

TOWN OF AMHERST ZONING CERTIFICATE PROCESS

July 1, 2008

1.0 WHEN ZONING CERTIFICATES ARE REQUIRED

A zoning certificate is required by the Town of Amherst for most major construction projects or changes in the use of land. These include building additions, new houses, signs, and sheds and operation of a business from a residence. Inquiries regarding the Town's Zoning and Subdivision Ordinance (available online at www.amherstva.gov) or utility connection policies are directed to the Town Manager.

2.0 ADMINISTRATIVE APPROVALS

Most requests for a zoning permit are approved by the Town Manager. Since, in these cases, the zoning certificate is merely documentation provided by the Town that the proposed use of property meets the Town's zoning regulations as well as other Town rules and requirements, no fee is charged. The Amherst County Building Official's office requires a Town Zoning permit before a building permit will be issued for any substantial in-Town construction. Other permits and approvals that must be obtained include erosion and sediment control permits (Amherst County Building Official) and entrance permits (VDOT).

3.0 APPLICATIONS REQUIRING ACTION BY BOARD OF ZONING APPEALS, PLANNING COMMISSION AND TOWN COUNCIL

There are several classes of zoning certificate applications that require action by one or more of the Town's boards as explained in the Zoning and Subdivision Ordinance. These are:

Site Plans – Site plans for large commercial and various other categories of development require approval by the Planning Commission. (§18.1-1101)

Subdivisions – Creation of new building lots may require approval by the Planning Commission. (§18.1-1007)

Special Use Permit – If a proposed new use is listed as a special use in the zoning district for the property in question, an owner may apply for a special use permit. A special use permit may be granted by the Town Council following the required hearings before the Planning Commission and Town Council. (§18.1-1003.03)

Rezoning – If a proposed new use is not listed as a permitted use in the zoning district for the property in question, an owner may apply for rezoning of his property. The rezoning request may be approved by the Town Council following the required hearings before the Planning Commission and Town Council. (§18.1-1004)

Conditional Zoning – If a proposed new use is not listed as a permitted use in the zoning district for the property in question, an owner may apply for conditional zoning. Rezoning of property to a conditionally zoned status may be granted by the Town Council following the required hearings before the Planning Commission and Town Council. (§18.1-1005)

Variances – Applications requiring relief to a non-use provision of the Zoning and Subdivision Ordinance require a variance. These may be approved by the Board of Zoning Appeals if it finds a hardship exists after a public hearing. (§18.1-1006)

Pre-application conferences with the Town Manager are encouraged. Applicants may request that the Town Manager arrange an informal pre-application conference with the Town Council's Physical Development Committee. Preliminary sketch plans outlining the development proposal are required before such a conference will be held.

All applications for permits requiring action by the Board of Zoning Appeals, Planning Commission and Town Council should be directed to the Town Manager and should include, as a minimum:

- A. A cover letter
- B. An application signed by the property owner on a form provided by the Town Manager
- C. Site plan or other appropriate drawings (§18.1-1103)
- D. Application fee required by Zoning and Subdivision Ordinance (§18.1-1009)

Upon receiving a full application for a rezoning or special use permit, the Town Manager will report it to the Planning Commission at its next regular meeting. A public hearing will be held at the following regular monthly meeting of the Planning Commission. The Planning Commission will make a recommendation to the Town Council and which will schedule a public hearing on its application at the regular monthly meeting after it receives the Planning Commission's recommendation.

Variance and appeal applications are reported to the Chairman of the Board of Zoning Appeals who sets the time and place for the required public hearing.

Required advertisements for zoning public hearings, as required by §15.2-2204 of the Code of Virginia, will be placed in the Amherst New Era-Progress, Amherst's weekly newspaper. Applicants are advised that several weeks are required between receipt of a full application and a final decision by the Town Council, Planning Commission and/or Board of Zoning Appeals. This is due to the public notice requirements and requests for additional information not available at the hearings.

4.0 PUBLIC HEARING PROCEDURE

The typical public hearing procedure is as follows:

- A. Report by Town Manager
- B. Statements by Applicant
- C. Statements by other interested parties
- D. Questions from the Board, Commission or Council
- E. Discussion among Board, Commission or Council members
- F. Action by the Board, Commission, or Council

5.0 RULES

This procedure shall remain in full force and effect unless changed by order of the Mayor or Chairman of the Planning Commission for the process before the respective body. No change in the processing schedule shall be allowed unless extraordinary circumstances clearly requires such. The Board of Zoning Appeals Bylaws describes the application processing procedure for that body.

TOWN OF AMHERST BOARD OF ZONING APPEALS BY-LAWS

(Originally adopted June 11, 1996; amended to reflect changes in the Town Code)

ARTICLE 1 - OBJECTIVES

This Board has been established in accordance with §15.2-2308 of the Code of Virginia and §18.1-1402 of the Code of the Town of Amherst. The provisions of these by-laws are intended to facilitate the powers and the duties of the Board in accordance with these statutes.

ARTICLE 2 - APPLICATIONS

All applications for decisions by the Board shall be transmitted to the Secretary and shall include, as a minimum:

- A. Cover letter
- B. Signed application on a form provided by the Secretary
- C. Site plan or other appropriate drawings
- D. Application fee required by law (Per §18.1-1009, \$150 for variance, \$300 for other)

Upon receiving a full application, the Secretary immediately report same to the Chairman who shall have the authority to set a public hearing date and authorize the required advertisement.

Applicants shall be advised that several weeks are normally required between application and decision by the Board. This is due to the public notice requirements for hearings by the Board as contained in §15.2-2204 of the Code of Virginia, arranging the meeting of the Board, and requests for additional information not available at the hearing. The Code of Virginia requires action by the Board within 90 days of receipt of the application.

ARTICLE 3 - MEETINGS

Meetings shall be called at the request of the Chairman or a quorum of the Board's membership.

Written notice stating time and place of meetings shall be given to each member prior to the meeting.

The order of business for a meeting shall be as follows:

1. Call to Order by Chairman
2. Determination of quorum
3. Confirmation of minutes of previous meeting
4. Public Hearings
 - A. Report by Secretary
 - B. Statements by Applicant
 - C. Statements by other interested parties
 - D. Questions from Board Members
5. Unfinished Business
6. New Business
7. Adjournment

ARTICLE 4 - RULES

These by-laws shall remain in full force and effect unless changed by a vote of the full membership of the Board of Zoning Appeals.

(Reference: Chapter 18.1 of the Town Code, available online at www.amherstva.gov)