



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 Tuesday, July 6, 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 June 5, 2021
7. Public Expression
8. Public Hearings
 - a. Ordinance Amendment #OA-21-08: To amend Sec, 86-427 - Permitted uses (in the DRO District), In subsection (2) residential use types, the requirement for a special use permit for home occupations is removed, In subsection (3), civic use types, food banks, food pantries or similar uses are added with a special use permit required.
 - b. Ordinance Amendment #OA-21-09: To amend Sec, 86-454 - Home occupations Modifies paragraph (d), criteria for home occupations, to permit in subsection (2) home occupations to be performed in either the main dwelling on the property or in a detached- accessory building and provides a maximum percentage of floor area for the home occupation.
9. Old Business
 - a. Solar Energy Facilities Discussion
 - b. 2040 Comprehensive Plan Update

10. New Business

- a. None

11. Adjournment

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

Next Meeting: Monday, August 2, 2021 at 5:00 p.m.

The Altavista Planning Commission held a regularly scheduled meeting June 7, 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
Marvin Clements
Reggie Bennett, Vice Mayor
Jennifer Morton

Staff present - Sharon D. Williams, AICP – Community Development Director
John Eller – Town Attorney
Cheryl Dudley – Customer Service Specialist
Amanda “Amie” Owens, Assistant Town Manager
George Sandridge, Main Street Coordinator

CALL TO ORDER:

Chairman John Jordan called the regularly scheduled Planning Commission meeting to order at 5:03 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 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 Mrs. Jennifer Morton and seconded by Vice Chair Mitchell, the Planning Commission voted 5-0 to approve the minutes from the May 3, 2021, meeting.

PUBLIC EXPRESSION:

Chairman Jordan opened the floor for public comment.

Jo Ann Midkiff, an employee of Rountrey’s Hardware, spoke about on-street parking in the downtown area. She stated there was an ongoing issue with downtown business owners and employees parking on the street which left no spaces for patrons. She recommended that new businesses be given a copy of the parking regulations and told where public parking was available. She also asked for a representative of the town to take an ordinance to the existing stores and explain where parking was located.

Vice Mayor Bennett suggested Mrs. Midkiff appear at the Town Council meeting on Tuesday, June 8th to express her concerns.

There being no further speakers, the public comment period was closed.

PUBLIC HEARINGS:

a. Ordinance Amendment #OA-21-07: To amend Section 86-22 of the Zoning Ordinance to define the Central Business District (CBD)

A public hearing was opened at 5:15 p.m.

Ms. Williams informed the Planning Commission that prior to the adoption of the 2011 Zoning Ordinance there was a provision in the code to exempt business from having to provide off-street parking in the Central Business District (CBD). She explained that the CBD extended a little past the Downtown Revitalization Overlay District (DRO) and informed the Commission that it was never the Town's intent to require parking and staff was requesting to add this provision back to the Zoning Ordinance.

Upon a motion made by Vice Chair Mitchell and seconded by Mr. Marvin Clements to recommend Town Council amend Section 86-22 *Definitions, general terms* of the Zoning Ordinance to define the CBD, the Planning Commission voted 5-0 to approve the motion.

The public hearing was closed at 5:19 p.m.

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 businesses located within a 200' radius of a public parking lot.

A public hearing was opened at 5:19 p.m.

Ms. Williams stated that if a business was located within a 200' radius of a public parking lot the business owners would be exempt from having to provide off-street parking. She explained that had always been the practice in Altavista, and that part of the was omitted by mistake in 2011.

Upon a motion made by Vice Chair Mitchell and seconded by Mrs. Morton, the Planning Commission voted 5-0 to recommend to Town Council to amend Section 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 CBD if located within a 200' radius of a public parking lot.

The public hearing closed at 5:23 p.m.

c. Ordinance amendment #OA-21-06: To amend Section 86-124 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).

The public hearing opened at 5:23 p.m.

