

Town of Amherst Planning Commission
NOTICE OF PUBLIC HEARINGS

The Town of Amherst Town Planning Commission will hold public hearings at 7:00 PM on March 6, 2024, in the Council Chambers of the Town Hall at 174 South Main Street, Amherst, VA, on the following:

Code Amendments

To discuss proposed amendments to Town Code Zoning Ordinance, as follows:

- a) Section 24-2 – Definitions and Rules of Construction, that would, if approved, add Outdoor Display and Outdoor Storage definitions;
- b) Section 24-576 – Signs Permitted in all Sign Districts, that would, if approved, add a new subsection (3)(c) providing for “open” flags and chalkboard displays;
- c) Section 24-75 Developments Subject to Special Site Plan Review, that would, if approved, include a minor site plan process;
- d) Section 24-511 Surfacing, that would, if approved, amend subsection (a) to include duplexes, and accessory dwelling units in a residentially zoned district; amend subsection (b) to include surface treatment; and add a new subsection (c) to define parking spaces and driveways; and
- e) Article VIII – Supplemental Zoning Regulations, that would, if approved add new Section xx-xxx to define short term rental and management plan and process.

Supporting documentation are attached and available for inspection in the Town Hall during normal working hours.

Capital Improvement Program

To receive comments on the Town’s 2024 – 2025 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.

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

Add to Definitions:

Outdoor display- Display of goods for sale outside of a 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 twenty square feet of area, so long as the display is not in any required area, such as parking, setbacks, and public rights of way.

Outdoor storage- Outdoor storage of goods or equipment 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 24-695.

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:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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.
 - e. 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.
 - f. 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 aggregate sign 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.
 - g. Signs in the commercial or mixed use district, at a permitted and licensed business, designating that they are open, or showing current specials, so long as the sign is only out during business hours, and is on the same property as the business. Such signs shall be limited to no more than 20 square feet in the B-2 district, and 6 square feet in other business districts and there shall be no more than one per parcel. Such signs shall not be placed in any required area, such as parking, in the public rights of way, or in the path of vehicle or pedestrian traffic.
- (2) *Permanent signs.*
 - a. One sign at each parking lot entrance with no commercial logo or other message and not exceeding three square feet in area.
 - b. 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.

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- c. Usual and customary signs identifying disabled parking, restrooms, directions, driving instructions or other facilities relating to such places or activities.
 - d. 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.
 - (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)

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)

The following types of development shall be subject to the site plan review provisions under Section XX 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
3. Any new development on a commercially zoned lot.

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

1. The scale shall be no less than one (1) inch equals to one hundred (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 eleven (11) inch by seventeen (17) inch (11" x 17") if all notes are clearly legible.
3. The names and addresses of owner, developer, 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 and tax map numbers;
 - b. Current zoning boundaries, including surrounding to a distance of three hundred (300) feet;
 - c. Easements, rights-of-way, or other reservations affecting the property;
 - d. Topography and flood plain elevation, if applicable;
 - e. Location of watercourses, marshes, rock out-cropping and wooded areas;

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- f. Location of buildings existing on the tract to be developed indicating whether existing buildings on the tract are to be retained, modified or removed;
- g. Location of existing water mains, culverts, drains, pipe sizes, grades and direction of flow; and
- h. The location of mapped dam break inundation zones and their impact on the development.
5. The following information shall be included on the map of proposed development:
- a. Signature blocks for the zoning administrator, or his/her designee, Virginia Department of Transportation, and the Health Department, when applicable;
- b. Location and size of proposed buildings and uses thereof;
- c. 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;
- d. Layout of off-street parking;
- e. Location of proposed utility lines, indicating where they already exist and whether they will be underground;
- f. Proposed planting, including all landscaping and screening and indicating existing trees to be retained and areas to be left undisturbed;
- g. Facilities for disposal of trash and other solid waste;
- h. Elevations of buildings to be built or altered on-site; and
- i. 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.

Sec. 24-511. Surfacing.

- (a) Parking spaces and driveways for single-family dwelling units, duplexes, and accessory dwelling units in a residentially zoned district shall be constructed of gravel, compacted stone, concrete, asphalt, brick or paving stones.
- (b) Parking spaces and driveways for other than uses listed in subsection a shall be constructed of concrete, asphalt, surface treating, brick or paving stones.
- (c) For the purposes of the section, parking spaces are those spaces that are required for the use by the Zoning or Building Code. Driveways for section b are the access between the road and the required parking spaces. Driveways must be 22 feet in width.

For the purposes of this section, surface treatment shall require a preparation of the surface that includes excavation to the substrate to the desired slope and with removal of all vegetation. A base of 3-4 inches of large stone shall be applied and compacted on the substrate, followed by 1-2 inches of pea sized gravel, also compacted. Bituminous surface treatment shall then be applied to a minimum depth of one half inch.

To be added as a new section under Supplemental Regulations:

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.

Management Plan shall include a floor plan designating all rooms, a plot plan showing parking and property boundaries, designation of an emergency contact, occupancy limits, proof of business liability insurance, proof of current fire extinguishers or other fire /smoke/gas protection, and documentation showing basic rules and boundaries posted on site.

Short term rentals are allowed as a Special Use Permit in multiple districts. Where allowed by SUP, the process includes an additional application and management plan that addresses key components of short term rentals.

1. Short term rentals require a short term rental application.
2. All applications must include an annual management plan which shall be updated annually upon the registration date. The registration fee is set annually with the adopted budget and other fees.
3. Short term rentals require posting of rules on the premises for guests to include notice of property lines with available property to be used with the rental, no parking on the street, and only within designated parking areas, and quiet hours.