

DIVISION 9. DRO (DOWNTOWN REVITALIZATION OVERLAY) DISTRICT

Sec. 86-421. Statement of intent.

- (a) The DRO (downtown revitalization overlay) district (hereinafter referred to as "the district") seeks to fulfill the comprehensive plan's goal of recognizing Altavista's unique character and promoting the revitalization of the town's downtown area, as well as promoting tourism as a viable economic development strategy. The district regulations are adopted pursuant to authority granted to the town under Code of Virginia, §§ 15.2-2280 et seq. and 15.2-2306.
- (b) The district is established to promote the health, safety and general welfare; to bring harmony and cohesiveness to the visual appearance and uses of the district; to protect and promote compatibility in the appearance, character and uses; and to prevent intense automobile-oriented uses within the district.
- (c) The portions of Main Street (U.S. 29 Business), Bedford Avenue (State Route 43), Broad Street, and Seventh Street that lie within the district serve as key access routes by tourists traveling through the district en route to the Central Business District, English Park and the Staunton River, Leesville Lake, the Altavista Trade Lot, and to the Historic Avoca Museum.
- (d) Main Street and contiguous streets are significant routes of tourist access to the town and the core components of the town's rehabilitation, redevelopment, and economic revitalization of the town.
- (e) The district is intended to promote architecturally responsible commercial development; to emphasize historic development techniques; to reduce vacant, dilapidated, and empty lots in the district; to encourage designs that integrate the relationship between individual sites, multiple modes of transportation, and adjacent areas; and to promote the district as a vibrant commercial hub of the town.

(Ord. of 10-11-2011(3), § 2; Ord. of 12-8-2020(4), § 1)

Sec. 86-422. District boundaries.

- (a) To enable the district to operate in harmony with the plan for land use and population density embodied in these regulations, an overlay district, the DRO district, has been created to provide special regulations that are to be in addition to, and shall overlap and overlay all other districts regulations contained in the zoning ordinance (the "ordinance").
- (b) The boundaries of the district have been drawn and adopted by the town council to include all lands closely related to and bearing upon the character and function of the downtown area, thus composing a landscape unit and affording transitional regulations needed to control potentially adverse and conflicting uses and structures.
- (c) The district boundaries shall be delineated as an overlay district on the zoning map or a separate downtown revitalization project area map incorporated by reference into the zoning map.
 - (1) The boundaries of the district are: A section of the Town of Altavista beginning at a point being the intersection of Pittsylvania Avenue and Fifth Street, thence following the northeast side of Pittsylvania Avenue, crossing Main Street and Seventh Street to a point on the northwest side of Seventh Street, thence running southwest with the northwest side of Seventh Street crossing Lynch Creek and Campbell Avenue, to a point on the northeast corner of Campbell Avenue and Seventh Street, thence

running northwest with the northeast side of Campbell Avenue crossing a 20-foot alley to a point on the northwest side thereof, thence running parallel to Seventh Street a distance of approximately 420 feet to a point on the northeast side of a 20-foot alley, thence with the northeast side of said alley parallel to Broad Street and in a northwest direction, crossing Eighth Street to the point of intersection with the Norfolk Southern Railroad right-of-way, thence following said right-of-way southwest, crossing Broad Street to the northeast side of Bedford Avenue, thence following the northeast side of Bedford Avenue, crossing Main Street (U.S. Route 29 Business) to a point 36 feet north of the center of the main line of the Norfolk Southern Railroad (formerly Norfolk and Western) and thence east, parallel to and 36 feet north of the center line of said main rail line, crossing Pittsylvania Avenue to the northeast side of the said right-of-way, thereof, thence following the east side of the right-of-way of Pittsylvania Avenue in a northwest direction to the point of beginning.

(Ord. of 10-11-2011(3), § 2; Ord. of 5-9-2017(7), § 1)

Sec. 86-423. General provisions.

