

TOWN OF AMHERST PLANNING COMMISSION
Wednesday, July 6, 2022
AGENDA

1. **Call to Order** – *Mrs. Driskill*
2. **Determination of Quorum**
3. **Citizen Comment-** *This time is provided for citizens to bring concerns or comments to the Commission that are not scheduled for a public hearing. This is not meant to be a discussion or an exchange, but rather, an opportunity for citizens to have their concerns be heard.*
4. **Approval of June 1, 2022 meeting minutes** – *Chair- The minutes of the June 1, 2022 meeting are attached.*
5. **Discussion: Setbacks for Accessory Structures-** *Town Council has sent a request to the Planning Commission that the Commission hold a public hearing regarding the placement of detached sheds and other accessory structures, such as carports or garages. There has been a citizen request for consideration of different locations for these items and the Council would like to address these questions through a public hearing process for consideration of an Ordinance amendment. At this meeting, staff will review the current standards and discuss with the Commission what should be advertised.*
6. **Concerns of Commissioners**
7. **Adjournment**

**Town of Amherst Planning Commission
Minutes
June 1, 2022**

A meeting of the Town of Amherst Planning Commission was called to order by Chairperson June Driskill on June 1, 2022, at 7:00 P.M. in the Council Chambers of Town Hall at 174 S. Main Street.

It was noted that a quorum was present as indicated below:

P	June Driskill	A	Janice N. Wheaton
P	William Jones	A	John Vandervelde
P	Anne Webster Day	P	Nathaniel Holden Chase
A	Clifford Hart		

Town Manager Sara McGuffin in her capacity as Secretary to the Commission was present.

The Chair opened the floor for citizen comments.

There being no one present to speak; no comments were made.

Mr. Chase made a motion that was seconded by Mr. Jones to approve the minutes of the May 4, 2022, meeting.

There being no discussion, the motion to approve the May 4, 2022, minutes carried 4-0 according to the following:

June Driskill	Aye	Anne Webster Day	Aye
Janice Wheaton	Absent	John Vandervelde	Absent
William Jones	Aye	Nathaniel Holden Chase	Aye
Clifford Hart	Absent		

Chairperson Driskill opened a duly advertised public hearing at 7:02 PM on a proposed Ordinance of the Town of Amherst Recodifying the Town Subdivision and Zoning Ordinance and providing when such ordinance and this ordinance shall become effective, that would, if approved, adopt the recodification of the Town Subdivision and Zoning Ordinance as stated in the ordinance.

There being no one present who wished to speak on the matter, the public hearing was closed at 7:02 PM

Town Manager McGuffin gave a brief report on the recodification of the Amherst Town Code the purpose of which was to reorganize, reword, and renumber and clarify various provisions and references throughout the Subdivision and Zoning Ordinance; redefine the terms “cemetery,” “childcare center,” “family,” “highway, primary,” “highway, secondary,” “nonconforming lot,” “nursing home,” “public water system,” and “residential facility”; create definitions for “craft brewery,” “craft distillery,” “mixed use development,” “short term rental,” “town development area,” and “urban development area”; provide that nonconforming leases for oil and gas exploration shall comply with all other applicable state laws and rules; provide that a landowner’s rights shall be deemed vested when the landowner relies in good faith on certain decisions by the zoning administrator; provide for the loss of nonconforming zoning status after discontinuance of two years, or when the nonconformity is enlarged; establish provisions for acquiring lawful nonconformity after obtaining a building permit, payment of taxes for the building or structure for more than 15 years, and other related criteria; require the rebuilding of nonconforming buildings destroyed by acts of God within two years; provide for the replacement of on-site sewage systems for nonconforming structures where otherwise not permitted; provide for the replacement of