Ms. Williams stated that when the town decided to renovate the former fire station for the Spark Innovation Center, it considered placing a metal roof on the building. She explained that a review of the Zoning Ordinance revealed that metal roofs were prohibited in the DRO. She said it has

been analyzed by staff, Altavista On Track (AOT), Steering Committee, and Planning Commission and it was thought that metal was an appropriate architectural treatment. She said staff requested that the Zoning Ordinance be amended to allow metal roofs and recommended that other uses of metal be permitted with a Special Use Permit (SUP) in accordance with Section 86-7.

Upon a motion made by Mrs. Morton and seconded by Mr. Clements, the planning Commission voted 5-0 to recommend to Town Council to amend Section 86-424 *Architectural Treatments* of the Zoning Ordinance to permit metal roofs in the DRO by right and other uses through a SUP.

The public hearing closed at 5:25 p.m.

OLD BUSINESS:

a. Ordinance Amendment #OA-21-08 Food Banks in the Downtown Revitalization Overlay District (DRO).

Ms. Williams stated that in 2019 the Zoning Ordinance was amended to allow Food pantries, food banks and other similar type uses in the C-2 (General Commercial) and M (Industrial) Zoning Districts. She said it had not extended to the Downtown Revitalization Overlay District (DRO). Ms. Williams explained a food pantry had operated in the DRO for the last year and a-half and the impact had been minimal. Due to the coronavirus, she stated, the town had not taken any enforcement action on it. Ms. Williams said staff recommended amending the Zoning Ordinance to permit those types of uses in the DRO with a Special Use Permit and requested the Planning Commission set a public hearing for the July 6, 2021, meeting.

Mr. Clements asked if DAWN would be responsible for the cost of the SUP.

Ms. Williams stated that they would be.

Vice Chair Mitchell asked if the SUP would be available for re-evaluation in a few years by means of a sunset clause.

Ms. Williams stated that it would not. She stated that in her opinion sunset clauses were not effective because staff changed, and it was often forgotten there was one. Ms. Williams said that when she recommended conditions on an SUP the final provision was that it could be revoked by the locality for failure to abide by the conditions.

Upon a motion made by Vice Chair Mitchell and seconded by Mrs. Morton, the Planning Commission voted 5-0 to proceed with a public hearing to receive comments on the proposed text amendment to Section 86-427(3) *Permitted Uses* of the Zoning Ordinance to permit food bank/pantry or similar uses subject to Section 86-473.

b. Ordinance amendment #OA-21-09 Home Occupation Regulations

Ms. Williams stated that there was a provision in the Zoning Ordinance that required a Special Use Permit (SUP) to be approved for home occupations in the Downtown Revitalization Overlay District (DRO). She stated staff believed that the requirement for a SUP was not needed.

Vice Chair Mitchell asked if the individual business owners in the DRO were notified of the public hearing.

Ms. Williams stated the only time a property owner was notified was when there was a Rezoning or Special Use public hearing because notification was required by state code otherwise, it was only in the newspaper.

Chairman Jordan sought clarification on the gross footage of the house could be used for the business.

Ms. Williams stated that the would be restricted to 25% of the house or accessory building.

Upon a motion made by Vice Chair Mitchell and seconded by Mrs. Morton, the Planning Commission voted 4-1 to set a public hearing to receive comments on a zoning ordinance text amendment to permit home occupations in accessory structures.

c. Solar Energy Facilities Discussion

Ms. Williams reminded the Commission that they had asked for a list of parcels where solar energy facilities could locate. She asked for additional time to evaluate the parcels.

d. Comprehensive Plan Update

Ms. Williams stated that if the budget were approved by Council at their next meeting, funds would be available to for the 2040 Comprehensive Plan Update. She said that the Central Virginia Planning District Commission staff would assist the town with the update.

Chairman Jordan asked what role the Planning Commission played in the update of the Comprehensive Plan.

