



**Amherst County Board of Supervisors
County Ordinance No. 2023-4**

AN ORDINANCE, NO. 2023-4

Amending and enacting §§ 711 of Article VII – Use Requirements by Zoning Districts, of Appendix A – Zoning and Subdivisions Ordinance to the Code of the County of Amherst, Virginia.

Approved as to form and legality by the Amherst County Attorney

**PUBLIC HEARING: Planning Commission, May 18, 2023
FIRST READING: Board of Supervisors, June 6, 2023
PUBLIC HEARING: Board of Supervisors, June 20, 2023**

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That §§ 711 of Article VII of Appendix A – Zoning and Subdivisions Ordinance to the Code of the County of Amherst, Virginia, are hereby amended and enacted as follows:

APPENDIX A - ZONING AND SUBDIVISIONS

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Article VII. - Other Requirements of Zoning Districts

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711. Mixed Use/Traditional Neighborhood Development (MU/TND) District.

711.01 Intent of the Mixed Use - Traditional Neighborhood Development District.
This section establishes the Mixed Use/Traditional Neighborhood Development District ("District" or "MU/TND District"). This section will facilitate development of projects that feature a mix of land uses and building types closely linked by a network of streets, sidewalks, formal and informal open spaces, and trails. Projects developed in a MU/TND District will reflect the following characteristics:

1. Compact development with defined edges and a distinct neighborhood center.
2. Human scale buildings and streets that are pedestrian- and public transit-oriented.
3. A mix of residential, commercial, civic, and open space uses located close to one another to reduce traffic congestion, travel demand and dependence on automobiles.
4. A mix of housing styles, types, and sizes to accommodate households of all ages, sizes and incomes.
5. A system of narrow, interconnected streets with sidewalks and bikeways.
6. Public transit as a viable alternative to the automobile by organizing appropriate building densities.
7. Preservation of significant environmental features and incorporation of such features into the design of new neighborhoods.
8. Design and development consistent with the county's County Comprehensive Plan.

711.02 Development Standards. MU/TND District projects benefit from flexible development standards as a matter of right. The development standards set forth in this section shall supersede any conflicting requirements contained in Appendix A, Zoning and Subdivisions, of the County Code.

711.03 Qualifying Lands. Lands qualifying for inclusion in the MU/TND District shall be limited to tracts within the Designated Growth Area that are mapped as Urban Development Areas on the future land use map and that are served by, or planned for service by, public water and sewer sufficient to accommodate the proposed development at full build out.

711.04 MU/TND Designation. A tract of land shall be designated a MU/TND District only when it meets all of the requirements of section 711 and has been rezoned in accordance with Article X, Administration, Section 1004 Procedure for Requesting a Zoning Amendment.

711.05 Area Requirements. The optimal minimum size for a MU/TND District is forty (40) contiguous acres of land; however sites containing less acreage are permissible if identified in the development plan submitted at the time of rezoning approval. The tract of land to be rezoned and developed shall be under single ownership, or shall be the subject of an application filed jointly in accordance with subsection 711.21, Development Plan Review and Approval.

711.06 Required Subareas within a MU/TND Project.

1. A MU/TND project shall contain a mix of residential uses and unit types, a neighborhood center and open space.
2. Each MU/TND District master plan shall identify subareas as follows:

SUB-AREA	MIN. LAND ALLOCATION (% of gross land area)	MAX. LAND ALLOCATION (% of gross land area)
Neighborhood Center	10%	30%
Residential Neighborhoods	—	80%
Open Space	10%	—

