

John Jordan, Chairman
Marie Mitchell, Vice Chair
Reggie Bennett, Vice Mayor
Marvin Clements, Commissioner
Jennifer Morton, Commissioner

Sharon D. Williams, AICP,
Planning Commission Secretary &
Director of Community Development

The Regular Meeting of the Planning Commission of the Town of Altavista, Virginia will be held in Town Council Chambers of Town Hall on Monday, June 7, 2021 beginning at 5:00 p.m.

AGENDA

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approval of Agenda
5. Pledge of Allegiance & Invocation
6. Approval of Minutes May 3, 2021
7. Public Expression
8. Public Hearings
 - a. Ordinance Amendment #OA-21-07: To amend Section 86-22 of the Zoning Ordinance to define the Central Business District (CBD).
 - b. Ordinance Amendment #OA-21-05: To amend Section 86-561 of the Zoning Ordinance to add an exception to the off-street parking requirement in the Central Business District (CBD) for business located within a 200' radius of a public parking lot.
 - c. Ordinance Amendment #OA-21-06: To amend Section 86-424 of the Zoning Ordinance to permit metal roofs in the Downtown Revitalization Overlay District (DRO) and to allow other metal finishes with a Special Use Permit (SUP).
9. Old Business
 - a. Food Pantries in the DRO
 - b. Home Occupations
 - c. Solar Energy Facilities Discussion

10. New Business

- a. Home Occupations – accessory structures
- b. 2040 Comprehensive Plan Update

11. Update on Certified Planning Commissioners' Class – Mr. Clements & Vice Chair Mitchell

12. Adjournment

All meetings are livestreamed and can be viewed on the Town's website at www.altavistava.gov

Next Meeting: TUESDAY, July 6, 2021 at 5:00 p.m.

The Altavista Planning Commission held a regularly scheduled meeting March 1, 2021 at 5:00 PM in the Council Chambers at Town Hall located at 510 7th Street, Altavista, Virginia.

Members present - John Jordan, Chairman
Marie Mitchell, Vice Chair
Reggie Bennett, Vice Mayor
Jennifer Morton
Marvin Clements

Staff present - Sharon D. Williams, AICP – Community Development Director
John Eller – Town Attorney
Cheryl Dudley – Customer Service Specialist
Amie Owens – Assistant Town Manager

CALL TO ORDER:

Chairman John Jordan called the regularly scheduled Planning Commission meeting to order at 5:00 p.m.

DETERMINATION OF QUORUM:

Chairman Jordan stated that a quorum was present.

APPROVAL OF AGENDA:

Chairman Jordan asked if there were any amendments to be made to the Agenda.

Upon a motion made by Vice Mayor Reggie Bennett and seconded by Vice Chair Marie Mitchell the Planning Commission voted 5-0 to approve the Agenda as presented.

PLEDGE OF ALLEGIANCE & INVOCATION:

The Commission recited the Pledge of Allegiance and Chairman Jordan delivered the Invocation.

APPROVAL OF MINUTES:

Upon a motion made by Mr. Marvin Clements and seconded by Vice Chair Mitchell, the Planning Commission voted 5-0 to approve the corrected minutes from the April 5, 2021 meeting.

OLD BUSINESS:

a. Solar Energy Facilities Discussion

Guest Speaker – *Elizabeth M. Marshall, Senior Project Coordinator, Center for Economic Policy Studies, University of Virginia – Weldon Cooper Center.*

Ms. Williams introduced Ms. Marshall who gave a presentation on solar energy in Virginia and answered questions from the Planning Commission.

Chairman Jordan stated that the Planning Commission had reviewed the solar energy siting policy from Prince George County, Virginia and asked Ms. Marshall if she had recommendations for other siting policies the Planning Commission should consider.

Ms. Marshall stated that there was no recommended policy, as each locality needed to decide what was needed to meet its goals and objectives. She offered to assist staff with creating an ordinance.

Chairman Jordan asked what the best way was to educate the public.

Ms. Marshall answered that it was through continual informational sessions. She further recommended that the session be divided into smaller topical sessions.

Chairman Jordan asked if there was a list of companies that were good partners.

Mrs. Marshall stated that the Chesapeake Solar & Storage Association (CHESSA) might be able to provide guidance on how to evaluate developers.

Chairman Jordan asked what the average acreage was for solar development.

Ms. Marshall stated it varied and that the Department of Environmental Quality (DEQ) website contained a spreadsheet that inventoried all Notices of Intent received and Permits by Rule (PBR) reviewed, which contained megawattage and acreage information on the development.

Vice Mayor Bennett asked what the economic benefit was to a town to allow solar energy facilities. He stated he had heard technology companies would not locate in an area that did not have clean energy. He asked if clean energy would attract new industries.

Ms. Marshall replied that some localities had incorporated solar energy into their economic development strategy. She stated that between revenue sharing and machinery and tools tax there was an opportunity for a locality to benefit financially.

