

NOTICE OF PUBLIC HEARING
TOWN OF AMHERST
PLANNING COMMISSION

April 1, 2026

Notice is hereby given that a public hearing will be held by the Town of Amherst Planning Commission at 7:00 PM on April 1, 2026, in the Council Chambers of the Town Hall at 174 South Main Street, Amherst, VA, to consider proposed revisions to Town of Amherst Code Chapter 24. Zoning to include:

- Article I § 24-2 - Definitions and rules of construction,
- Article II §§ 24-74 - Procedure for site plan review, 24-76 – Documentation, and 24-78 - Developments subject to a minor site plan review
- Article III § 24-199 - Classification of districts,
- Article VIII §§ 24-467 - Minimum yard requirements; 24-508 - Location of parking; 24-509 - Size of parking spaces; 24-511 – Surfacing, 24-513 - Amount of off-street parking required; and 24-515 - Parking requirements.

All interested persons may express their views by emailing sara.mcguffin@amherstva.gov prior to the meeting. Anyone who has questions regarding the above may contact the Town Hall Office at 434-946-7885.

Supporting documentation is available for inspection in the Town Hall during normal working hours and can be found on our website at amherstva.gov.

Business Friendliness Ideas

1. Parking and Surfacing

1. Parking and Surfacing: Allow required parking to be located on any adjacent lot associated with the use. Change the distinguishing factor for surfacing requirements from single-family homes to whether a development requires a site plan or not. Reduce parking spaces for outdoor sales and display (e.g. reduces Yard Spot parking requirements from 80 spaces to 8 spaces). Enable adaptive reuse of historic structures by relieving them of additional parking requirements.
2. Site Plans: Remove the Planning Commission from the site plan process to speed up and simplify the approval process. Reverse the 2024 decision to require site plans for minor developments (<2,000 sqft), which returns us to the pre-2024 option of the less burdensome informal sketch for minor developments.
3. Definitions and Classifications of Districts: Clarify the meaning of terms. Reverse the 2024 decision that banned the outdoor display of indoor goods (Episcopal Thrift Shop). Reverse the new screening requirements and separate lot restrictions.
4. Setbacks: Align the CBD and B-2 setback requirements by eliminating the front setback in B-2. Both districts currently have zero foot setbacks on side and rear, but B-2 has a 50ft front setback. The current 50ft setback makes many historic buildings non-conforming and restricts options within the setback. With the setback removed, parking can now be located in the rear, and new buildings in places like 2nd Street can be built in harmony with the existing neighborhood (e.g. Presbyterian Church had to put retention pond on 2nd street due to current setback).

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1. Parking and Surfacing

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 **or on an adjacent lot when shared with the use occupying an adjacent lot**. 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 zoning administrator** 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 8½ feet by 18 feet.
 - (2) The **planning commission zoning administrator**, as a part of the site plan review process, may approve spaces with minimum dimensions of 8½ feet by 18 feet for vehicle storage

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1. Parking and Surfacing

lots for automobile dealers, overflow parking areas and other low turnover parking facilities.

- (c) Overhang over landscape areas shall not be counted toward the minimum dimensions stated above.

(Zoning Ord. 2003, § 18.1-602.03)

Sec. 24-511. - Surfacing.

(a) Parking spaces and driveways for ~~single family dwelling units~~ developments not subject to special site plan review shall be constructed of gravel, compacted stone, concrete, asphalt, asphaltic surface treatment, brick or paving stones.

(b) Parking spaces and driveways for ~~other than single family dwelling units~~ developments subject to special site plan review shall be constructed of concrete, asphalt, brick or paving stones.

(Zoning Ord. 2003, § 18.1-602.04.1)

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:

Outdoor sales and display	1 for each 500 5,000 square feet of open sales and display area
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Sec. 24-515. - Parking requirements ~~in the central business district.~~ for historic buildings.

~~(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 Town of Amherst downtown area, no additional 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)

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2. Site Plans

DIVISION 2. - SITE PLAN REVIEW

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~~ zoning administrator. The ~~planning commission~~ zoning administrator 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.
- (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~~ zoning administrator shall approve, approve with conditions, or disapprove the site plan; the ~~commission~~ zoning administrator shall cause to have prepared two copies of a statement noting reasons for ~~commission~~ zoning administrator disapproval or conditional approval, if applicable, and shall return one

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copy of statement and plat to the developer with notification in writing of the action of the ~~commission zoning administrator~~. 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 zoning administrator~~ 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 zoning administrator~~ 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 zoning administrator~~ shall act on any proposed commercial 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 zoning administrator~~ or other agent shall not delay the official submission of any commercial site plan by requiring presubmission conferences, meetings, or reviews. The ~~commission zoning administrator~~ 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 zoning administrator~~ 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 commercial site plan that has been previously disapproved, the ~~planning commission zoning administrator~~ 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 zoning administrator~~ 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 zoning administrator~~ or other agent's review shall be limited solely to the previously identified deficiencies that caused its disapproval.
- (k) The local ~~planning commission zoning administrator~~ or other agent shall act on any commercial 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 zoning administrator~~ or other agent to approve or disapprove a