3. Subareas include:

- a. *Neighborhood Center.* The Neighborhood Center shall be a distinct, centralized area contiguous to surrounding residential neighborhoods and open space and shall be the designated focal point of a MU/TND. The Neighborhood Center shall extend no further than a half of a mile (2,640 linear feet) ~~one thousand four hundred (1,400) linear feet~~ in any direction from its center point and shall comprise not less than ten (10) percent nor more than thirty (30) percent of the net developable area of the MU-TND District. The Neighborhood Center shall contain residential, civic, commercial and open space uses.
- b. *Residential Neighborhood.* The primary subarea of a MU/TND District shall be a Residential Neighborhood or series of such neighborhoods that provide a mix of housing types. Residential Neighborhoods shall surround the Neighborhood Center on at least two (2) sides and shall contain only residential uses, civic uses and open space areas. Residential Neighborhoods shall comprise not more than eighty (80) percent of the net developable area of a MU/TND District.
- c. *Common Open Space.* Common open space shall be distributed throughout the development and accessible to all residents. Open space shall include formal squares, plazas, and greens, and less formal parks, recreation areas, greenbelts and natural areas. Open space shall comprise not less than ten (10) percent of the net developable area of a MU/TND District.

711.07 MU/TND District Standards by Subarea.

1. Neighborhood Center Subarea Standards.
 - a. Land uses are permitted within the Neighborhood Center either by-right or by special exception as delineated in subsection 711.08.
 - b. The mix of uses within a Neighborhood Center shall be in accordance with the recommendations of Chapter VII of the County Comprehensive Plan, and

- shall include: (i) a mix of commercial retail, professional office and service uses; (ii) civic or institutional uses; (iii) residential uses; and (iv) open space.
- c. No more than eighty (80) percent of the net development area of a Neighborhood Center shall be allocated to residential uses.
- d. ~~Individual buildings shall not exceed twenty thousand (20,000) square feet of gross floor area, or ten thousand (10,000) square feet of floor area per floor, or forty thousand (40,000) square feet of gross floor area for a mixed-use or multi-tenant buildings.~~ Individual commercial, service, or industrial buildings shall not exceed twenty thousand (20,000) square feet of gross floor area, or eighty thousand (80,000) total square feet for mixed-use, multitenant buildings. Mixed-use and multi-tenant buildings shall have a maximum square footage of 20,000 square feet per floor.
- i. Maximum floor plate for any commercial, service, or industrial use shall not exceed 20,000 square feet, though this limitation may be waived through a special use permit approval process upon determination that a larger building as designed will not dominate the neighborhood or its streetscape.
- e. Clear pedestrian pathways that meet all requirements of the American Disabilities Act (ADA) shall be provided between buildings on the same lot and between buildings on adjacent lots.
- f. Crosswalks shall be incorporated within the project at intersections where new streets are proposed, within parking lots, or other needed pedestrian connections.
- g. The timing of construction of the non-residential portions of the Neighborhood Center shall be left to the discretion of the applicant so long as the approved development plan reserves an area for such uses and provided not more than seventy-five (75) percent of the total approved residential units for the entire MU/TND District may be built prior to construction of at least fifty (50) percent of the approved non-residential floor area of the Neighborhood Center.
- h. Street furnishings, which may include pedestrian scale street lights twelve (12) feet to fifteen (15) feet in height, street signs, benches, trash receptacles, and water fountains, shall be provided in the Neighborhood Center subarea.
- i. Additional Provisions for Neighborhood Center Uses:
- i. Mixed use buildings shall not contain ground floor residential uses.
- ii. Notwithstanding other buffer, landscaping and screening requirements located elsewhere in this section, outside storage areas for materials, equipment or trash receptacles shall not exceed forty (40) percent of the

ground floor building area, shall be located in rear or side yards adjacent to the principal building, and shall be screened from view of abutting streets or lands.

- iii. Outdoor seating areas shall have a minimum sidewalk width of eight (8) feet between the limits of the outdoor seating area and the roadway edge of the sidewalk.

2. Residential Neighborhood Subarea Standards.

- a. Land uses are permitted within the Residential Neighborhood Subarea either by-right or by special exception as delineated in subsection 711.08.
- b. The mix of uses within a Residential Neighborhood shall accord with the recommendations of Chapter VII of the County Comprehensive Plan and shall include a mix of single-family and multi-family residential uses, civic or institutional uses and open space.
- c. ~~Each~~ Residential Neighborhood shall include a minimum of two (2) different housing types and no more than seventy (70) percent of the total number of units in a neighborhood shall be of any one (1) housing type (e.g. single-family detached, single-family attached, multi-family).
- d. High density housing types (i.e., multi-family and single-family attached) shall be located closest to the core of the community and within one-quarter ~~half~~ ~~(1/4)~~ (1/2) mile of the Neighborhood Center.
- e. ~~Street furnishings including, but not limited to,~~ Pedestrian scale street lights twelve (12) feet to fifteen (15) feet in height and street signs, shall be provided in Residential Neighborhoods on one side of the street with a maximum average spacing of seventy-five (75) feet on center.