Ms. Williams stated that it would depend on the level of involvement the Commissioners wanted to have over the next year.

e. Review of training class from Vice Chair Mitchell and Mr. Clements

Vice Chair Mitchell stated that there were parts of the course that were not relevant to a small locality and some of those discussions had been drawn out. She said overall she felt that it was beneficial and recommended that others take it.

Mr. Clements stated that he completed the in-house class in 2016 when he was a new Commissioner and had not started attending meetings. He stated that he thought this refresher was more beneficial because he had been on the Planning Commission for a while. Mr. Clements explained that this time he was more familiar with the terms used in class. He said he felt that the interactions among the Commissioners and Planners discussing issues of different localities was beneficial. He recommended that all the Commissioners attend the class.

The meeting was adjourned at 6:40 p.m.

John Jordan
Planning Commission Chair

Sharon D. Williams, AICP
Planning Commission Secretary

Planning Commission Staff Report
Ordinance Amendment #OA-21-08 Food Banks & Home Occupations in the DRO
Public Hearing July 6, 2021

Request

To amend Sec. 86-427 – *Permitted Uses* of the Zoning Ordinance to permit food bank, food pantry or similar uses subject to section 86-473, with a Special Use Permit in the Downtown Revitalization Overlay District and to permit Home Occupations without a Special Use Permit.

Summary Food Banks

In 2019, the Zoning Ordinance was amended to allow food banks, food pantries and similar type uses in the C-2 (General Commercial) and M (Industrial) zoning districts. At the time concern was expressed on whether the use was appropriate in the Downtown Revitalization Overlay (DRO) district. As such, it was not included.

After the passage on the amendment a food pantry opened in the DRO. The ministry that runs the food pantry did not realize there was an overlay district downtown and thought it was permitted based on the C-2 zoning on the property.

Due to the coronavirus pandemic, staff permitted the ministry to continue to operate. It also gave the town an opportunity to determine if it was an appropriate use in the DRO. It is staff opinion that the impact has been minimal. The largest impact has been vehicular circulation and stacking when the ministry offers drive-thru pickups. While staff believes this use is appropriate in the DRO, it is recommended that a Special Use Permit (SUP) be required to allow necessary limitations as Town Council sees fit to address any potential nuisances that could be caused by the use.

Summary Home Occupations

Under Section 86-427(2) of the Zoning Ordinance, any resident living within the DRO must apply for a Special Use Permit to operate a home-based business. The town has expressed an interest in revitalizing downtown and desires to have more people living downtown. Staff has reviewed this provision and is of the opinion that this provision is an unnecessary restriction. Based on the Home Occupation Rules, anyone operating a home-based business in the town must adhere to certain restrictions. Any violation of those provisions would cause the Zoning Administrator to revoke the home occupation permit and therefore the SUP requirement is not necessary.

Public Input

The text amendment was advertised as required. As of the writing of this report staff has received no comments in opposition to or in support of this text amendment.

Staff Recommendation:

Staff recommends that the Planning Commission recommend to Town Council that the Zoning Ordinance be amended to permit food banks, food pantries or similar uses with a Special Use Permit in the Downtown Revitalization Overlay District.

Attachment(s)

1. Daft Text – food bank, food pantry or similar uses and home occupations

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 July 6, 2021

Request

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 recommend that Town Council amend Section 86-427 of the Zoning Ordinance to permit home occupations in either a main dwelling or in a detached accessory structures and provides a maximum percentage of floor area for the home occupation.

Attachment(s)

1. Draft Text – home occupations

An Ordinance to repeal, amend and re-ordain Section 86-454 of the Code of the Town of Altavista, 1968, relating to home occupations.

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

1. That Section 86-454 of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

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) A home occupation or combination of home occupations may be conducted in either the primary residence on a parcel or in a detached accessory building on that parcel but not both. 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 25% of the floor area of a detached 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. 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.

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