

The Altavista Planning Commission held a regularly scheduled meeting on Tuesday, November 2, 2010 at 5:30PM in the Council Chambers.

Members present	-	Jerry Barbee, Chairman Tim Wagner John Woodson
Not present	-	Bill Ferguson Laney Thompson
Also present	-	Greg Baka Cheryl Dudley John Eller Webb Henderson Dan Witt

Mr. Baka facilitated the meeting and began with his expectations for accomplishments for the meeting but stated there is a lot of information to cover and he doesn't want anyone to feel "bogged down". The first items were points regarding Article I. He stated that according to Section 86-5 (A) (Application of Regulations) that all land uses and activities not specifically provided for or addressed in this chapter shall be considered uses and activities prohibited within the Town. Part (B) of the same section states:

If a use type is not listed as any of the allowable uses, by right or by Special Use Permit, in any zoning district in the entirety of the Ordinance, and the use type clearly falls within the stated intent for uses in a specific district, the Administrator may issue an written interpretation that allows that use type in that zoning district.

This essentially gives authority to the Zoning Administrator for decisions regarding uses not listed. In an earlier meeting the committee determined they did not want the ZA to have that much authority but wanted the Planning Commission to consider such request. Section 86-8 (Uses not provided for) seemed to be contradictory to Section 86-5.

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Mr. Baka stated his rationale for this wording is that this would give the Zoning Administrator some flexibility in determining if a new use, developed due to new technology changes, fits a given zoning district. If there is a use that was not listed (omitted) this gives the administrator the discretion to issue a written interpretation to allow it with a SUP. Mr. Baka said that he could combine these two sections or place them back to back in the ordinance.

Mr. Witt said if a use fits the intent and the use type it should not require a SUP. The way this is stated, if the use type fits the intent and is not listed in the district then the person would be required to apply for a SUP. Mr. Eller asked how it is determined if a use falls into the state of intent. He said it puts a lot of power into the hands of the Zoning Administrator to make that call. He said that if the use is not

specifically provided for then according to Section 86-5 (A) it is prohibited. Mr. Eller stated that the ordinance needs to be worded very clearly. If a use requires a SUP, then it goes back to Town Council anyway. Mr. Eller stated that he prefers the idea of the Council having the control over such uses.

Mr. Baka asked how much authority the committee wants to give the Zoning Administrator. Mr. Witt said that he had a conversation with Mr. Coggsdale and he suggested that if someone comes to the Zoning Administrator for a use type and it's not listed then the administrator should have enough flexibility to determine if that type of business is allowed in the zoning district without going through a SUP process- especially if it's a use that will most assuredly be approved anyways. Mr. Woodson stated that he has complete confidence in Mr. Witt's judgment on his decisions but he may not have the same comfort level with another Zoning Administrator and that needs to be the basis of the wording- so that anyone can understand it. Mr. Witt asked that with the way the new ordinance is written, what would be an instance where someone would request an SUP? Mr. Eller responded by telling Mr. Witt that if there was a use that was not clearly allowed, the Zoning Administrator would have to deny but allow for a SUP application and possibly have the zoning ordinance amended.

Mr. Baka said that when there is a site plan review, the State Code references that Commissions have 60 days to issue a site plan approval. Mr. Witt stated that he would continue to look over the small site plans but keep the PC informed and they would be asked to review and approve any large plans.

Mr. Baka asked about the listing of the definitions. Mr. Wagner said that the committee would prefer if all of the definitions were listed together, alphabetically. Mr. Baka stated that they are separated to make it easier to follow. Mr. Witt asked for Mr. Baka to explain why they are separated. Mr. Baka said that anything that is a use type is listed in one section and contained on pages 17 to 35. There are 18 pages of use types. Anything that is an 'allowable use' is listed in the definitions of those 18 pages. On pages 2 – 17 there are terms. Mr. Barbee stated that to put all of the use types together alphabetical and all of the terms alphabetical in separate lists would be alright. The way Mr. Baka had them listed each use type was a separate alphabetical list. Mr. Barbee stated that the residential, commercial, agricultural, etc. types listed in separate categories was confusing and time consuming to decipher. Mr. Baka agreed to list all type alphabetical and terms separately.

Next, Mr. Baka talked about temporary family health care structures. The definition listed is from the state code.

Sec. 86-460 Temporary Family Health Care Structures (use required by state law)

(A) Intent. It is the intent of this section that in accordance with Sec. 15.2-2292.1 of the Code of Virginia that Temporary Family Health Care Structures be allowed as an accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings provided that the following design standards below are met

(B) General standards.

- 1. The structure shall have a maximum of one (1) resident occupant, who shall be a mentally or physically impaired person as defined in Section 86-21.*
- 2. The structure shall not exceed 300 square feet in gross floor area.*

3. *The structure shall comply with all applicable provisions of the Industrialized Building Safety Law and the Uniform Statewide Building Code.*
4. *Placement on a permanent foundation shall not be required or permitted.*
5. *Only one such structure shall be permitted on a lot.*
6. *The structure shall comply with all setback requirements applicable to principal structures in the district in which located.*
7. *Such structure shall be connected to all necessary public and/or private utilities and shall comply with all applicable requirements of the Virginia Department of Health.*
8. *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.*
9. *Prior to placement of such a structure on a residential property, the property owner shall obtain a permit, for a fee of \$100 (our zoning permit is \$20 plus whatever the county charges for the building permit), available from the office of the Zoning Administrator. The Zoning Administrator shall require submission of a sketch plan and such other documentation as deemed necessary to ensure compliance with the standards set forth herein.*
10. *Any temporary family health care structure installed pursuant to this section shall be removed within 30 days of the occurrence of the mentally or physically impaired person no longer receiving or no longer needing the assistance of a caregiver as defined in Sec. 15.2-2292.1 of the Code of Virginia and in Section 86-21 of this Ordinance.*
11. *On an annual basis, at least 30 days prior to the anniversary date of the initial permit issuance, the caregiver shall be required to provide evidence of compliance with the terms of this section and to grant the Zoning Administrator the opportunity to conduct an inspection of the property and the structure at a time mutually acceptable to the caregiver and the Town staff.*

Mr. Witt asked Mr. Eller if, for example, the caregivers back yard is too small or there are already accessory structures in the back yard that cover more than 25% of the total area, could an application for this type of structure be denied. Mr. Baka replied by saying that other counties have said no to the request. Mr. Eller said that if the code says that they have to be permitted then there should be some type of restriction saying so. Mr. Baka also stated that someone setting up temporary family health care structures should know that they have to meet all set back requirements.

The next order of business Mr. Baka to was home gardens. Mr. Wagner asked if we would allow a community garden. Mr. Baka is going to include it in the use types with a SUP and check to see what other localities are doing.

Mr. Baka asked if a family use of animals is permitted currently in residential districts. And if so, which animals? He said that he didn't see any huge issues with farm animals and residential life in towns and cities. He does see it becoming "of age" in suburban areas and counties. He said there is no need to change what the current ordinance states.

The meeting was adjourned at 7:00PM

Jerry Barbee, Chairman

Dan Witt, Assistant to the Town Manager