Mr. Bennett stated that one of the concerns expressed by localities had been regarding decommissioned facilities and who bore the financial responsibility.

Ms. Marshall the Virginia State Code requires a decommissioning plan and that the owner provide financial assurance to localities to reduce the risk. She said discussion were being had on what was the best method of ensuring there was not a financial burden to localities and if there was a salvage value of the equipment after it was decommissioned.

There being no further questions, the Planning Commissioners thanked Ms. Marshall for the information she provided.

b. Parking in the Downtown Revitalization Overlay District (DRO)

Ms. Williams stated that as discussed at the April 2021 meeting, prior to the last Zoning Ordinance update there was a provision that exempted businesses from the requirement to provide the required off-street parking in the Central Business District (CBD), if the business was located within 200' of a public parking lot. She explained that when the ordinance was updated in this provision did not carry over to the new code. Ms. Williams said she believed this was done in error and it had not been the intent of the town to require off-street parking for downtown businesses.

Upon a motion made by Vice Chair Mitchell and seconded by Mrs. Jennifer Morton, the Planning Commission voted 5-0 to have staff advertise for a public hearing to amend Sec. 86-561 of the Zoning Ordinance for off-street parking in the CBD.

c. Use of Metal in the DRO

Ms. Williams reminded the Planning Commission that as discussed at their May meeting the use of metal was prohibited in the Downtown Revitalization Overlay District (DRO) when it could be seen from a public right of way. She said that the town desired to place a standing metal seam roof on the Spark Innovation Center. She continued and stated the discussion last month was whether that should apply to roofs and it was also discussed the option of an all-metal building. It was suggested at that time that additional finished might be approved through the SUP process.

Upon a motion made by Vice Chair Mitchell and seconded by Mr. Clements, the Planning Commission voted 5-0 to allow staff to advertise for a public hearing to amend Sec. 86-424-*Architectural treatment* of the Zoning Ordinance to allow metal roofs in the DRO and an added provision that additional uses of metal may be requested through a SUP.

NEW BUSINESS:

a. Permitted Uses in the DRO

Ms. Williams informed the Planning Commission that when the Zoning Ordinance was amended in 2019 to permit food pantries that it had been for the C-1 (Local Commercial), C-2 (General Commercial) and M (Industrial) zoning districts and it was not permitted in the Downtown Revitalization Overlay District (DRO). Ms. Williams explained that DAWN (Donation a Week Neighbor) operated by the Altavista Ministerial Association had operated out of the Sheltered Workshop; however, the use was not permitted in the DRO. She stated that leniency had been granted due to the coronavirus pandemic and stated it was time to decide if food pantries should be permitted in the DRO and if so, were restrictions such as a Special Use Permit (SUP) necessary.

Mrs. Morton asked if the SUP gave the Planning Commission the ability to recommend denial of an application.

Mr. John Eller, Town Attorney stated that it did.

Mrs. Morton asked if DAWN planned to move out of the Sheltered Workshop building and the DRO.

Ms. Williams answered DAWN had considered it.

Vice Mayor Bennett asked if it was necessary to take action or could DAWN continue to operate. He also stated that the Special Use Permit (SUP) process provided greater flexibility for the town.

Chairman Jordan asked if the SUP was a financial burden for DAWN or a similar entity.

Ms. Williams stated that it cost \$400 and that the fee covered the cost of the legal ad, which was required to run twice for the Planning Commission public hearing and twice for the Town Council public hearing. She said the Town did not make a profit and the cost of the ads often exceeded the fee received.

Vice Chair Mitchell asked if DAWN had requested the text amendment.

Ms. Williams answered that it was a request of staff and DAWN. She stated that the property might change ownership and the Town had been asked if the use was permitted. Ms. Williams said that it was not, and the town needed to decide if it wanted to allow this use.

Vice Chair Mitchell asked if DAWN had asked the town if the use was permitted prior to moving into the building.

Ms. Williams stated that she believed that DAWN was unaware they were in an overlay district. She stated they had moved in once the food pantry text amendment was approved authorizing the use in the C-2 zoning district and did not understand the text amendment did not permit the use in the DRO.

Chairman Jordan asked if there was a reason to require a SUP.

Ms. Williams answered that DAWN often offered drive-through pickups of food and when it occurred it had created traffic flow problems on Main Street and Bedford Avenue. She stated that the SUP process gave the town the opportunity to address problem areas.

Mr. Eller reminded the Planning Commission that the issue before it was not whether DAWN should be permitted to operate in the building, but whether the food pantry use was appropriate in the DRO. He stated a benefit of the SUP process was that conditions could be added by the Town to ensure it was compatible with other uses in the DRO.

Mr. Clements asked if the fee could be waived since it was an oversight by the town.