All buildings or land within the district shall be subject to the following general conditions:

- (1) The uses, structures, minimum lot requirements, minimum yard requirements, maximum heights and accessory uses and accessory signs as well as all construction and demolition shall be determined by the regulations applicable to the underlying zoning and shall be applicable except as modified by the district regulations. Should there be a conflict between the underlying zoning and the district requirements, the more restrictive provisions shall apply.
- (2) Nothing in this division shall be construed to prevent or limit the application of the building code or other laws and ordinances of the Town of Altavista.
- (3) Exterior lighting shall be controlled so that no direct illumination will occur beyond any property line.
- (4) *Minimum setback requirements.* For all newly-constructed buildings:

Front yard:	0 to 10 feet
Side yard:	0 feet
Rear yard:	0 feet

(Ord. of 10-11-2011(3), § 2)

Sec. 86-424. Architectural treatment.

(a) *Building materials.*

- (1) No portion of a building constructed to unadorned cinderblock or corrugated and/or sheet metal, with the exception of roofs shall be visible from any adjoining public right-of-way.
- (2) 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.

(b) *Request for alternative materials.*

- (1) Additional finishes may be approved through a special use permit in accordance with section 86-7.

(Ord. of 10-11-2011(3), § 2; Ord. of 7-13-2021(2), § 1)

Sec. 86-425. Maximum square footage of use.

Any individual permitted use in the DRO shall not exceed 10,000 square feet in lot coverage. However, if an existing building exceeds 10,000 in gross floor area, all permitted uses contained in that building shall not exceed a floor area ratio (FAR) of 2.0.

(Ord. of 10-11-2011(3), § 2)

Sec. 86-426. Residences.

- (a) Any residential units (or apartments accessory to the business use) shall not occupy the front, ground floor (storefront) space of any building within the district.
- (b) No more than 49 percent of the ground floor area of a building within the district may be of residential use.

(Ord. of 10-11-2011(3), § 2)

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

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 section 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 dealership, used—Subject to section 86-503, special use permit required

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

Indoor pet boarding facility—Subject to section 86-523, 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—Subject to section 86-520

Retail sales

Short-term rental—Subject to section 86-522, special use permit required

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

(Ord. of 10-11-2011(3), § 2; Ord. of 7-14-15(2), § 1; Ord. of 5-9-2017(19), § 1; Ord. of 12-11-2018(4); Ord. of 8-10-2021(1), § 1; Ord. of 3-12-2024(5); Ord. of 5-14-2024(4))

Sec. 86-428. Regulations for signs in the DRO.

Unless otherwise specified below, all signage within the district must comply with the regulations set forth in article V of this zoning ordinance.

(1) *Maximum size and number of signs.*

- a. Four signs maximum per business per street or opened alley facing. Where buildings only face one street, but signs can be seen from passing traffic, wall signs (only) may be used on side walls, but all sign sizes and numbers apply as if they were placed at the building front. Number and size of all signs will be limited to a maximum of four regardless of where they are placed.
- b. Total area of all signs shall be limited to two square feet for each linear foot of lot frontage.
- c. No freestanding sign shall exceed 15 feet in height measured from the base of the sign or the grade of the nearest street, whichever is higher.
- d. No wall sign may exceed the height of the wall where it is located.

(2) *Signs for multiple businesses on a single zoning lot.*

- a. *Maximum size of signs per business.*
 1. Total area of all signs shall be limited to two square feet for each linear foot of lot frontage regardless of the number of businesses.
 2. Request for additional signage. Additional signage may be approved through a special use permit in accordance with section 86-7.

(Ord. of 10-11-2011(3), § 2; Ord. of 4-13-2021(2), § 1)

Sec. 86-429. Regulations for parking areas.

- (a) All parking areas shall be suitably landscaped (in a manner conforming with the town's guidelines for landscaping and public spaces within the DRO and generally screened from public view by fences, walls, or screen planting.
- (b) Parking areas shall be located to the side or rear of buildings and not located between a building and the street.

(Ord. of 10-11-2011(3), § 2)

Sec. 86-430. Landscaping and accessory structures.

Plants, trees, fencing, walls, walkways, gazebos, and other accessory structures should be retained or designed to reflect the property's history, character and development. Underground utilities should be encouraged at all locations. Mechanical equipment shall be placed in inconspicuous locations, or shielded from the view of motorists traveling on a public street (alleys and parking lots excepted) within the district. Municipal utility appurtenances should be selected to harmonize with the character of the historic district or placed in inconspicuous locations.

(Ord. of 10-11-2011(3), § 2)

Sec. 86-431. Demolition, razing or moving a building or structure.

