



**Amherst County Board of Supervisors
County Ordinance No. 2016-0003**

AN ORDINANCE, NO. 2016-0003

Amending certain definitions associated with time share projects to remove time constraints, repealing the prohibition of time share projects in the agricultural residential district, and authorizing them as special exceptions in that district and as by right permitted uses in planned unit developments. In a technical amendment not shown in the text of the ordinance, numbered paragraphs under 702 and 911 have been replaced with bulleted paragraphs.

Approved as to form and legality by the County Attorney

PUBLIC HEARING: Planning Commission, February 18, 2016

FIRST READING: Board of Supervisors, April 5, 2016

PUBLIC HEARING: Board of Supervisors, April 19, 2016

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Sections 302, 702, specifically 702.03, and 911, specifically 911.03, of Appendix A to the Code of the County of Amherst be and hereby are amended, as follows:

302. - Specific definitions.

Time-share. Either a time-share estate or a time-share use, plus its incidental benefits.

Time-share estate. A right to occupy a unit or any of several units ~~during five (5) or more separated time periods over a period of at least five (5) years,~~ including renewal options, coupled with a freehold estate or an estate for years in a time-share project or a specified portion thereof.

Time-share program or program. Any arrangement of time-shares in one (1) or more time-share projects whereby the use, occupancy, or possession of real property has been made subject to either a time-share estate or time-share use in which such use, occupancy, or possession circulates among owners of the time-shares ~~according to a fixed or floating time schedule on a periodic basis occurring over any period of time in excess of five (5) years.~~

Time-share use. A right to occupy a time-share unit or any of several time-share units ~~during five (5) or more separated time periods over a period of at least five (5) years,~~ including renewal options, not coupled with a freehold estate or an estate for years in a time-share project or a specified portion thereof. "Time-share use" shall not mean a right to use which is subject to a first-come, first-served, space

available basis as might exist in a country club, motel, hotel, health spa, campground, or membership or resort facility.

702. - Agricultural Residential District A-1.

702.03. Special exceptions (Agricultural Residential District—A-1 zone).

- Public entertainment.
- Schools.
- Saw mills.
- Pallet manufacturing.
- Wood yards.
- Feed mills.
- Truck business.
- Churches and related facilities.
- Signs as provided in Section 907
- Planned unit developments.
- Short-term tourist rental of dwelling.
- Machinery sales and service.
- Storage of biosolids as provided in Section 917
- Mineral extraction per Section 910
- Small wind energy systems as provided in Section 918
- Substance abuse treatment facility.
- Off-site directional signs compliant with the requirements of subsection 907.04.
- 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.
- Personal wireless service facilities as provided in Section 919.
- Club, private.
- Shooting range, outdoor.
- Breweries.
- Family day home which serves six (6) through twelve (12) children.
- Single-family attached dwelling developments, as provided in Section 921.
- Kennels.
- Aviation facilities, private as provided in Section 922.
- Time-share projects.

911. - Planned unit development.

911.03. Permitted uses. Within a PUD, the following uses are permitted, subject to the approval of the board of supervisors:

- Single-family dwellings.
- Two-family dwellings.
- Multi-family dwellings.
- Townhouses.
- Condominiums.
- Commercial uses (including retail shops, specialty shops, convenience/grocery stores).
- Automobile service stations as provided in Section 902 herein.
- Swimming pools and tennis courts.
- Marinas, docks and boating facilities of a commercial or club type.
- Churches, manses, parish houses.
- Schools.
- Day care centers.
- Parks and playgrounds.
- Community centers.
- Theaters, indoor.
- Library.
- Signs as provided in Section 907 herein.
- Offices.
- Restaurants, cards, dining establishments.
- Lodging facilities.
- Golf courses, driving ranges, and club houses.
- Other compatible uses approved by the board of supervisors.
- Emergency services.
- Utilities intended to serve dwellings and businesses within their service area in the PUD.
- Private streets in accordance with Section 911.09.
- Accessory structures per Section 901.
- Time-share projects.

§ 2. That Section 702.1 of Appendix A to the Code of the County of Amherst be repealed, as follows:

~~702.1. Time Share Projects in the A-1 Zoning Classification; Prohibited.~~

~~(a) Definitions. As used in this section, or in a time share instrument, unless the context requires a different meaning:~~

~~Time share means either a time share estate or a time share use plus its incidental benefits;~~

~~Time share estate means a right to occupy a unit or any of several units during five (5) or more separated time periods over a period of least five (5) years, including renewal options, coupled with a freehold estate or an estate for years in a time share project or a specified portion thereof;~~

~~Time share instrument means any document, however denominated, which creates the time share project and program, and which may contain restrictions or covenants regulating the use, occupancy, or disposition of time shares in a project;~~

~~Time share program or program means any arrangement of time shares in one (1) or more time share projects whereby the use, occupancy, or possession of real property has been made subject to either a time share estate or time share use in which such use, occupancy, or possession circulates among owners of the time shares according to a fixed or floating time schedule on a periodic basis occurring over any period of time in excess of five (5) years;~~

~~Time share project means all of the real property subject to a time share program created by the execution of a time share instrument;~~

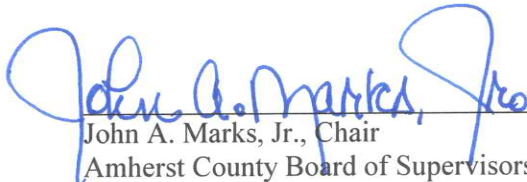
~~Time share unit or unit means the real property or real property improvement in a project which is divided into time shares and designated for separate occupancy and use; and~~

~~Time share use means a right to occupy a time share unit or any of several time share units during five (5) or more separated time periods over a period of at least five (5) years, including renewal options, not coupled with a freehold estate or an estate for years in a time share project or a specified portion thereof. "Time share use" shall not mean a right to use which is subject to a first come, first served, space available basis as might exist in a country club, motel, hotel, health spa, campground, or membership or resort facility.~~


~~(b) — Prohibited. Time share projects shall be prohibited on any land or improvement thereon lying within the A-1 ("Agricultural Residential") Zoning District in the County of Amherst, Virginia.~~

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

Adopted this 19th day of April, 2016.


John A. Marks, Jr., Chair
Amherst County Board of Supervisors

ATTEST:



Dean C. Rodgers, Clerk
Amherst County Board of Supervisors

Ayes 5

Nays 0

Abstentions 0