



Amherst County Board of Supervisors  
County Ordinance No. 2012-0003

**AN ORDINANCE, NO. 2012-0003**

Defining and establishing the RMU-1 Zoning District.

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Approved as to form by the County Attorney

**FIRST READING: Planning Commission, June 7, 2012**  
**PUBLIC HEARING: Planning Commission, June 21, 2012**  
**FIRST READING: Board of Supervisors, July 3, 2012**  
**PUBLIC HEARING: Board of Supervisors, July 17, 2012**

**THE COUNTY OF AMHERST HEREBY ORDAINS:**

**§ 1. That subsection 302.112.1 be and hereby is amended, as follows:**

~~302.112.1 Resurvey. The practice of surveying all or a portion of any boundary of real property for which a survey has previously been approved under this ordinance or former ordinances or where the survey has been placed to record where the effect of such second survey is to reestablish any previously existing boundary line.~~ Restaurant, small. An establishment of no more than 2,000 square feet in size engaged in the preparation of food and beverages characterized primarily by table service to customers in nondisposable containers. Examples include cafés and coffee shops.

**§ 2. That subsection 302.112.2 be and hereby is added to the Code of the County of Amherst, as follows:**

302.112.2. Resurvey. The practice of surveying all or a portion of any boundary of real property for which a survey has previously been approved under this ordinance or former ordinances or where the survey has been placed to record where the effect of such second survey is to reestablish any previously existing boundary line.

**§ 3. That section 712 be and hereby is added to the Code of the County of Amherst, as follows:**

712. Residential Mixed Use District RMU-1

712.01 Intent. The purpose of establishing the Residential Mixed Use District (the "RMU-1 district") is to accommodate development of mixed-use, pedestrian-oriented, activity centers for a variety of uses,

including residential, commercial, cultural, educational, and other public and private uses. The standards applicable in the RMU-1 district are intended to encourage redevelopment and reinvestment in residential and supporting commercial areas. The RMU-1 district shall incorporate publicly accessible community open space areas and encourage high quality development and redevelopment that stimulates investment, generates jobs, increases available housing options, and expands the county's tax base. The RMU-1 district standards permit a compatible mix of uses in a single structure or a group of structures on a parcel or group of parcels and is intended to discourage piecemeal development. The RMU-1 district standards will facilitate investment by increasing the number of permitted principal and accessory uses in a single district and will encourage high quality redevelopment by permitting greater regulatory flexibility and innovative and creative design.

712.02 Permitted uses.

1. Single-family dwellings that are built in accordance with the Virginia Statewide Building Code.
2. Accessory structures per Section 901.
3. Home occupations, provided that no outside storage or signage is permitted, no employees or customers may come to the property, and the use shall not result in any increase in or change to neighborhood traffic.
4. Utilities serving the community, including but not limited to sewer, water, gas, electricity, cable television, telephone.
5. Public streets.
6. Personal wireless service facilities as provided in Section 919.
7. Public facilities such as schools, parks, emergency services, libraries, post offices, community center.
8. Antique shops, except that no auctions are permitted, and no items can be stored outdoors.
9. Barbershops and beauty parlors.
10. Florist and flower shop.
11. Retail service stores such as bakeries, shoe shops, laundries, and dry cleaners.
12. Restaurant, small.
13. Museum and art gallery.
14. Family day home which serves no more than five children. The zoning administrator may impose conditions on such family day homes to ensure their compatibility with other permitted uses; however, such conditions shall not be more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption.

15. Group home. The zoning administrator may impose conditions on group homes to ensure their compatibility with other permitted uses; however, such conditions shall not be more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption.

16. Temporary family health care structure. Such structures shall not require a special use permit or be subjected to any other local requirements beyond those imposed upon other authorized accessory structures, except as follows:

a. Any person proposing to install a temporary family health care structure shall first obtain a zoning permit from the County. The County may not withhold such permit if the applicant provides sufficient proof of compliance with the requirements of this section.

b. Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

c. Any temporary family health care structure shall be removed within 30 days after which the mentally or physically impaired person is no longer receiving or is no longer in need of the caregiver's assistance.

d. The County may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. Such evidence may involve the inspection by the County of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation.

e. Any temporary family health care structure installed pursuant to this section may be required to connect to any water, sewer, and electric utilities that are serving the primary residence on the property and shall comply with all applicable requirements of the Virginia Department of Health.

f. No signage advertising or otherwise promoting the existence of the structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

17. Any other use which the Planning Director determines is consistent with the statement of intent for this district and is of the same general character as permitted uses in this district.

#### 712.03 Special exceptions:

1. Emergency services.

2. Homes for aged.

3. Personal wireless service facilities as provided in Section 919.

4. Signs as provided in Section 907.

5. Short-term tourist rental of a dwelling as provided in Section 916.

6. Bicycle sales and repair shops provided no items can be stored outdoors.

7. Catering establishments and meal delivery services.

8. Child care centers, babysitting services.

9. Churches and parish houses, except rescue missions and revival tents.

10. Schools, including child care, charitable, cultural, and other community service activities on school property, and colleges and universities, including educational, scientific and other related research facilities.

