



# **CITY OF EMPORIA**

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## **PUBLIC HEARINGS**

- 1. Rezoning Request – 110 Harris Avenue**
  - 2. Rezoning Request – 513 South Main Street**
  - 3. Zoning Code Amendments – Sections 90-1 and 90-12**
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## **AGENDA**

### **EMPORIA PLANNING COMMISSION**

*Regular Meeting*

### **TUESDAY, NOVEMBER 8, 2016 - 6:30 P.M.**

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#### **ROLL CALL**

#### **APPROVAL OF MINUTES**

July 12, 2016 ~ Regular Meeting

#### **OLD BUSINESS**

#### **NEW BUSINESS**

16-05. Rezoning Request – 110 Harris Avenue

16-06. Rezoning Request – 513 South Main Street

16-07. Zoning Code Amendments – Sections 90-1 and 90-12

#### **ADJOURNMENT**

**MINUTES  
PLANNING COMMISSION  
CITY OF EMPORIA MUNICIPAL BUILDING  
JULY 12, 2016**

*Note to Reader: Although the printed agenda document for this Planning Commission meeting is not part of these minutes, the agenda document provides background information on most all of the items discussed by the Commission at this meeting. The Secretary of the Planning Commission maintains the agenda document. One may see a copy of the agenda for this meeting by contacting the Secretary.*

The Planning Commission held a Regular Meeting on Tuesday, July 12, 2016 at 6:30 P.M. in the Council Chambers of the Municipal Building located at 201 South Main Street, Emporia, Virginia. Chairman Short presided over the meeting.

**ROLL CALL**

Upon roll call, the following Commission members indicated their presence:

Mr. Richard Short	Mr. James E. Ewing, III
Mr. Williams S. Newsome	Mr. William C. Slate, III
Mr. Woodrow L. Bryant, Jr.	Mr. Thomas L. Vaughan

Absent: Mr. Edward V. Lankford, IV  
Mr. Chris Thompson  
Mr. Clifton Threat

Others present: Brian S. Thrower, City Manager  
Lori R. Jarratt, Secretary  
Rick Pinksaw, Chief of Police

**APPROVAL OF MINUTES**

Mr. Newsome made a motion to approve the June 14, 2016 Public Hearing and Regular Meeting Minutes, seconded by Mr. Bryant which passed as follows:

Mr. Short	Mr. Ewing
Mr. Newsome	Mr. Slate
Mr. Bryant	Mr. Vaughan





# CITY OF EMPORIA

## Memorandum

October 7, 2016

**TO:** Planning Commissioners

**FROM:** Brian S. Thrower, City Manager *BST*

**SUBJECT:** Rezoning Request – 110 Harris Avenue

**ITEM #:** 16-05

Plan 4, LLC is seeking to rezone the vacant lot located at 110 Harris Avenue to C-1 Commercial District. The property is identified as tax map parcel number 123-4-0-25 and is zoned R-3 Residential District. According to the applicant, no structure is planned to be erected at this time. The lot may be used for storage. All of the adjoining parcels owned by Plan 4, LLC are already classified as C-1 Commercial District. The property abuts and is adjacent to parcels that are zoned both residential (R-3) and commercial (C-1).

The subject property is currently zoned R-3 Residential District. According to Section 90-73 (a) of the City's Zoning Code "R-3 districts shall be composed of certain medium to high concentrations of residential uses ordinarily located between residential and commercial areas, plus certain open areas where similar development appears likely to occur. The regulations for this R-3 district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children, and to permit certain professional uses of a character unlikely to develop general concentration of traffic and crowds of customers. To these ends, retail activity shall be limited and this district shall be protected against encroachment of commercial or industrial uses. All residential types of structures for both permanent and transient occupancy are permitted. This R-3 residential district is not completely residential as it includes public and semipublic and other related uses. However, it is basically residential in character and, as such, shall not be spotted with commercial and industrial uses."

As stated above, Plan 4, LLC is seeking to rezone this property to C-1 Commercial District. Per Section 90-76 (a) of the City's Zoning Code "C-1 commercial districts shall be for the conduct of retail and general commercial business establishments to which the public requires direct and frequent access and is characterized by constant heavy traffic and by noises of congestion. This C-1 commercial district includes such uses as retail stores, banks, offices, restaurants and taverns located in the central area of the city."

According to the City's 2015-2035 Comprehensive Plan, this specific parcel is designated as "Medium Density Residential" on the Future Land Use Map (FLUM). The properties abutting and across the street from this parcel are designated as both "Medium Density Residential" and "Retail/Service Commercial" on the FLUM.