3. Open Space Subarea Standards.

- a. Land uses are permitted within Open Space either by-right or by special exception as delineated in subsection 711.08 below.
- b. Open Space requirements may be met by open space areas designated within the Neighborhood Center and Residential Neighborhood subareas.
- c. A minimum of ten (10) percent of the net developable area of the MU/TND District shall be designated as Open Space. At least fifteen (15) percent of the designated Open Space shall be formal parks or recreational fields. The balance may be greenways, paths, and trails, but shall not include existing or proposed street rights-of-way, parking areas, or driveways.
- d. All residential dwellings shall be located within one-quarter ~~half~~ ~~(1/4)~~ (1/2) mile of dedicated Open Space, including public spaces.
- e. Open Space structured as large outdoor recreation areas shall be located at the periphery of neighborhoods rather than central locations.

711.08 Permitted Uses within the MU/TND District. Land uses within a MU/TND District shall be permitted either by right ("P") or by special exception ("SE"), or are prohibited ("X") as follows:

Use/Activity	Neighborhood Center	Residential Neighborhoods	Open Space
Drive-through windows serving or associated with permitted uses provided such facilities are located at the rear or side of the structure and do not conflict with pedestrian travel ways. In no case shall the drive through lane or window abut or face a public street	SE	X	X
Outdoor storage, display and/or sales serving or associated with a by-right permitted use, if any portion of the use would be visible from a travel way	SE	X	X
Individual buildings over 20,000 total square feet in gross floor area, or greater than 10,000 square feet per floor <u>Any commercial, service, or industrial use over 20,000 square feet</u>	SE	X	X
Fuel sales with pumps located at the rear or side of the associated retail structure and which do not conflict with pedestrian travel ways or interrupt street frontage. In no case shall the gas pump canopy abut a public street	SE	X	X
Outdoor seating associated with restaurants is permitted	P	X	X
Mixed use buildings	P	X	X
Residential			
Single-family detached dwellings	X	P	X

Single-family attached dwellings, including two-family dwellings or duplexes, townhouses, row houses	P	P	X
Multi-family dwellings	P	SE	X
Live/work units	P	X	X
Accessory structures associated with single-family dwellings	X	P	X
Home occupations are permitted, in accordance with Sections 703.02.3 and 905.	X	P	X
Accessory parking structures, lots or areas associated with permitted multi-family or open space uses	P	P	X
Senior living facility	P	SE	X
Short-term tourist rental of a dwelling per Article IX, Special Provisions, Section 916	P	SE	X
Solar generation facilities, small	P	P	X
Commercial			
Antique shops for the sale of antiques, except that no auctions are permitted, and no items can be stored outdoors	P	X	X
Bed and breakfast lodging	P	X	X
Museums and art galleries	P	X	X
Retail sales and services including, but not limited to the following: Studios and shops for artists, photographers, writers, teachers, jewelers, tailors and dressmakers, taxidermists, weavers and other craftsmen, sculptors and musicians and consignment shops, provided no such studio or shop shall contain more than 7,500 square feet	P	X	X

Grocery and convenience stores and general stores without fuel sales and provided that no individual store shall contain more than 20,000 square feet of floor area	P	X	X
Barbershops, beauty parlors and shoe shops	P	X	X
Bicycle sales and repair shops provided no items can be stored outdoors	P	X	X
Bakeries, catering establishments and meal delivery services	P	X	X
Florist and flower shops	P	X	X
Furniture, television and appliance sales, service and repair, including service and repair of any type of home appliance provided that no items may be stored outdoors	P	X	X
Restaurants	P	X	X
Financial institutions	P	X	X
Hotels and inns	P	X	X
Office, administrative, business or professional	P	X	X
Medical offices and clinics: medical, dental and optical, provided that no single clinic shall contain more than 20,000 square feet of floor area	P	X	X
Day care center, babysitting services	P	X	X
Funeral home	P	X	X
Conference or training center	P	X	X
Public or private parking structures, areas, and lots that are accessory to any permitted	P	SE	X