Ms. Williams answered that she did not believe it was an oversight by the town because it was DAWN's responsibility to ask if the use was permitted prior to moving into that location and obtaining the appropriate permits.

Chairman Jordan stated it was his opinion that a SUP was need for the proposed use.

Ms. Williams stated there were two solutions for the town. She said the Zoning Ordinance could be amended to allow food pantries in the DRO or that she could send a Notice of Violation (NOV) to DAWN to inform them the use was not permitted and that the needed to vacate the premises. She reminded the Commission that the issue was the use and not the entity.

Vice Mayor Bennett stated that other than the traffic issue DAWN had operated unnoticed. He recommended amending the Zoning Ordinance and require a SUP to regulate the use.

Mr. Eller stated that the proposed change would permit DAWN to operate legally in the existing location.

Ms. Williams stated that DAWN had worked with the town to notify them of food pickup days. She said the town had supplied safety vest to the volunteers and the Altavista Police Department

had worked with them on traffic flow for the events. She reminded the Commission that the purpose of a Special Use Permit was to regulate uses that were appropriate but due to their potential to create nuisances, additional controls were needed.

Chairman Jordan asked for a recommendation from the Planning Commission.

Upon a motion made by Vice Chair Mitchell and seconded by Mr. Clements, the Planning Commission voted 5-0 to recommend an amendment to Sec.86-427(3) of the Zoning Ordinance to allow food pantries in the DRO with a SUP.

b. Home Occupations in the DRO

Ms. Williams stated that the last order of business was for the Planning Commission to discuss the requirement of a SUP being required for home occupations in the DRO. She said she was trying to maximize the cost of the legal ad. Ms. Williams reminded the Commission that the issue had been discussed at the April Planning Commission meeting. She reminded the Planning Commission of the Economic Development Strategic Plan and its focus on downtown, which included the desire to have more people living downtown. Staff recommended the Planning Commission amend Sec. 86-454.2 of the Town Code to permit home occupations without an SUP.

Mr. Eller stated that home businesses were subject to meeting the home occupation restrictions and if business complied the impact would be minimal. He reminded the Commission that they had decided at the last meeting that the text amendment could wait until the Zoning Ordinance update. He advised the Commissioners that if they were going to consider a text amendment that they review the existing language from the Zoning Ordinance to determine if any additional changes were needed.

Chairman Jordan asked staff to provide that information for the June 7, 2021 meeting.

Mr. Eller reminded the Commissioners that the Zoning Ordinance text amendment for parking in the Central Business District (CDB) also included an amendment to define the CBD and asked for a motion to include it in the public hearing ad.

Upon a motion made by Vice Chair Mitchell and seconded by Mr. Clements, the Planning Commission voted 5-00 to authorize staff to advertise for a public hearing to amend Sec. 86-22 of the Zoning Ordinance to define the Central Business District (CDB).

ADJOURNMENT:

There being no further business, the meeting was adjourned at 6:38 p.m.

John Jordan
Planning Commission Chair

Sharon D. Williams, AICP
Planning Commission Secretary

Planning Commission Staff Report
Ordinance Amendment #OA-21-07 Parking in the Central Business District
Public Hearing June 7, 2021

Request

To amend Sec. 86-22 – *Definitions* of the Zoning Ordinance to define the Central Business District (CBD).

Summary

Staff recently discovered that during the last Zoning Ordinance update a provision which exempted certain commercial uses from having to provide off-street parking was eliminated. Previously, parking was not required in the Central Business District (CBD) for commercial uses located within 200' of a town owned public parking lot.

It is this opinion of staff that it was never the town's intent to require parking in and around downtown and the elimination of this provision was done in error. Staff has operated under the assumption that the parking exemptions existed until a recent review of the ordinance revealed the omission.

At its April 5, 2021 and May 3, 2021, meeting the Planning Commission discussed whether parking should be required in the Downtown Revitalization Overlay District (DRO). That discussion included consideration on if parking should be required in what was formerly known as the Central Business District (CBD), which extended from Franklin Avenue to Bedford Avenue.

The Planning Commission believed the parking exemption should be reinstated to encompass the area known as the Central Business District due to the number of available town public parking lots.