11. County-owned or county-leased buildings and properties of a conservation, cultural, administrative or public service type and publicly-owned or publicly-leased buildings of a recreational type, with approval of a site plan, in accordance with Article XI of Appendix A to the County Code, Zoning and Subdivisions.

12. Furniture, television and appliance sales, service and repair, including service and repair of any type of home appliance provided no items can be stored outdoors

13. Grocery or general convenience store, except that no individual store shall contain more than 3,000 square feet of floor area designated for retail sales and the sale of gasoline shall not be allowed.

14. Drying and dry cleaning retail laundry or cleaning and pressing establishments employing not more than three persons in the actual cleaning process. Establishments shall use nonflammable cleaning solvents, fully enclosed cleaning and solvent reclamation processes, fully enclosed pressing equipment with no outside steam exhaust, and other devices or arrangements necessary to fully protect adjacent properties from noise, odors, and vapors.

15. Studios and shops for artists, photographers, writers, teachers, jewelers, tailors and dressmakers, taxidermists, weavers and other craftsmen, sculptors and musicians, provided no such studio or shop shall contain more than 3,000 square feet.

16. Single-family dwelling and a retail sales or service store within the same main structure, provided the single-family dwelling unit occupies fifty (50) percent or more of the structure.

17. Two-family dwelling which has an outward appearance of a single-family dwelling.

18. Any other use which the Planning Director determines is consistent with the statement of intent for this district and is of the same general character as special exception uses in this district.

#### 712.04 Limitation on commercial uses.

Commercial uses may operate only during the period from 7:00 AM and 7:00 PM Monday – Saturday, and shall not operate on Sunday. Different hours of operation may be approved only via a special exception permit.

#### 712.05. Site plan.

Before a building and zoning permit shall be issued for any use in the Residential Mixed Use District RMU-1 other than residential developments of four or fewer units on a single parcel, a site plan of the proposed development shall be approved by the Planning Commission or the zoning administrator in conformance with Section 1003 and Article XI. All development shall comply with Article XVI of Appendix A to the County Code, Zoning and Subdivisions.

712.06. Development standards. The standards set out below shall be in addition to the standards required elsewhere in Appendix A, Zoning and Subdivisions:

A. Sidewalks: All new developments, or expansions that increase the floor area by twenty (20) percent or more, shall, at the zoning administrator's discretion, include sidewalks that parallel the public street. Sidewalks shall be constructed to meet the Virginia Department of Transportation standards.

B. Public water and sewer. All new developments shall be served by public water and sewer.

C. Utility lines underground. All new utility lines such as electric, telephone, CATV or other similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within the project. All junction and access boxes shall be screened with appropriate landscaping.

D. Outside storage for non-residential uses. There shall be no outside storage of any equipment, vehicles, materials or supplies, however a trash receptacle area may be permitted if enclosed within an area completely screened from view.

E. Lighting.

1. Purpose. The purpose of RMU-1 district lighting standards is to encourage good lighting practices in non-residential development that is designed to conserve energy and money, minimize glare, protect the use and enjoyment of surrounding property, while increasing safety, utility, security and productivity.

2. Applicability. The provisions of this section shall apply to any non-residential project in the RMU-1 district.

3. Lighting standards.

a. All outdoor lighting fixtures shall be contained in the project's site plan, and shall be directed away from residential property.

b. Light source locations shall be chosen to minimize the hazards of glare. The height of freestanding lighting fixtures shall not exceed 20 feet unless otherwise approved by the Planning Commission.

c. Street light poles shall be designed and placed in accordance with VDOT or county standards. Placement of the street light poles shall be coordinated to be on or near the side property lines of residential dwelling units.

4. Submittal requirements. A lighting plan shall be submitted with each plan of non-residential development that details the location and specifications of all lighting provided.

F. Parking. All off-street parking shall meet the standards set forth in Section 602. All parking for non-residential uses shall be placed in the side or rear of the lot, and may not be located in the front yard.

**§ 2. That sections 801, 802, and 803, specifically subsections 801.01, 802.01, and 803.01, and section 804 of the Code of the County of Amherst be and hereby are amended, as follows:**

801. Minimum lot area and lot width.

*801.01. Residential Uses.* Within districts permitting single-, two-family and multi-family residential uses, the following minimum lot areas and minimum lot widths shall apply:

District	Minimum Lot Area (sq.ft.)	Minimum Lot Frontage 1 (feet)
A-1 (Agricultural Residential)		
Single-family	43,560	100
Family divisions	43,560	None
R-1 (Limited Residential)		
Single-family (with public water and public sewerage systems)	15,000	75
(with public water and on-site sewerage systems)	22,500	75
(with non-public water and on-site sewerage systems)	25,000	75
R-2 (General Residential)		
Single-family (with public water and public sewerage systems)	10,000	75
(with public water and on-site sewerage systems)	17,500	75
(with non-public water and on-site sewerage systems)	20,000	75
Two-Family (with public water and public sewerage systems)	12,000	80
(with public water and on-site sewerage systems)	27,000	80
(with non-public water and on-site sewerage systems)	32,000	80
Three-Family (with public water and public sewerage systems)	16,000	90
(with public water and on-site sewerage systems)	38,500	90
(with non-public water and on-site	46,000	90

sewerage systems)		
Four-Family (with public water and public sewerage systems)	20,000	100
(with public water and on-site sewerage systems)	50,000	100
(with non-public water and on-site sewerage systems)	60,000	100

