworn in before coming to the meeting. The member did not do so.

Chairman Edwards closed the public hearing.

Chairman Edwards made a motion that we go ahead and recommend approval. Commissioner Jones seconded. It was unamnionously approved.

Chairman Edwards called for any Unfinished Business. There was no new information on the proffer update.

Chairman Edwards called for New Business. There was none.

Chairman Edwards addressed the BZA Matters rescheduled from August 15, 2011 meeting to the September 19, 2011 meeting. Five (5) of the nine (9) sites for the canine training have been removed from the list. See list below:

BOARD OF ZONING APPEALS
NOTICE OF PUBLIC HEARING

Notice is hereby given pursuant to Section 15.2-2309 of the code of Virginia, 1950 as amended, that the Southampton County Board of Zoning Appeals will hold a public hearing on Monday, September 19, 2011 at 7:30PM in the Board Room of the Southampton County Office Center at 26022 Administration Center Drive in Courtland, Virginia, to consider the following:

- (1) Application of American K-9 Interdiction LLC, applicant, for the following property owners, for a Temporary Special Use Exception as specified in Sec. 18-482.6.B.8 of the Zoning Ordinance to operate dog training facilities.
 - a. Tax Parcel 111-26A, the former Boykins Elementary School site. The property is located at 17219 Pittman Road (US 186) and is owned by Southampton County. The property is zoned R-1, and is in the Boykins Voting and Magisterial Districts.
 - b. Tax Parcel 15-59A, the former Ivor Elementary School site. The property is located at 7486 Proctor's Bridge Road (SR 616) and is owned by Southampton County. The property is zoned R-1, Residential, and is in the Berlin-Ivor Voting and Magisterial Districts.
 - c. Tax Parcel 92-5, 26433 Crossroads Drive. The property is owned by Green Waste Recycling LLC, is zoned M-2, Industrial, and is in the Franklin Voting and Magisterial Districts.
 - d. Tax Parcel 15-43A, located at 36465 General Mahone Boulevard (US 460). The property is owned by Charles and Kathleen Clark, is zoned B-2, Business, and is in the Berlin-Ivor Voting and Magisterial Districts.

Any persons desiring to speak in favor of or in opposition to the above-referenced application are encouraged to appear and be heard at the aforementioned time and place. Any persons who may require auxiliary aids should contact Mr. Michael W. Johnson, County Administrator, at 757-653-3015 (voice) or 653-3013 (TDD), preferable seven (7) prior to the hearing.

Beth Lewis, AICP, Secretary, Board of Zoning Appeals

Commissioner Chesson brought up the Ivor/Berlin District property old junk yard property. Commissioner Chesson thought the activity might be appropriate on a 400 acre lot, but not on a 4 acre site. Commissioner Chesson wanted to know if the Board understood the proximity of location and wanted to know if board had sufficient information to make the decision. Attorney Railey said the decision had already been made and it could not be revisited.

Chairman Edwards opened the public comment period.

Glenn Updike of Newsoms, VA stated that the citizens of the county work the hardest on Heritage Day. Glenn passed out flyers on Heritage Day and encouraged everyone to come out and support them.

Chairman Edwards asked that if the board members could not make a meeting to please call Secretary Lewis to let her know. Secretary Lewis stated that four (4) members had already confirmed their attendance for the next meeting.

Chairman Edwards called for any items of interest. Commissioner Jones commented on what a great job the workers of the shelter had done to take care of folks. Commissioner Jones also thanked citizens who took their time to help with storm debris clean up (sawing and removing trees and limbs from the roads).

Bruce Phillips stated that the lines in the parking lot of the Southampton County Administrative Office need to be painted. Secretary Lewis stated that this item came under capital improvements.

Secretary Lewis introduced Cynthia Edwards who is the new Administrative Secretary.

There being no further business Chairman Edwards closed the meeting.