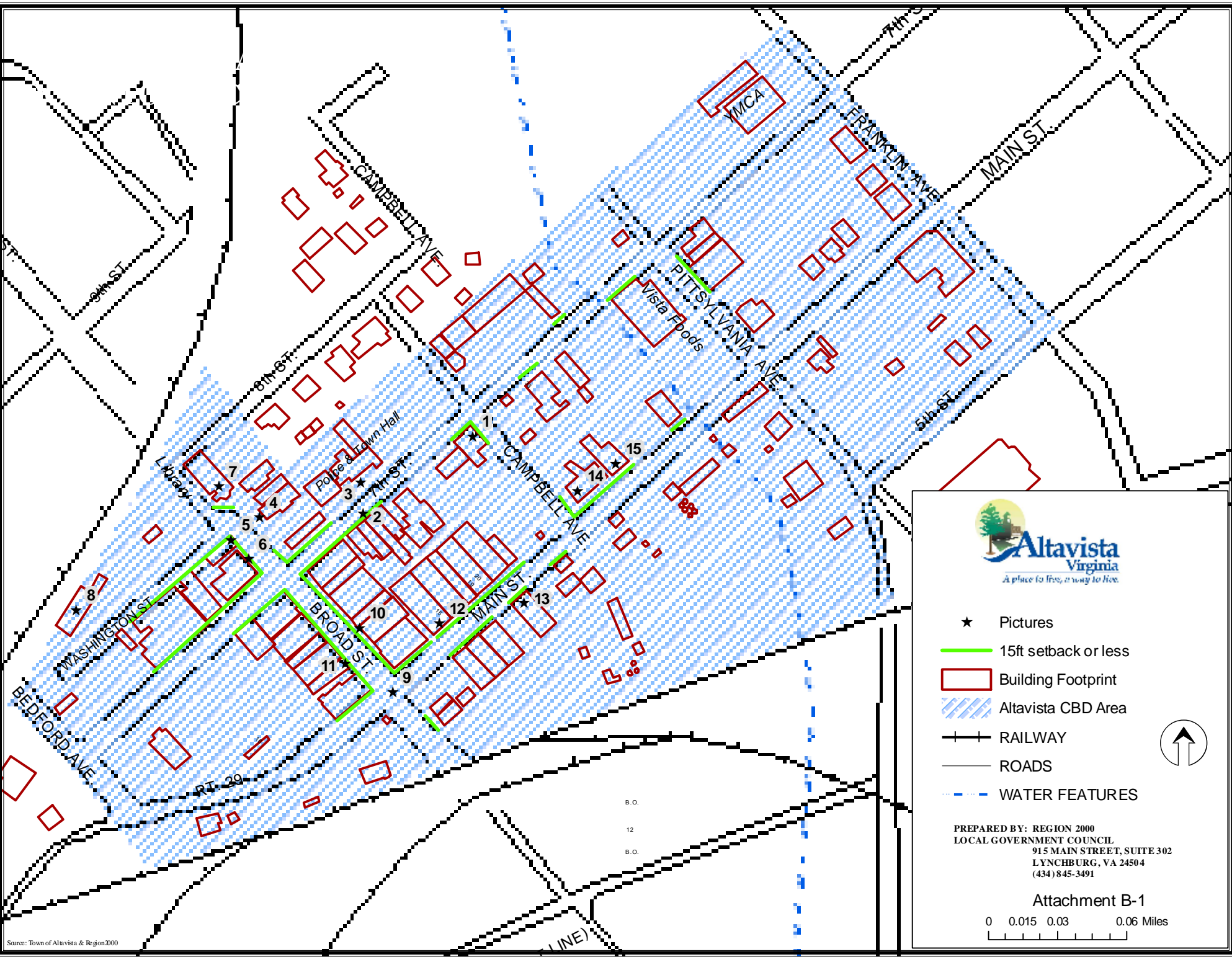
The Planning Commission directed staff to proceed with a text amendment which would exempt commercial uses in the CBD from being required to provide off-street parking.

Staff Recommendation:

Staff recommends that the Planning Commission make a motion to recommend Town Council amend Section 86-22 *Definitions, general terms* of the Zoning Ordinance to define the Central Business District.

Attachment(s)

1. Draft Text – Definition of the Central Business District (CBD)
2. Central Business District (CBD) Map



- ★ Pictures
- 15ft setback or less
- Building Footprint
- Altavista CBD Area
- RAILWAY
- ROADS
- WATER FEATURES



PREPARED BY: REGION 2000
LOCAL GOVERNMENT COUNCIL
915 MAIN STREET, SUITE 302
LYNCHBURG, VA 24504
(434) 845-3491

Attachment B-1

0 0.015 0.03 0.06 Miles

Sec. 86-22. - Definitions, general terms.

The words and terms listed below shall have the following meanings:

Abutting means contiguous or adjoining; having property or zoning district lines in common, or separated by a right-of-way.

Access means of approach, to provide vehicular or pedestrian physical entrance to a property.

Accessory building or structure means a building or structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. Where an accessory building or structure is attached to the principal building in a substantial manner, as a covered structure made of materials complementary to the principal structure, such accessory building shall be considered a part of the principal building. A walkway alone shall not be considered a substantial connection for the purposes of this chapter. For purposes of this chapter, any swimming pool in a residential district shall be considered an accessory structure.

Accessory use means a use of land, or a building or structure or portion thereof, customarily incidental and subordinate to the principal use of the land or building or structure and located on the same lot with such principal use.