District	Minimum Lot Area (sq. ft.)	Minimum Lot Area for Each Additional Multifamily Unit (sq. ft.)	Minimum Lot Width (feet)
R-3 (Gen. Res.)			
Multi-Family (1 thru 4 units--Same as R-2)			
5 Units (with public water and public sewerage systems)	24,000	4,000	110
(with public water and on-site sewerage systems)	61,500	7,500	110
V-1 (Village) Single-family (regardless of the type of water and sewerage systems)	43,560	n/a	100
<u>RMU-1 (Residential Mixed Use District)</u>	<u>Standards set forth in the R-2 District</u>	<u>Standards set forth in the R-2 District</u>	<u>Standards set forth in the R-2 District</u>

1 In the measurement of lot width, the front shall be deemed to be the shorter of the sides of a corner lot facing streets.

802. - Maximum lot coverage.

802.01. *Residential uses.* The maximum lot coverage for residential uses shall adhere to the following requirements:

District	Maximum Lot Coverage (Percent)
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A-1 Agricultural-Residential	25
R-1 Limited Residential	25
R-2 General Residential	
Single- and Two-Family	35
Multi-Family	40
R-3 Multi-Family	40
<u>RMU-1 Residential Mixed Use</u>	<u>40</u>

803. - Maximum height restrictions.

803.01. Except as provided herein, the maximum height restrictions for residential and other uses within the districts shall be as follows:

	Residential Uses		
District	Single-Family	Two-Family	Other Uses
A-1 Agricultural Residential	35'	n/a	65'
R-1 Limited Residential	35'	n/a	n/a
R-2 General Residential	35'	40'	40'
R-3 Multi-family Residential	35'	40'	50'
<u>RMU-1 Residential Mixed Use</u>	<u>35'</u>	<u>40'</u>	<u>40'</u>
V-1 Village Center	35'	n/a	35'
B-2 General Commercial	n/a	n/a	50'
M-1 Light Industrial	n/a	n/a	65'

804. Minimum yard requirements.

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

	Front Yard Setback			
	Frontage	Front	Side-Yard	

District	Road Easement (Measured from Centerline)	Property Line	Setback		Rear Yard Setback
			Corner Lot	Other Lots	
P-1 Public Lands	n/a	n/a	n/a	n/a	n/a
A-1 Agricultural Residential	75'	50'	50'	25' or 50' (e)	25' or 50' (d)
R-1 Limited Residential	75'	50'	50'	15'	35'
R-2 General Residential	65'	40'	40'	10'	25'
R-3 Multi-family Residential	65'	40'	40'	10'	25'
<u>RMU-1 Residential Mixed Use</u>	<u>40'</u>	<u>15'</u>	<u>15' (e)</u>	<u>7.5' (e)</u>	<u>10' (e)</u>
<u>RMU-1 Residential Mixed Use (non-residential)</u>	<u>40'</u>	<u>15'</u>	<u>15'</u>	<u>(b)</u>	<u>(b)</u>
V-1 Village Center	75'	50'	50'	15'	25'
B-2 General Commercial	75'	50'	(b)	(b)	(b)

(a) No building shall be permitted within two hundred (200) feet of the boundary line of land within the P-1 Public Lands District, owned in conjunction with any current or designated future site of a lake or reservoir by the County of Amherst or the Amherst County Service Authority; or any public land owned by the United States Government and managed by the U.S. Forest Service.

(b) No minimum requirement except that no building or structure shall be erected within twenty-five (25) feet of a residential lot.

(c) Route 130 Corridor See Section 913 for setback requirements.

(d) The greater setback applies to lots adjoining properties greater than ten (10) acres.

(e) Building setbacks referenced in Section 901, Accessory structures and temporary buildings, of Appendix A, Zoning and Subdivisions, shall not apply to accessory structures in the RMU – 1 Residential Mixed Use District. Accessory structures shall meet the prescribed setbacks for all principal buildings

and shall not be closer than ten (10) feet to the main building or rear lot line. All other non-building setback requirements referenced in Section 901 shall apply in the RMU-1 Residential Mixed Use District.

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

Adopted this 17<sup>th</sup> day of July, 2012.

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V. Frank Campbell, Chairman  
Amherst County Board of Supervisors

**ATTEST:**

\_\_\_\_\_  
Clarence C. Monday, Clerk  
Amherst County Board of Supervisors

**Ayes** \_\_\_\_

**Nays** \_\_\_\_

**Abstentions** \_\_\_\_