Dr. Alan W. Edwards, Chairman

Beth Lewis, Secretary

MEMORANDUM

TO: Planning Commission members
 DATE: June 29, 2011
 RE: Zoning Ordinance amendments

At the June 27 Board of Supervisors meeting, it was brought up that two sections of the zoning ordinance conflict. Conflicts within a zoning ordinance are not unusual. It is common that sections are revised without discovering all the sections that intersect with it. Such inconsistencies are discovered sometimes years after they are created. This is one. The Board has asked that the Planning Commission review these sections and seek to clarify the issues.

Sec. 18-127 of the zoning ordinance lists the permitted uses in the R-1, Residential, zoning district.

18-127(16) Stable, private, for keeping of horses, ponies, or other livestock for personal enjoyment and not as a business, provided that any building for keeping of animals shall be located at least one hundred (100) feet from any side or rear lot line, with a conditional use permit.

This is the section under which the Conditional Use Permit requests for chickens and miniature horses have come to this Commission and then to the Board of Supervisors for review and approval. Note that this definition and approval process is for the stable only, not the animals themselves. The permitted uses section of the RR, Rural Residential district provides likewise.

Sec. 18-450, Keeping livestock on land zoned residential, is in conflict with this provision.

18-450(a) In all subdivisions containing a minimum of six (6) lots and having lots with areas less than one (1) acre, the plats of which have been recorded since January 1, 1988, it shall be unlawful for any person, owner, lessee or occupant to keep upon such lot any livestock. For the purposes of this section, the word "livestock" shall include, but is not limited to, hogs, cattle, sheep, goats, poultry, fowl, mules, horses, or ponies.

18-450(b) In those areas exempted above, upon which livestock were and continue to be kept, such livestock may remain; provided, that the number of livestock does not increase above the number certified as existing on the property on or before January 1, 1984, and the livestock are not objectionable because of dust, noise, odor, unsanitary conditions or damage to other properties in the area and/or are not allowed outside the area of confinement. A violation of any of the following shall constitute a violation of this chapter:

18-450(c) (c) All owners of "livestock," as herein defined, shall submit to the zoning administrator's office information pertinent to the particular "livestock," on a form provided by the zoning administrator, on or before July 1, 1984.

The zoning administrator shall keep all information submitted under this section on file in his office.

So there is a conflict. The Conditional Use Permit process permits a stable upon approval of a Conditional Use Permit. Sec. 18-450, however, disallows the animals for which the stable is planned. The R-1 section of the ordinance was most recently revised in 2002, while the nonconforming section of the ordinance was most recently revised in 1990. The 2002 section of the ordinance (R-1) permits the Board of Supervisors to grant a Conditional Use Permit for a stable, while the 1990 section of the ordinance (nonconforming uses) prohibits the stable from containing any animals.

It is the staff interpretation that the more recent portion of the ordinance is the guiding factor, so the Conditional Use Permit process for the stable is the controlling process. Additionally, the livestock that were certified in 1985 for each property are probably not living any longer, so the certification process in Section (c) seems moot at this point.

Alternative 1

Delete Sec. 18-450.

~~Sec. 18-450. Keeping of livestock on land-zoned residential.~~

- ~~(a) In all subdivisions containing a minimum of six (6) lots and having lots with areas of less than one (1) acre, the plats of which have been recorded since January 1, 1968, it shall be unlawful for any person, owner, lessee or occupant to keep upon such lot any livestock. For the purposes of this section, the word "livestock" shall include, but is not limited to, hogs, cattle, sheep, goats, poultry, fowl, mules, horses and ponies.~~
 - ~~(b) In those areas exempted above, upon which livestock were and continue to be, such livestock may remain; provided, that the number of livestock does not increase above the number certified as existing on the property on or before January 1, 1984, and the livestock are not objectionable because of dust, noise, odor, unsanitary conditions or damage to other properties in the area and/or are not allowed outside the area of confinement. A violation of any of the foregoing shall constitute a violation of this chapter.~~
 - ~~(c) All owners of "livestock," as herein defined, shall submit to the zoning administrator's office information pertinent to the particular "livestock," on a form provided by the zoning administrator, on or before July 1, 1984. The zoning administrator shall keep all information submitted under this section on file in his office.~~
- ~~(Ord. of 6-18-90, § 19-15.5)~~

This deletes the prohibition against keeping livestock in the R-1 and RR zoning districts. The R-1 and RR districts require a Conditional Use Permit for the stable, and the keeping of the animals is not restricted.