Acreage means a parcel of land, regardless of area, described by metes and bounds and not as a lot shown on any recorded subdivision plat.

Addition means any construction that increases the gross floor area of a building or structure, or results in an expanded footprint of a building or structure on the ground.

Alley means a right-of-way that provides secondary vehicle and service access to abutting properties that have frontage on one or more streets.

Alteration means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, or any enlargement or reduction of a building or structure, whether horizontally or vertically, or the moving of a building or a structure from one location to another.

Amendment means a modification to this chapter, including the text or associated maps that has been approved by the town council.

Antenna means a communication device that transmits or receives electromagnetic signals. Antennas may be directional, including panels and microwave dishes, or omni-directional including satellite dishes, whips, dipoles, and parabolic types. An antenna does not include the tower or other supporting structure to which it is attached. For purposes of this chapter, an "antenna" does not include a satellite dish antenna, which is otherwise defined.

Base flood means a flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of being equaled or exceeded in any given year). Areas including the base flood are depicted as zone A, AE, AH, AO, AR, A99, V and VE on the Altavista flood insurance rate map (FIRM).

Base flood elevation (BFE) means the water surface elevation which occurs in a 100-year flood as designated by the Federal Emergency Management Agency.

Basement means that portion of a building that is partly or completely below grade plane. A basement shall be considered a story above grade where the finished surface of the floor above the basement is (i) more than six feet above grade, (ii) more than six feet above grade for more than 50 percent of the total building perimeter, or (iii) more than 12 feet above the finished ground at any point.

Berm means a landscaped earthen mound, incorporated as part of a site design, and intended to enhance the compatibility of abutting or nearby properties through the mitigation of sound, the screening of views, and/or the visual enhancement of a property's landscaped character.

Best management practices (BMP) means a practice, or combination of practices as determined by the appropriate state and/or local agencies to be the most effective, practical means of preventing or

reducing the amount of pollution generated by non-point sources to a level compatible with the water quality goals of the Town of Altavista and/or the Commonwealth of Virginia.

Board of zoning appeals means the Town of Altavista Board of Zoning Appeals, also referred to in this chapter as the BZA.

Buffer yard means a yard improved with screening and/or landscaping materials required between abutting zoning districts of differing intensities or between adjoining land uses for the purpose of decreasing the adverse impact of differing uses and districts.

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, activity, process, equipment, goods or materials of any kind.

Building, coverage means that portion of a lot, which when viewed from directly above, would be covered by any building or structure. For the purposes of this definition, lot shall include contiguous lots of the same ownership within a single zoning district which are to be used, developed or built upon as a unit.

Building, height means the vertical distance measured from the average adjoining grade on all sides of a building or structure to the highest point of a flat roof, the deck line of a mansard roof or in the case of a pitched, gambrel or hip roof, the mean level between the eaves and the highest point of the roof.

Building wall, front means, when viewed from above, the wall, parallel to the street right-of-way, that passes through the point of the principal building nearest the street right-of-way.

Building wall, rear means, when viewed from above, the wall, parallel to the rear lot line that passes through the point of the principal building nearest the rear lot line.

Building wall, side means when viewed from above, the wall, parallel to a side lot line that passes through the point of the principal building nearest the side lot line.

Central Business District means a section of the town beginning at a point being the intersection of Franklin Avenue and 5th Street and following the northeast side of Franklin Avenue, crossing Main Street and 7th Street, to a point on the northwest side of the 20' alley that parallels 7th Street, and running southwest in a straight line approximately 1540' to a point on the northeast side of a 20' alley then running parallel to Broad Street and in a northwest direction, crossing 8th Street to the point of intersection with the Norfolk Southern Railroad right-of-way, then following the Norfolk Southern Railroad right-of-way southwest, crossing Broad Street and Bedford Avenue (Route 43) to the southwest side of Bedford Avenue, and following the southwest side of Bedford Avenue, crossing Main Street (Route 29 Business) to a point 36' north of the center of the main line of the Norfolk Southern Railroad (Old Norfolk & Western) and then east, parallel to and 36' north of the center of the main line and crossing Pittsylvania Avenue to the northeast side of the right-of-way, thereof, then following the east side of the right-of-way of Pittsylvania Avenue in a northwest direction to the intersection of the southeast side of 5th Street, then following the southeast side of 5th Street and running in a northeast direction to the point of beginning.

Caregiver means, for purposes of section 86-460, an adult who provides care for a mentally or physically impaired person within the commonwealth and the caregiver shall be either related by blood, marriage, or adoption to, or shall be the legally appointed guardian of, the mentally or physically impaired person for who care is being provided.

Certificate of zoning compliance means, for the purposes of this chapter, official certification that premises conform to all applicable provisions of the town zoning ordinance and may be lawfully used or occupied.

Channel means a perceptible natural or artificial waterway which periodically or continuously contains moving water confined to a definite bed and banks.