or permissible commercial, residential, civic, institutional or open space use			
Civic			
County-owned or leased buildings and properties of a conservation, cultural, administrative, or public service type and publicly-owned or leased buildings of a recreational type, with approval of a development plan in accordance with Article XI, Site Plan Review Requirements, by the Board of Supervisors	P	P	X
Public facilities such as schools, emergency services, police and fire stations, libraries, museums, community meeting facilities, community centers, and post offices	P	SE	X
Transit shelters	P	X	X
Churches and parish houses (except rescue missions and revival tents)	P	P	X
Schools, including child care, charitable, cultural, and other community service activities on school property	P	SE	X
Colleges and universities, including educational, scientific and related research facilities	P	X	X
Civic club	P	X	X
Personal wireless service facilities (In accordance with Section 914)	P	X	X
Open Space			
Natural areas including environmental corridors, greenways, protected natural areas and reserves	P	P	P

Parks, squares, greens and plazas	P	P	P
Ball fields and playgrounds	P	P	P
Community gardens, including plots that are made available with or without a fee to residents	P	P	P
Streams, ponds and other water bodies	P	P	P
Stormwater detention/retention facilities	P	P	P
Accessory parking areas or lots located within and designated solely for public parks or publicly accessible natural areas	P	P	P

711.09 Development Density. The permitted minimum development densities are as follows:

1. Residential Densities: a minimum of four (4) single-family detached dwellings or six (6) townhouses (two-family and row houses included), or twelve (12) multi-family units per net residential acre.
2. Non-Residential Densities: non-residential gross floor area ratios shall be a minimum of 0.4 F.A.R. (excluding designated Open Space).
3. Calculating Density for Mixed Use Buildings: the residential floor area of mixed use buildings shall not be used when calculating the maximum non-residential floor area permitted. Multi-family residential uses up to ~~ten (10)~~ twenty-five (25) units per net acre maximum shall be permitted if included on the upper floors of a building with ground floor commercial use.

711.10 Lot and Building Requirements.

1. Residential lot and building standards.
 - a. Minimum lot area.
 - i. Single-family detached dwellings: ~~Ten Four thousand (10,000)~~ (4,000) square feet where served by an ally or six thousand (6,000) square feet where not served by an ally.
 - ii. Two-family dwellings: ~~Twelve Eight thousand (12,000)~~ (8,000) square feet .
 - iii. Single-family attached dwellings: as provided in Section 912.
 - iv. Multi-family structures: as provided in Section 801.
 - b. Minimum lot width.

- i. Single-family detached dwellings: ~~Seventy-five (75)~~ Forty (40) feet.
 - ii. Two-family dwellings: ~~Seventy-five (75)~~ Sixty (60) feet.
 - iii. Single-family attached dwellings: as provided in Section 912.
 - iv. Multi-family structures: One hundred ten (110) feet.
- c. Maximum lot coverage. Seventy-five (75) percent.
- d. Required yards.
- i. Front.
 - Single-family detached and two-family dwellings:
 - Minimum: six (6) feet in the Neighborhood Center; ten (10) feet in Residential Neighborhoods.
 - Maximum: fifteen (15) feet in the Neighborhood Center; twenty-five (25) feet in Residential Neighborhoods, ~~except no maximum setback for any residential lot of twenty thousand (20,000) square feet or greater.~~
 - Single-family attached and multi-family dwellings:
 - Minimum: six (6) feet in Neighborhood Center; ten (10) feet in the Neighborhood Residential area.
 - Maximum: fifteen (15) feet.
 - ii. Side.
 - Single-family detached and two-family dwellings:
 - Minimum: ~~Ten (10)~~ Six (6) feet
 - Maximum: None.
 - Single-family attached and multi-family dwellings:
 - Minimum: Five (5) feet
 - Maximum: None.
 - iii. Rear.
 - Single-family detached and two-family dwellings:
 - Minimum: Thirty (30) feet; may include alley.
 - Maximum: None.
 - Single-family attached and multi-family dwellings:
 - Minimum: Thirty (30) feet; may include alley.
 - Maximum: None.