Alternative 2

Add Sec. 18-127(16.1) for R-1 and 18-177(16.1) for RR

Livestock, with a Conditional Use Permit, as per Sec. 18-450.

Reword Sec. 18-450 as follows:

~~In all subdivisions on all properties with a zoning designation of R-1, Residential, and RR, Rural Residential containing a minimum of six (6) lots and having lots with areas of less than one (1) acre, the plats of which have been recorded since January 1, 1968, it shall be unlawful for any person, owner, lessee or occupant to keep upon such lot any livestock without a Conditional Use Permit as outlined in Sec. 18-511 of the Zoning Ordinance. For the purposes of this section, the word "livestock" shall include, but is not limited to, hogs, cattle, sheep, goats, fowl, mules, horses and ponies.~~

These changes clarify the issue of the stable and the livestock. By adding livestock as a permitted use with a Conditional Use Permit and retaining private stables as a permitted use with a Conditional Use Permit, the issues have been clarified. A citizen can apply for a Conditional Use Permit for the livestock OR the livestock and a stable. This would require a Conditional Use Permit for the keeping of such livestock even if a "stable" was not sought by the property owner. For example, ducks kept in a fenced pen would require a conditional use permit, even if no "stable" or housing for the ducks was sought. Since the "stable" itself is typically not the objectionable issue, this requires review of the livestock as well as the stable. Additionally, the definition of "livestock" is not required in this section, as the term is listed in the definition section of the Zoning Ordinance.

Chairman Edwards advised that he was in favor of deleting Section 18-450.

Commissioner Chesson stated that from a land use standpoint, the animals/livestock were an issue.

Attorney Railey stated there were adequate safeguards in place, should Section 18-450 be deleted. The required CUP afforded the Commission the opportunity to look at each individual request.

Commissioner Jones moved, seconded by Commissioner Chesson, to hold a public hearing on the deletion of Section 18-450 next month. All were in favor.

Moving to the public comment period, Chairman Edwards recognized Mr. Glenn Updike.

Mr. Updike expressed support for Chairman Edwards' seeking election on the Board of Supervisors.

(Note: Commissioner Mann came in at this time – 7:52 PM.)

There was some discussion among the Planning Commission regarding the lack of broadband/high-speed internet in Southampton County, and the importance of it becoming available to our citizens.

There being no further business, the meeting was adjourned at 8:50 PM.

Dr. Alan Edwards, Chairman

Beth Lewis, Secretary

pg. 1

SOUTHAMPTON COUNTY
Board of Supervisors
Notice of Public Hearing

Notice is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, 1950, as amended that the Southampton County Board of Supervisors will hold a public hearing on Monday, September 26, 2011 at 6:00 p.m., or as soon thereafter as may be heard, in the Board Room of the Southampton County Office Center at 26022 Administration Center Drive in Courtland, Virginia to consider the following:

1. Amendment of Sec. 18-481 of the Southampton County Code providing for the appointment of alternate members to the Board of Zoning Appeals; and
2. Amendment of Sec. 18-483 of the Southampton County Code as it relates to the rules, regulations and meetings of the Board of Zoning Appeals.

Copies of items associated with these matters are on file and available for public inspection in the County Administrator's office, 26022 Administration Center Drive, Courtland, Virginia during normal office hours of 8:30 a.m. to 5:00 p.m., Monday through Friday.

Any person desiring to be heard should appear at the time and place referenced herein above and offer his or her comments to the Board of Supervisors.

The hearing is held at a public facility designed to be accessible to persons with disabilities. Any persons with questions on the accessibility of the facility, need for reasonable accommodations or need for interpreter services for the deaf must notify Michael W. Johnson, Clerk, at (757) 653-3015 or mikejohnson@co.southampton.state.va.us, at least seven (7) days prior to the hearing.

Southampton County Board of Supervisors
Michael W. Johnson, Clerk