comparable nonconforming manufactured homes; provide that certain incidental, unobjectionable agriculture under five acres is permitted without a zoning permit in any district that allows residential uses; provide, generally, that no new use shall be commenced without a zoning certificate for that use; amend requirements on how signage must be placed to give notice of certain zoning actions; repeal provisions requiring signage to be posted up to once every 500 feet to notify of certain zoning actions; provide for conditional zoning to require a guarantee or contract for improvements to be completed; provide for appeals from decisions of the zoning administrator; repeal the prohibition on reconsideration of a petition for a zoning change within twelve months; provide for changes to proffered conditions; providing for administrative fees as adopted by the Town Council; providing for site plan review by the planning commission; establish information required on the map of a proposed development for site plan review; provide that uses not permitted are prohibited; provide for civil penalties and revise the provisions for criminal penalties for violations of the zoning ordinance; provide for appeals from decisions of the board of zoning appeals; revise the description of the intent and characteristics of the Central Business District and General Commercial District; provide for certain helipads as a special use for the M-1 district; provide for short-term lodging as a permitted use in the A-1, T-1, B-1, CBD, and B-2 districts, and as a special use in the R-1, R-2, R-3, and R-4 districts; provide that adult oriented entertainment that may include alcohol or gambling, (e.g., pool halls, dance halls, or electronic skills games halls are permitted uses in the CBD and B2 districts; provide that utility trailer and storage shed sales are permitted uses in CBD, B2 and M-1 districts; provide that family-oriented indoor recreation uses with no alcohol or gambling (e.g., bowling alleys, roller skating, ice-skating, game, pinball, or other electronic game centers) are permitted uses in the B-1, CBD, and B-2 districts, and are special uses in the T-1 district; provide that outdoor entertainment (e.g., golf driving ranges or other sports related entertainment) is a special use in the A, B-1, B-2, and T-1 districts; provide that kennels are a permitted use in the A-1 district; provide that farmers' markets are a permitted use in the CBD and B-2 districts, and are a special use in the T-1 and B-1 districts; require compliance, in the E-1 district, with all laws and rules applicable to oil and gas exploration, extraction, and production; revise the maximum density requirements for multifamily dwellings, townhouses, and condominiums within a planned unit development (PUD); revise the minimum frontage for single-family dwellings and townhouses for PUDs; repeal the requirement for parking lots, streets, and roadways in multifamily developments to comply with Department of Transportation standards; repeal the requirement that all units in a multifamily development be connected to water and sewerage systems approved by the Health Department and that they shall be open to inspection; repeal regulations regarding site storm drainage for multifamily developments; provide that, in the Central Business District, there shall be no requirement for common open space in multifamily developments, and no special yard requirements for townhouses lots; increase the width of paved common walks to at least five feet for townhouse developments; provide that certain confined livestock facilities shall not be permitted in any mixed use district, but repeal such requirement with respect to commercial districts; provide that certain manufactured houses are permitted in the A-1 district; provide for certain residential facilities for certain disabled, aged, or infirmed individuals, and certain family day homes, to be deemed single-family residences; provide for certain temporary family health care structures to be considered an accessory use in any single-family residential zoning district; revise provisions for property owners to submit a parking master plan in lieu of the general off-street parking requirements; permit such plan to be considered by the planning commission rather than by special use permit; revise the regulations regarding wireless telecommunications facilities; provide for certain wireless telecommunications facilities, including certain small cell facilities and certain wireless facilities under 50 feet, to become permitted zoning uses; eliminate or revise setbacks for wireless communications facilities; repeal certain requirements for a bond or other guarantee for landscaping; establish timeframes and procedures for review, approval, and recordation of a plat or plan; revise requirements for performance bonds and other financial requirements for dedication of a right-of-way for public use; revise requirements for release of bonds and other performance guarantees from subdividers or developers; change the methods by which a plat may be vacated, relocated, or altered; repeal certain requirements regarding the design of subdivision streets, and require instead that the design and installation of streets shall conform to VDOT standards; repeal certain regulations of block lengths, widths, and space; require the conveyance of common or shared easements for cable television, gas, telephone, and electric service to a proposed subdivision; and replace references to various provisions in the Code of Virginia with references to their successor statutes.

Mr. Chase made a motion that was seconded by Ms. Day to recommend that Town Council approve the proposed recodification of the Town of Amherst Subdivisions and Zoning Ordinance and adopt the Ordinance of the Town of Amherst Recodifying the Town Subdivisions and Zoning Ordinance; and Providing When Such Ordinance and this Ordinance Shall Become Effective, as presented and recommended by staff, with the following additional changes:

- Provide for certain helipads as a special use for the B-2 and M-1 district;
- Provide for short-term lodging as a special use in the CBD, B-1 and B-2 districts only; and
- Not to include utility trailer and storage shed sales as permitted uses in CBD, B2 and M-1 districts
- Provide that kennels are special use in the A-1 district.

After discussion, the motion carried 4-0 according to the following:

June Driskill	Aye		Anne Webster Day	Aye
Janice Wheaton	Absent		John Vandervelde	Absent
William Jones	Aye		Nathaniel Holden Chase	Aye
Clifford Hart	Absent			

There being no further business, on motion of Mr. Jones, seconded by Ms. Day, the meeting adjourned at 8:02 PM.

June Driskill, Chairperson

Attest: _____
Secretary

Sec. 18.1-901.02 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 fifteen (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 two hundred (200) feet of a lot line located within or abutting any residential or business district.
3. A detached accessory building, not more than two (2) stories in height, may be constructed on not more than thirty (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 antennae, satellite dishes with a dish area larger than 4 square feet, solar panels, wind mills 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 Virginia Uniform Statewide Building Code.