- e. Separation of structures. Groups of single-family attached dwellings and multi-family structures shall be separated from each other by a minimum of fifteen (15) feet.
2. Non-residential and mixed use lot and building standards.
 - a. Minimum lot area for commercial uses: Eight thousand five hundred (8,500) square feet.
 - b. Minimum lot width for commercial uses. Forty (40) feet at the minimum front setback line.
 - c. Maximum lot coverage for commercial uses. Seventy-five (75) percent. The areas of contiguous lots may be combined for the purpose of calculating impervious surface requirements.
 - d. Required yards for commercial uses.
 - i. Front.
 - Minimum: None. A sidewalk of at least five (5) feet shall be provided along all lot frontages.
 - Maximum: None.
 - ii. Side.
 - Minimum: Minimum allowed under the Virginia Statewide Fire Prevention Code.
 - Maximum: None.
 - iii. Rear.
 - Minimum: Minimum allowed under the Virginia Statewide Fire Prevention Code. Maximum: None.
3. Accessory buildings, structures and garages shall meet the following requirements:
 - a. Accessory buildings and garages shall meet the minimum side, and rear yard requirements stipulated in this subsection, and shall not be constructed in front of the principal buildings on site.
 - b. Accessory buildings and garages shall not block or limit ingress to or egress from the site itself or any buildings on site, and must comply with applicable building code, fire safety, ADA.
 - c. Garages serving single-family detached dwellings and accessed from an alley at the rear of a lot shall be set back a minimum of ten (10) feet from the rear lot line.

711.11 Building Height.

1. Maximum Building Height. New structures within a MU/TND District shall be no more than thirty-five (35) feet or three (3) stories for single-family residential uses, or fifty (50) feet or four (4) stories for non-residential, multi-family residential or mixed used structures.
 - a. Principal, single-family residential uses that front along Main Streets within the MU/TND district shall be no more than fifty (50) feet or four (4) stories.
2. Minimum Building Height. The optimal minimum height for structures located in the MU/TND Neighborhood Center subarea is two (2) stories. Shorter structures are permissible if identified in the Development Plan submitted at the time of rezoning approval.

711.14 Street Design, Block Size and Sidewalks.

1. Public streets. All streets within a MU/TND District shall be designed and constructed according to VDOT Secondary Street Acceptance Requirements, and the applicant shall ensure that the public streets will be accepted into the public street system by VDOT, and shall supply such surety as the county may require pursuant to Section 1010.
2. Grid network. The transportation system in the MU/TND District shall be generally in the form of a grid of interconnected streets, alleys and paths, modified as necessary to accommodate topography and parcel shape.
 - a. Proposed streets within the MU/TND District shall be extended to the boundary lines of the parcel being developed and terminated with stub outs to provide access to adjacent tracts not presently being subdivided or developed.
 - b. Cul-de-sac streets shall not comprise more than ten (10) percent of the total street length in the MU/TND District, nor shall any individual cul-de-sac street exceed five hundred (500) feet in length. Alleys are exempt from this calculation.
3. Block size. Blocks shall be in conformance with subsection 1301.03.
4. Street design.
 - a. Street sections shall be designed to meet VDOT standards and shall be built to the narrowest dimensions permitted by VDOT.
 - b. Dead end alleys are permissible if identified in the development plan submitted at the time of rezoning approval, but in no circumstances shall an alley have a dead end length of over one hundred (100) feet. Dead end alleys shall have hammerhead turnarounds.
 - c. Bicycle accommodations shall meet VDOT requirements.
 - d. Within the Neighborhood Center an existing or planned roadway must be designated as a main street which would be subjected to the following conditions:

- i. On main streets within the Neighborhood Center, at least seventy-five (75) percent of the total first floor area of new development fronting the street on any parcel shall be devoted to non-residential uses.
 - ii. A sidewalk with a minimum width of eight (8) feet shall be provided across the front of principal buildings facing both sides of the main street.
- 5. Accommodation for pedestrians and bicycles.
 - a. Accommodations for pedestrians and bicycles within the VDOT right-of-way shall be designed and constructed according to VDOT Secondary Street Acceptance Requirements.
 - b. Sidewalks shall be provided on both sides of the street in the Neighborhood Center and Residential Neighborhood subareas and separated from the roadway by a planting strip or designated parallel parking.
 - c. In the Neighborhood Center, the paved area of sidewalks shall be not less than eight (8) feet wide. If a planting strip is provided, it shall be a minimum of six (6) feet in width.
 - d. In the Residential Neighborhood, the paved area of sidewalks shall be not less than five (5) feet wide. If a planting strip is provided, it shall be a minimum of four (4) feet in width.
- 6. Lot Access.
 - a. All lots shall front on a public street or on a square or plaza.
 - b. Alleys shall serve only the rear or sides of lots or uses.

711.15 Parking.

- 1. Except as otherwise provided by this subsection, off-street parking requirements shall be in accordance with Sections 602 and 603.
- 2. Shared parking shall be permitted upon approval of a shared parking plan by the zoning administrator.
- 3. On-street parking is permitted, provided that the design and placement of such spaces are approved by the Virginia Department of Transportation (VDOT).
 - a. On-street as well as off-street parking spaces shall be counted toward satisfying the use-based parking requirements contained within subsection 602.03.
 - c. Where on-street parking is provided, requirements for off-street parking shall be reduced accordingly.
 - d. On-street parking spaces assigned to a building or use shall be those spaces that abut the lot containing that building or use.
 - e. On-street parking shall be provided on streets abutting squares, small parks or other open spaces in the Neighborhood Center.

4. Off-street parking and loading spaces for commercial and mixed-use structures shall be located to the rear of principal structures with the exception of required handicapped parking or loading spaces which may be located to the sides of the principal structure.
5. Parking for retail and service uses in the Neighborhood Center shall not require on-site parking provided that:
 - a. On-street or off-street parking is available within a six-hundred-foot radius of the activity.
 - b. The total floor space for the individual uses does not exceed two thousand five hundred (2,500) square feet of gross floor area.

711.16 Transit Provisions. All new developments within a MU/TND greater than forty (40) acres in area and that meet any one (1) of the following qualifications shall include a suitable location for a transit stop or commuter parking facility within their Development Plan:

1. Contains fifty (50) or more dwelling units.
2. Contains five (5) or more dwellings per acre.
3. Contains thirty thousand (30,000) square feet of commercial development.

711.17 Landscaping and Buffering.

1. Except as otherwise provided by this subsection, landscaping requirements for all uses shall be in accordance with Article XVI of Appendix A, County Code.
2. Canopy street trees shall be planted along both sides of all streets at an average center to center spacing based on the mature spread of the particular street tree, with a goal of achieving tree canopy coverage of between thirty (30) percent and seventy (70) percent.
3. Street trees shall be native species; no understory trees shall be used as street trees.

711.18 Pedestrian Scale Lighting.

1. The provisions of this subsection shall apply to any non-residential project in a MU/TND District as follows:
 - a. Site lighting shall be located and designed so as to illuminate only the intended lot; light shall be directed downward to the immediate area being lighted and away from any living quarters.
 - b. Floodlights or directional lights (maximum 100-watt metal halide bulbs) may be used to illuminate alleys, parking garages and working (maintenance) areas, but shall be shielded or aimed in such a way that they do not shine into other lots, the street, or direct light out of the MU/TND District. Floodlighting shall not be used to illuminate building walls (i.e. lights should not be placed on the ground so that a beam of light is directed upward).

- c. Pedestrian scale decorative street lights (twelve (12) feet to fifteen (15) feet in height) shall be installed by the developer on both sides of streets throughout the District with a maximum average spacing of seventy-five (75) feet on center.