Planning Commission Staff Report
Ordinance Amendment #OA-21-05 Parking in the Central Business District
Public Hearing June 7, 2021

Request

To amend Sec. 86-561 *Minimum off-street parking—Generally* to add a provision to exempt required parking for commercial uses in the CBD if located within 200' of a town public parking lot.

Summary

Staff recently discovered that during the last Zoning Ordinance update a provision which exempted certain commercial uses from having to provide off-street parking was eliminated. Previously, parking was not required in the Central Business District (CBD) for commercial uses located within 200' of a town owned public parking lot.

It is this opinion of staff that it was never the town's intent to require parking in and around downtown and the elimination of this provision was done in error. Staff has operated under the assumption that the parking exemptions existed until a recent review of the ordinance revealed the omission.

At its April 5, 2021, and May 3, 2021, meetings the Planning Commission discussed whether parking should be required in the Downtown Revitalization Overlay District (DRO). That discussion included consideration on if parking should be required in what was formerly known as the Central Business District (CBD), which extended from Franklin Avenue to Bedford Avenue.

The Planning Commission believed the parking exemption should be reinstated to encompass the area known as the Central Business District due to the number of available town public parking lots.

The Planning Commission directed staff to proceed with a text amendment which would exempt commercial uses in the CBD from being required to provide off-street parking.

Staff Recommendation:

Staff recommends the Planning Commission make motion to recommend Town Council amend Sec. 86-561 *Minimum off-street parking—Generally* of the Zoning Ordinance to add a provision to exempt required off-street parking for commercial uses in the Central Business District if located within 200' of a public parking lot.

Attachment(s)

1. Draft Text – Parking Exemption for the Central Business District (CBD)

DIVISION 3. - PARKING

Sec. 86-561. - Minimum off-street parking—Generally.

- (a) Off-street parking areas shall be provided prior to the issuance of a certificate of occupancy for any main building or expansion of an existing building, or the use thereof changed to a more intensive use.
- (b) Exception to off-street parking requirement in the Central Business District. The off-street parking requirement contained in this section shall not apply to any business in the Central Business District which property is located within a 200-foot radius of any public parking lot.

(Ord. of 10-11-2011(3), § 2)

**Planning Commission Staff Report
Ordinance Amendment #OA-21-06 Use of Metal in the DRO
Public Hearing June 7, 2021**

Request

To amend Sec. 86-424. - *Architectural treatment* of the Zoning Ordinance to permit the use of metal in the Downtown Revitalization Overlay District (DRO).

Summary

Under Sec 86-244 of the Zoning Ordinance no corrugated or sheet metal may be visible from a public right-of-way in the DRO. The town desires to replace the existing asphalt shingle roof with a standing metal seam roof on the Spark Innovation Center. The town previously received a request from Cook and Minnis Funeral Home to erect a metal building to store the hearses and family cars used for their business, which was not allowed.

At its April 5, 2021 and May 3, 2021, meetings the Planning Commission discussed the use of metal in the DRO and believed the use of metal was permissible.

The Planning Commission directed staff to proceed with a text amendment which would permit metal roofs and add a provision that additional uses of metal may be request through a Special Use Permit.

Staff Recommendation:

Staff recommends that the Planning Commission make a motion to recommend Town Council amend Sec. 86-424 *Architectural treatments* of the Zoning Ordinance to permit metal roofs in the DRO by right and other uses through a Special Use Permit.

Attachment(s)

1. Draft Text

Sec. 86-424. - Architectural treatment.

(1) Building Materials.

- (a) No portion of a building constructed of unadorned cinderblock or corrugated and/or sheet metal, with the exception of roofs shall be visible from any adjoining public right of way.
- (b) Buildings shall be designed to utilize to the greatest extent feasible such building materials which are compatible with the character of the district, such as stone, brick, stucco, and wood.

(2) Request for Alternative Materials.

- (a) Additional finishes may be approved through a Special Use Permit in accordance with Sec. 86-7.

(Ord. of 10-11-2011(3), § 2)

**Planning Commission Staff Report
Ordinance Amendment #OA-21-08 Food Banks in the DRO
Public Hearing TBD**

Request

To amend Sec. 86-22 – *Definitions* of the Zoning Ordinance to define the Central Business District (CBD).

Summary

Staff recently discovered that during the last Zoning Ordinance update a provision which exempted certain commercial uses from having to provide off-street parking was eliminated. Previously, parking was not required in the Central Business District (CBD) for commercial uses located within 200' of a town owned public parking lot.

It is this opinion of staff that it was never the town's intent to require parking in and around downtown and the elimination of this provision was done in error. Staff has operated under the assumption that the parking exemptions existed until a recent review of the ordinance revealed the omission.

At its April 5, 2021 and May 3, 2021, meeting the Planning Commission discussed whether parking should be required in the Downtown Revitalization Overlay District (DRO). That discussion included consideration on if parking should be required in what was formerly known as the Central Business District (CBD), which extended from Franklin Avenue to Bedford Avenue.