- (a) The owner of a building or structure within the district shall not raze or demolish such building or structure unless such owner has first complied with the provisions of this section.
 - (1) The owner or applicant shall apply to the town planning commission for permission to raze or demolish a building or structure within the district and the planning commission shall render a decision within 30 days either granting the request or requiring the applicant to offer the property for sale pursuant to subparagraph (2) below.
 - (2) Upon such a finding by the planning commission, the applicant shall for the period of time set forth in the time schedule set forth in subparagraph (4) below and at a price reasonably related to its fair market value as reflected in an appraisal by a licensed appraiser, make a bona fide offer to sell such building, or structure and the land pertaining thereto, to the town or to any person, firm, corporation, government or agency thereof, which gives reasonable assurance that it is willing to preserve and rehabilitate the building or structure and the land pertaining thereto.
 - (3) Should no offer to purchase the property for such price by such purchaser be received within the said period then the property may be demolished.
 - (4) No offer to sell other than pursuant to subparagraph (2) above shall be made less than one year after an unfavorable decision by the planning commission, but thereafter the owner may renew his request to the town council to approve the razing or demolition of the building or structure.
- (b) The time schedule for offers to sell shall be as follows:
 - (1) Three months when the offering price is less than \$25,000.00.
 - (2) Four months when the offering price is \$25,000.00 or more but less than \$40,000.00.
 - (3) Five months when the offering price is \$40,000.00 or more but less than \$55,000.00.
 - (4) Six months when the offering price is \$55,000.00 or more but less than \$75,000.00.
 - (5) Seven months when the offering price is \$75,000.00 or more but less than \$90,000.00.
 - (6) Twelve months when the offering price is \$90,000.00 or more.

(Ord. of 10-11-2011(3), § 2)

Sec. 86-432. Procedure in the event of significant damage.

In the event of significant damage being inflicted on a structure due to fire, flood, earthquake, or other calamity that leaves the structure safely standing but unusable, the owner may obtain a revised appraisal by a licensed appraiser to establish the fair market value. If the fair market value of the property is lowered due to the aforesaid calamity, the new value shall be applied to the timetable in subsection 86-431(b).

(Ord. of 10-11-2011(3), § 2)

Sec. 86-433. Appeal of planning commission decision on demolition, razing, and moving of a building or structure.

- (a) Any person aggrieved by the decision of the planning commission relating to the demolition, razing, or moving of a building or structure in the district may request a review of the request by the town council. Such request shall be made by filing a request therefore in writing with the clerk of the town council within 30 days after the date of the decision of the planning commission. In so doing, the council shall give due consideration to the recommendation of the commission together with such other evidence as it deems necessary for a proper review of the application.
- (b) The town council shall set a date for a public appeal hearing and give public notice thereof as provided in subsection 86-782(b). Town council shall issue a written decision within 60 days of the date of the appeal hearing.
- (c) Any party may appear in person or be represented by an agent or by an attorney at the appeal before the town council.
- (d) The town council may, in conformity with the provisions of this division, and giving due consideration to the decision of the planning commission, reverse or affirm, wholly or in part, or may modify, any order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as it deems proper.

(Ord. of 10-11-2011(3), § 2)

Sec. 86-434. Appeal to the circuit court from a decision of the town council on the demolition, razing, or moving of a building or structure.

- (a) Any person or persons jointly or severally aggrieved by any decision of the town council may appeal such decision to the Circuit Court of Campbell County for review by filing a petition for such review within 30 days after the date of a final decision is rendered by the town council. The filing of a petition shall stay the decision of the town council pending the outcome of the appeal to the circuit court.
- (b) The court may reverse or modify the decision of the town council, in whole or part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion. It may affirm the decision of the town council.
- (c) For the purposes of this division, the term "person aggrieved" shall be limited to the applicant, the planning commission, the town council, or any person having an immediate financial and substantial interest in the subject matter at issue and not a remote or indirect interest. Such person, in order to be "aggrieved", must exhibit a substantial grievance and show a denial of some personal or property right, legal or equitable, or imposition of a burden or obligation upon himself or herself different from that suffered by the public generally.

(Ord. of 10-11-2011(3), § 2)

Secs. 86-435—86-450. Reserved