711.19 Utilities.

1. All development within a MU/TND District shall be served by public water and sewer facilities.
2. Utilities (and associated pedestals, cabinets, junction boxes and transformers) including electric, cable TV, telephone and natural gas service shall be located underground and to the rear of properties in alley rights-of-way (ROW) or the ROW of minor streets, and all utilities shall be located within a public utility easement. Above-ground utilities are permissible if identified in the development plan submitted at the time rezoning is approved.

711.20 Property Owners Association to be Established.

1. A property owners association (POA) shall be established by the developer at the time of zoning approval of a MU/TND District.
2. Membership in a POA shall be mandatory for all property owners within the MU/TND, and shall be required as a covenant in all deeds to property in the MU/TND District granted after development plan approval.
3. The developer shall prepare documents which provide at a minimum that the POA shall accept title to any common elements including, but not limited to, open space, recreation, plazas, roads, parking, sewer, water, and stormwater management facilities which will not be publicly owned, and shall provide for the maintenance of any common area improvements or other property owned by the POA.

711.21 Development Plan Required.

1. All development plans submitted for a rezoning application shall be in conformance with the minor site plan requirements set forth in Section 1103.
2. If the property is approved for rezoning for a MU/TND District, a major site plan shall be submitted in accordance with Section 1103.
3. The applicant shall demonstrate to the satisfaction of the planning commission and board of supervisors that there is sufficient available water and sewer capacity to accommodate the proposed development at full build out or provide a plan demonstrating that such improvements will be phased to accommodate projected development as it occurs.

711.22 Additional Definitions. For projects developed within the MU/TND District the following definitions will apply:

Alley. A private right-of-way, not less than eighteen (18) feet nor that provides secondary and/or service access for vehicles to the side or rear of abutting

properties having principal frontage on another street or on a plaza, square or green. All alleys shall be paved or surface treated to eliminate dust.

Building, principal. The principal or main structure or one (1) of the principal buildings on a lot or the building or one (1) of the principal buildings containing the principal use on the lot. The terms main and principal have the same meaning in this ordinance when referring to structures, buildings and uses.

Common Open Space. Common Open Space consists of a parcel or parcels of land and/or an area of water within a development project site that are held in some form of common ownership and designated, designed and intended for benefit, use or enjoyment of the occupants of the development. It may contain such complementary structures and improvements as necessary and appropriate for the benefit and enjoyment of the occupants. Common Open Space may include environmentally sensitive areas not suitable for development.

County Comprehensive Plan. Amherst County Comprehensive Plan.

Developable area, gross. The total amount of land on the site or lot.

Developable area, net. The amount of land on a site or lot less floodplain, steep slopes in excess of twenty-five (25) percent, public right-of-way, and any non-residential use areas in residential or mixed-use developments.

Dwelling. A building or portion thereof used for residential purposes, including one-family, two-family and multi-family dwellings, and bed and breakfast establishments, but not including hotels, motels, boardinghouses, dormitories, fraternity/sorority houses, tourist cabins, or automobile trailers (also see "Dwelling unit").

Dwelling, accessory. A subordinate dwelling located on the same lot as the principal dwelling, and which may be within the same structure as the principal dwelling, or which may be a detached structure, but which shall not include duplex or two-family dwellings.

Dwelling, single-family attached. One (1) of two (2) or more residential buildings, each being used or intended for use by one (1) family, each unit having separate ground floor access, and having a common or party wall separating the dwelling units, such party walls having no openings. For purposes of this definition, living space on the ground floor may include a garage or porch. Includes duplex, triplex, quadraplex, row house and townhouse units (also see "Townhouse").

Dwelling, single-family detached. A single-family dwelling unit which is entirely surrounded by open space or yards on the same lot.

Floor area ratio (FAR). A number or percentage, derived by dividing the gross floor area of the buildings on any lot by the total lot area less the area within the one hundred (100)-year floodplain (net lot area). The floor area ratio

multiplied by the net lot area produces the maximum amount of gross floor area that may be constructed on a lot.

Green. An open space available for unstructured recreation, its landscaping consisting of grassy areas and trees. A Green should be designed for passive and unstructured active recreation. Improvements to the green may consist of paths, benches, landscaping, and other improvements.