The Planning Commission believed the parking exemption should be reinstated to encompass the area known as the Central Business District due to the number of available town public parking lots.

The Planning Commission directed staff to proceed with a text amendment which would exempt commercial uses in the CBD from being required to provide off-street parking.

Staff Recommendation:

Staff recommends that the Planning Commission make a motion to recommend Town Council amend Section 86-22 *Definitions, general terms* of the Zoning Ordinance to define the Central Business District.

Attachment(s)

1. Draft Text – Definition of the Central Business District (CBD)
2. Central Business District (CBD) Map

An Ordinance to repeal, amend and re-ordain Section 86-427 of the Code of the Town of Altavista, 1968, relating to permitted uses in the DRO District.

Be it ordained by the Town Council of the Town of Altavista:

1. That Section 86-427 of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

Sec. 86-427 – Permitted uses.

The following uses are permitted by right or by special use permit in the DRO downtown revitalization overlay district, subject to all other applicable requirements contained in this chapter. A special use permit is required where indicated. Certain uses are subject to additional, modified or more stringent standards as indicated. This list of permitted uses for the DRO supersedes the list of permitted uses for the underlying zoning district.

(1) *Agricultural use types.*

(None)

(2) *Residential use types.*

Accessory apartment—Subject to section 86-426

Home occupation—Subject to section 86-454, special use permit required

Upper-story residential unit—Subject to section 86-462

(3) *Civic use types.*

Club—Subject to section 86-473, special use permit required

Cultural service

Food bank, food pantry or similar uses subject to Sec. 86-482.1, special use permit required.

Governmental service

Guidance service

Post office

Public assembly—Special use permit required

Public parks and recreational areas—Special use permit required

Religious assembly—Subject to section 86-479

Safety service

Utility service, minor—Special use permit required.

(4) *Office use types.*

Financial institution—No guidelines listed in Code

General office

Medical office

(5) *Commercial use types.*

Antique shop

Automobile repair service, minor—Special use permit required

Assembly hall—Special use permit required

Bed and breakfast—Subject to section 86-507, special use permit required

Brewpub

Business support service

Business/trade schools—Special use permit required

Commercial indoor entertainment—Special use permit required

Commercial indoor sports and recreation—Special use permit required

Communications service—Special use permit required

Consumer repair service

Convenience store

Dance hall—Special use permit required

Day care center—Subject to section 86-510, special use permit required

Farmers market—Special use permit required

Flea market—Special use permit required

Funeral service—Special use permit required

Hotel/motel/motor lodge—Special use permit required

Microbrewery

Pawn shop—Special use permit required

Payday loan establishment—Special use permit required

Personal improvement service

Personal service

Restaurant, small

Restaurant, fast food or drive-thru—Subject to section 86-562, special use permit required

Restaurant, general

Restaurant, mobile per section 86-520

Retail sales

Studio, fine arts

(6) *Industrial use types.*

(None)

(7) *Miscellaneous uses.*

Amateur radio tower—Subject to section 86-542

Parking facility, surface

Parking facility, structure—Special use permit required

2. This Ordinance shall become effective immediately upon passage by the Town Council of the Town of Altavista.

Planning Commission Staff Report
Ordinance Amendment #OA-21-09 Home Occupation Regulations
Public Hearing TBD

Request

To schedule a public hearing to amend Sec. 86-454 *Home Occupations* to allow home occupations in an accessory structure and to clarify provisions in the code section.

Summary

The Town Attorney and the Community Development recently discussed the home occupation regulations for the town while they were preparing the draft ordinance to permit home occupations in the Downtown Revitalization Overlay District (DRO) without a Special Use Permit. During the discussion, the question was raised about the provision which limited home occupations to the primary dwelling. The Community Development Director shared that many localities allowed home occupations in accessory dwelling provided it was incidental to the principal use of the premises for dwelling purposes.

In reviewing the town's home occupation regulations, staff discovered that home occupations are not permitted in accessory structures without a Special Use Permit. The Zoning Ordinance allows "Home craft businesses, including pottery, model making, weaving, dressmaking, furniture making, and artists and sculptors or other similar occupations, provided such products are made using machinery or equipment which is customary for purely domestic household purposes". These types of businesses normally are conducted in an accessory structure due to the nature of the equipment used and the debris that is created during the process. Staff is of the opinion that the existing regulations address the noise, obnoxious odors, vibrations, glare, fumes, or electric interferences that could occur with any of these uses and that a Special Use Permit (SUP) should not be required.

Staff Recommendation:

Staff recommends the Planning Commission set a public hearing to receive comments on a zoning ordinance text amendment to permit home occupations in accessory structures.

Attachment(s)

1. Draft Text – home occupations

Sec. 86-454. Home occupations.