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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 **commercial** 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~~ **zoning administrator** 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~~ **zoning administrator** 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.
- (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)

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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:
 - 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;

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- 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~~ zoning administrator 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)

~~Sec. 24-78. — Developments subject to a minor site plan review.~~

- ~~(a) The following types of development shall be subject to the site plan review provisions under section 24-77 for a minor site plan of this article:
 - ~~(1) A proposed revision to a site plan where an existing major site plan is on file;~~
 - ~~(2) All development requiring a commercial entrance permit from the Virginia Department of Transportation; and~~
 - ~~(3) Any new commercial development on a commercially zoned lot.~~~~
- ~~(b) The following requirements shall govern documents submitted for minor site plan review:~~

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- ~~(1) The scale shall be no less than one inch equals to 100 feet. The zoning administrator or planning director may accept a scale which is sufficient to clearly show all required details on the plat;~~
- ~~(2) Drawings may be submitted on paper size as small as 11" x 17" if all notes are clearly legible; and~~
- ~~(3) The names and addresses of owner and developer, a scale and north arrow shall be included on all maps.~~
- ~~(c) The following information shall be included on the map of existing conditions:
 - ~~(1) Names and addresses of owners of record of all adjacent properties and tax map numbers;~~
 - ~~(2) Current zoning boundaries, including surrounding to a distance of 300 feet;~~
 - ~~(3) Easements, rights of way, or other reservations affecting the property;~~
 - ~~(4) Topography and flood plain elevation, if applicable;~~
 - ~~(5) Location of watercourses, marshes, rock out cropping and wooded areas;~~
 - ~~(6) Location of buildings existing on the tract to be developed indicating whether existing buildings on the tract are to be retained, modified or removed;~~
 - ~~(7) Location of existing water mains, culverts, drains, pipe sizes, grades and direction of flow; and~~
 - ~~(8) The location of mapped dam break inundation zones and their impact on the development.~~~~
- ~~(d) The following information shall be included on the map of proposed development:
 - ~~(1) Signature blocks for the zoning administrator, or his/her designee, Virginia Department of Transportation, and the Health Department, when applicable;~~
 - ~~(2) Location and size of proposed buildings and uses thereof;~~
 - ~~(3) Proposed streets and other ingress and egress facilities (indicating curb lines, sidewalk lines and public right of way lines); meeting the Minimum Standards of Entrances to the State Highways;~~
 - ~~(4) Layout of off-street parking;~~
 - ~~(5) Location of proposed utility lines, indicating where they already exist and whether they will be underground;~~
 - ~~(6) Proposed planting, including all landscaping and screening and indicating existing trees to be retained and areas to be left undisturbed;~~
 - ~~(7) Facilities for disposal of trash and other solid waste;~~
 - ~~(8) Elevations of buildings to be built or altered on-site; and~~
 - ~~(9) All private waste disposal systems including their reserve areas.~~~~

~~(Ord. No. 240410B, 4-10-2024)~~

[Note: There are numerous other references to "Planning Commission" in the code that will need to be changed to "Zoning Administrator" if changing the approval level for site plans.]

Business Friendliness Ideas
3. Definitions and Classification of Districts

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

Abutting means a lot or parcel of land that shares a common boundary with another lot or parcel of land.

Adjacent means a lot or parcel of land that is next to, but not necessarily abutting, another lot or parcel. This includes lots or parcels that may be separated by a street or alley.

Adjoining means an abutting lot or parcel of land.

Outdoor display means the outdoor display of goods or equipment for sale or rent outside of business. ~~Where goods are typically those that are outdoor in nature, such as automobiles, trailers, farm equipment, outdoor display is permitted without limitation as governed by the zoning district. Where the goods are typically inside, a small display of goods may be outside of the building, limited to no more than 20 square feet of area, so long as the display is not in any required area, such as parking, setbacks, public rights-of-way.~~

Outdoor storage means the outdoor storage of raw materials, goods or equipment that is not currently on display for sale or rent, ~~as allowed in the applicable zoning district, shall be screened from public right-of-way or adjacent uses. No outdoor storage of goods and equipment is permitted in residentially zoned areas. Outdoor storage cannot be an independent use and must be associated with a business on the same parcel. Screening shall be accomplished as outlined in section 24-695 of the zoning ordinance.~~

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 ~~T-1 Transitional Use Zone District~~, B-1 Light Commercial District, CBD Central Business District and B-2 General Commercial District are classified as ~~mixed-use business~~ districts. The E-1 Business Park District and M-1 Industrial District are classified as industrial districts.

(Zoning Ord. 2003, § 18.1-506)

Sec. 24-467. - Minimum yard requirements.

(a) Within the district herein defined, the following minimum yard requirements shall apply:

	Front Yard Setback	Corner Lot	Other Lots	Rear Yard Setback
A-1 Agricultural	50'	15'	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' None	(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, § 18.1-80)