Live/Work Unit. A building in single ownership that provides limited commercial space on the first floor and a dwelling unit on the upper floor(s). The operator of the commercial use may reside in the dwelling unit, or either the commercial space or the dwelling unit may be leased or rented.

Mixed use building. A single building occupied with two (2) or more of the following uses: retail, office, professional services, personal services, lodging, restaurants or dwelling unit(s). Uses within a mixed use building may be divided either vertically or horizontally.

Mixed Use/Traditional Neighborhood Design (MU/TND) District. A mixed use zoning District that provides exceptional flexibility as a matter of right to affect compact development and meet the intent described in subsection 711.01 of Appendix A of the the Amherst County Code.

Natural Area/Preserve. Open space that preserves or protects endangered species, a critical environmental feature, or, other natural feature. Access to a Preserve may be controlled to limit impacts on the environment. Development of the Preserve is generally limited to trails, educational signs, and similar improvements.

Park. An open space, available for recreation, its landscape consisting of paved and or stoned paths and trails, open lawn, trees, open shelters, or recreational facilities. Facilities may range from simple picnic tables, benches, or a playground in a small park, to a recreation center, swimming pool, or sport field in a larger park. Other facilities may include playgrounds, shelters, sport courts, drinking fountains, parking lots, or restrooms. Park grounds are usually grassy and maintained on a regular basis for recreational activity, but may include some natural or formally landscaped areas.

Plaza. Open space usually at the intersection of important streets, set aside for civic purposes and commercial activity, including parking, its landscape consisting of durable pavement and formal tree plantings. A plaza is usually bordered by civic or private buildings. Plazas may range from very active places with adjacent complimentary uses such as restaurants and cafes, to quiet areas with only seating, formal landscape plantings, and amenities such as fountains or public art.

Senior living facilities. This broad category of housing accommodation includes the following types of facilities:

- a. Senior housing facility: A residential facility for independent living, containing dwellings where the occupancy is restricted to persons fifty-five (55) years of age or older or couples where either the husband or wife is fifty-

five (55) years of age or older. This does not include a development that contains convalescent or nursing facilities.

- b. Congregate care living facility: A residential facility for semi-dependent living, containing two (2) or more dwelling units for four (4) or more persons fifty-five (55) years of age or older or couples where either the husband or wife is fifty-five (55) years of age or older, within which are provided living and sleeping facilities, as well as various other services such as meal preparation, laundry services and the like.
- c. Life care facility: A facility which may include a full range of living arrangements, for elderly and/or disabled persons, progressing from independent living in single-family units to congregate apartment living where semi-dependent residents share various common facilities and services, to a nursing home facility for dependent residents providing a full range of support services and nursing care (also see "Nursing home").

Square. Square means open space that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic purposes, with landscape consisting of paved walks, lawns, trees, and civic buildings. A square is bordered by streets and may have major civic uses located on or adjacent to the square. The square is intended as a central place for the community and should accommodate a wide variety of formal and informal gatherings; it does not actually have to form a perfect square.

Stub out. Stub out means a transportation facility (i) whose right-of-way terminates at a parcel abutting the development, (ii) that consists of a short segment that is intended to serve current and future development by providing continuity and connectivity of the public street network, (iii) that based on the spacing between the stub out and other streets or stub outs, and the current terrain there is a reasonable expectation that connection with a future street is possible, and (iv) that is constructed to the property line.

(Ord. No. 2011-0008, § 2, 12-20-11; Ord. No. 2020-0012, § 1, 10-6-20)

§ 2. That this ordinance shall be in force and effect upon adoption.

Adopted this 20th day of June 2023.



Tom Martin, Chair
Amherst County Board of Supervisors

Member	Vote
Tom Martin., Chair	<u>Aye</u>
L.J. "Jimmy" Ayers, III, Vice-Chair	<u>Aye</u>
Claudia D. Tucker.....	<u>Aye</u>
Drew Wade	<u>Aye</u>
David W. Pugh, Jr.	<u>Aye</u>

ATTEST:



Jeremy S. Bryant, Clerk
Amherst County Board of Supervisors