- (a) *Intent.* The purpose of the home occupation provisions of this division is to allow for home occupations that are compatible with the residential character of the neighborhood in which they are located. These provisions recognize that certain small-scaled commercial activities may be appropriate accessory uses on residential properties. The character and scale of such commercial activities must be subordinate and incidental to the principal use of the premises for dwelling purposes. The provisions contained in this division shall supersede any provisions to the contrary found elsewhere in this chapter.
- (b) *Permit procedures.* Home occupations complying with the criteria established in section 86-454 shall be considered minor in character and permitted by right. The zoning administrator may issue a zoning permit for such uses upon application and evidence of payment of the appropriate business license tax. So long as the business remains in compliance with the criteria set forth in subsection 86-454(d), it may continue to operate. Evidence of continued compliance shall be certified annually to the town clerk in such manner as the clerk may require.
- (c) Permitted home occupations include the following uses and those with similar land use characteristics:
 - (1) Professional offices, including offices for a physician, dentist, lawyer, engineer, architect, accountant, salesperson, real estate agent, insurance agent, or other similar occupation.
 - (2) Personal service establishments (other than tattoo parlors and body piercing establishments), photographers, or other similar occupations.
 - (3) Instructional service businesses, including music instruction, academic tutoring, or other similar occupations limited to no more than two pupils at one time.
 - (4) Home craft businesses, including pottery, model making, weaving, dressmaking, furniture making, and artists and sculptors or other similar occupations, provided such products are made using machinery or equipment which is customary for purely domestic household purposes.
 - (5) Business offices, including offices for building trades, provided that the conduct of any phase of the trade on the property is prohibited.
 - (6) Managing, processing, and filling of orders from in-home parties for a specialized product sales business distributed by mail order or other delivery service excluding general retail sales of the products from the site.
- (d) *Criteria for home occupations.* Uses classified as home occupations shall be permitted in all zoning districts which allow single-family residences. The following regulations shall apply to all home occupations:
 - (1) No person other than family members residing on the premises and one non-family member shall be engaged in such occupation.
 - (2) The home occupation shall be clearly incidental and subordinate to the primary use or accessory use of the dwelling ~~as a residence~~. Not more than 25 percent of the gross floor area of the dwelling or accessory building shall be used in conjunction with the home occupation or combination of home occupations.
 - (3) There shall be no change in the outside appearance of the dwelling or structure and surrounding property. No display of goods or business-related items of any kind shall be visible from the street or from adjoining property. The use of colors, materials, construction, lighting, or other means inconsistent with a residential use shall be prohibited.
 - (4) ~~Home occupations shall be confined to the primary dwelling. However, a home occupation may be conducted in an on-site accessory structure, such as a garage, only with the issuance of a special use~~

~~permit by the town council. No automotive or other vehicle repair shall be permitted as a home occupation.~~

- (5) There shall be no outside display, specifically including signs, or storage of equipment or materials associated with the home occupation. No more than one vehicle with the business name on it may be parked so as to be visible from the street or from adjoining property and no vehicle which is to be parked so as to be visible from the street or from adjoining property may contain signage in excess of ten square feet for the entire vehicle.
- (6) No traffic shall be generated by a home occupation or combination of home occupations in greater volumes than would normally be expected in a residential neighborhood.
- (7) No installation or use of mechanical or electrical equipment is permitted which could endanger surrounding persons or property or which can be heard outside of the dwelling unit building. No toxic, explosive, flammable, radioactive, or other hazardous materials used in conjunction with the home occupation shall be used, sold, or stored on the site. The sale of firearms as a home occupation shall be prohibited.
- (8) No on-site use, parking or storage of vans with a length in excess of 20 feet, tractor trailers, or heavy equipment, such as construction equipment, used in connection with the home occupation is permitted.
- (9) No home occupation shall produce noise, obnoxious odors, vibrations, glare, fumes, or electric interferences detectable to normal sensory perception beyond the property line; nor shall such home occupation produce electric emissions or signals which interfere with normal radio and television reception in the surrounding neighborhood.
- (10) A home occupation shall comply with all applicable local, state or federal regulations.
- (11) Parking generated by the conduct of such home occupation shall be on-premises, off-street and in designated driveway areas.
- (12) Other than standard delivery services, such as UPS and FedEx, the home occupation shall not involve the commercial delivery of materials or products to or from the premises.
- (13) No illegal discharges of any materials, fluids or gases will be permitted to enter the sewer system or storm-drain system.
- (14) There shall be no sale of goods or products not produced on the premises, except that the sale of products in connection with a service which service is the principal business being conducted on the premises shall be permitted; and except that orders previously made by telephone or at a sales party may be filled on the premises.
- (15) No activity in conjunction with a home occupation shall adversely impact any neighboring property owners.

(Ord. of 10-11-2011(3), § 2)