

DRAFT



**Amherst County Board of Supervisors
County Ordinance No. 2018-0003**

AN ORDINANCE, NO. 2018-0003

Amending §7-351, Chapter 7 - Licenses, Permits, Business Regulations, And Derelict Structures, Article XII. Derelict Structures, Blight Abatement & Tax Abatements, to the Code of the County of Amherst.

Approved as to form and legality by the County Attorney

PUBLIC HEARING: Planning Commission, July 19, 2018
FIRST READING: Board of Supervisors, _____, 2018
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THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Section 7-351, Chapter 7 - Licenses, Permits, Business Regulations, And Derelict Structures, Article XII. Derelict Structures, Blight Abatement & Tax Abatements, to the Code of the County of Amherst be and hereby is amended, as follows:

Sec. 7-351. Definitions.

For the purposes of this article, the following terms have the following meanings, unless another meaning is required by the context:

Derelict building means any building that may endanger the public health, safety, and welfare and for a continuous period of at least six months has been (i) vacant, (ii) boarded up in accordance with the building code or under an order to do so, and (iii) not lawfully connected to electric service from a utility service provider or not lawfully connected to any required water or sewer service from a utility service provider.

Owner or landowner means an owner, deed of trustholder, or owner of a ground lease on a property.

Rehabilitation plan means a written plan to renovate, rehabilitate, or demolish a structure so as to bring it into compliance with the relevant building code provisions and remedy the structure's derelict status. The plan may include one or more adjacent properties of the owner, whether or not such properties have been declared derelict.

Statutory Reference: Va. Code § 15.2-907.1.

Sec. 7-352. Declaration of derelict status.

The County Building Official shall have authority to declare a structure derelict if it meets the criteria set forth in this article. The Building Official may make such declaration on his own initiative, upon complaint, or the landowner may apply to the Building Official to make such a declaration.

Statutory Reference: Va. Code § 15.2-907.1.

Sec. 7-353. Notice to owner; right of appeal.

- (a) Upon declaration that a structure is derelict, the Building Official shall promptly cause notice to be provided to the owner thereof, as determined from the records of the Commissioner of the Revenue, of its derelict status. The notice shall set forth the items needed to remedy the derelict status of the building, which may include partial or total demolition, and that a rehabilitation plan must be submitted within 90 days from the date of the notice. Service of the notice shall be made by certified U.S. Mail.
- (b) It shall be the duty of the owner of the property to provide a rehabilitation plan to the County within the period set forth in the notice.
- (c) In the event the owner disagrees with the designation of derelict status, he may appeal the decision of the Building Official to the Board of Supervisors within 30 days from receipt of the notice. The Board of Supervisors may affirm, reverse, or modify the decision of the Building Official. The decision of the Board of Supervisors shall be final, and the landowner shall submit a rehabilitation plan within 60 days of the final decision of the Board.

Statutory Reference: Va. Code § 15.2-907.1.

Sec. 7-354. Pre-application meeting; expedited review of ministerial approvals.

- (a) County staff, which may include the Building Official, Zoning Administrator, and Subdivision Agent or their designees, shall schedule a meeting with the landowner promptly but in no case later than 15 days following submission of a rehabilitation plan unless otherwise mutually agreed between staff and the landowner, to review the rehabilitation plan. County staff shall inform the landowner of any deficiencies in the plan, and discuss required permitting and approvals to accomplish the plan. County staff may invited other departments and agencies to participate in the pre-application meeting as appropriate.
- (b) Following the pre-application meeting, staff and the landowner shall agree on a rehabilitation plan and a schedule for achieving the goals of the rehabilitation plan, which shall be memorialized in a writing signed by the landowner and a representative of the County.
- (c) Upon receipt of complete applications, the County shall expedite ministerial approvals, such as building permits, demolition permits, subdivision plats, and site plans, to the extent practicable. Fees for building and demolition permits shall be reduced by 50% for such applications, and in no event shall exceed \$5,000 for all permits necessary to complete the agreed rehabilitation plan. Fees for site plans and subdivision plats shall also be reduced by 50% for such applications, and in no event shall exceed \$5,000 for all permits necessary to complete the agreed rehabilitation plan.

Statutory Reference: Va. Code § 15.2-907.1.

Sec. 7-355. Tax abatement for rehabilitation of derelict structures.

- (a) Prior to commencement of work on the rehabilitation plan, the property owner may request in writing a tax abatement from the County.
- (b) Upon receipt of the request, the Commissioner of the Revenue shall make an assessment of the property in its current derelict condition.
- (c) On the building permit application, the owner shall declare the costs of demolition, or the costs of materials and labor to complete the renovation.
- (d) At the request of the property owner, after demolition or renovation of the derelict building, the Commissioner of the Revenue shall reflect the fair market value of the demolition costs or the fair market value of the renovation improvements, and reflect such value in the real estate tax assessment records. The real estate tax on an amount equal to the costs of demolition or an amount equal to the increase in the fair market value of the renovations, shall be abated for a period of not less than 15 years, and is transferable with the property.
- (e) The abatement of taxes for demolition shall not apply if the structure demolished is a registered Virginia landmark or is determined by the Department of Historic Resources to contribute to the significance of a registered historic district.

Statutory Reference: Va. Code § 15.2-907.1.

Sec. 7-356. Remedies cumulative; no election.

The remedies set forth in this article are cumulative, and are not to be construed to exclusive of any other remedy provided by law, including those remedies provided by Sections 15.2-900 and 15.2-906 of the Code of Virginia, 1950, as amended.

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

Adopted this _____ day of _____, 2018.

Claudia D. Tucker, Chair
Amherst County Board of Supervisors

ATTEST:

Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes _____

Nays _____

Abstentions _____