The Comprehensive Plan describes "Medium Density Residential" as "neighborhoods or areas which allow a greater density and variation of housing types. Permitted uses include one and two-family dwellings and townhouses."

The purpose of the "Retail/Service Commercial" category "is to provide for an appropriate dynamic variety of uses adjacent to the downtown for commercial, financial, professional, governmental, and cultural activities. This category is intended to promote an attractive, convenient, and relatively compact arrangement of auto-oriented uses and that retain a pedestrian orientation. Signage and outdoor storage should be adequately controlled to promote an attractive and stable urban environment."

Per Section 15.2-2223 of State Code, the overall purpose of a locality's comprehensive plan is to guide and accomplish a "coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants..."

### **Recommendation**

Section 15.2-2284 of State Code lists the relevant factors to consider in rezoning applications. Every proposed rezoning should be accompanied by an analysis of how the amendment will satisfy one or more of these factors. A locality is not required to consider all nine factors in each zoning decision.

The most pertinent factors applicable to this request involve the Comprehensive Plan and the existing use and character of the property. In terms of the Comprehensive Plan FLUM, this parcel is designated as "Medium Density Residential." However, the parcels that abut and are across the street from this property are designated as both "Medium Density Residential" and "Retail/Service Commercial." As such, rezoning this parcel to C-1 Commercial District would not compromise the integrity of the FLUM.

In terms of the existing use and character of the property, this lot is currently vacant. All of the adjoining parcels owned by Plan 4, LLC are already classified as C-1 Commercial District. The property abuts and is adjacent to parcels that are zoned both residential (R-3) and commercial (C-1). As such, the existing use and character of the property, as well as the existing surrounding uses further support the rezoning request.

Given the reasons outlined above, I recommend this rezoning request be approved and the property be rezoned to C-1 Commercial District. City Council will consider this rezoning request and your recommendation at its October 18, 2016 meeting.

## **Attachments**

Application

Zoning and Aerial Maps

Tax Map Sheet 123-4-0-25

Photo of Property

City Zoning Code Section 90-73 R-3 Residential District

City Zoning Code Section 90-76 C-1 Commercial District

Comprehensive Plan Future Land Use Map

Comprehensive Plan Medium-Density Residential Use Designation Description

Comprehensive Plan Retail/Service Commercial Use Designation Description

State Code Section 15.2-2284 – Rezoning Considerations



return by May 25

City of Emporia  
Community Development and Planning  
201 South Main Street  
Emporia, VA 23847  
(434) 634-3332 (434) 634-0003 Fax

Permit Number 16-0000335  
Date 9/19/16  
Tax Map # 123-4-0-25  
Zoning District R3

Planning Commission - June 12  
Council - June 19

**LAND USE AMENDMENT APPLICATION**  
*Information must be typed or printed and completed in full.*  
*Attach additional pages where necessary.*

**Land Use Information:**

Application Type: (Circle One):  Variance  Rezoning  Conditional Use Permit  
 Special Exception  Amendment  Appeal  
 Telecommunications  Tower  Co-location on existing tower

Description of Request: rezone parcel #25 to C-1 Commercial

Proposed Acreage: -

**Applicant/Agent Information:**

Is the applicant:  Property Owner (If property owner skip to next section)  Contract Purchaser  Other: \_\_\_\_\_

Agent(s): \_\_\_\_\_ Phone # \_\_\_\_\_

Address: \_\_\_\_\_

If you are the agent for the property owner, do you have consent of the owner attached?  Yes  No

**Property Owner Information:**

Property Owner (s): PLAN 4, LLC

434.637.9998  
Phone # \_\_\_\_\_

Address: 604 North Main St  
EMPORIA VA 23847

Property owners mailing address (If this is different from that listed in the Assessor's Office)

700 North York Dr.  
23847

**Subject Parcel Information**

Location of Property: 110 Harris Ave

Street Address: 23847

General Description of Property: LAND

**Current Zoning (circle one)**

R-1  R-2  R-3  C-1  C-2  I-1  I-2  DT  Other \_\_\_\_\_

**Proposed Zoning (for rezoning request)**

R-1  R-2  R-3  C-1  C-2  I-1  I-2  DT  Other \_\_\_\_\_

**Existing Use(s) of Property**

vacant

A. Explain fully the proposed use, type of development, operation program, reason for this request, etc.:

Just to connect w/ PLAN 4, LLC existing to the west side

B. Section(s) of the City Code that pertain to this request

C. State how this request will not be materially detrimental to adjacent property, the surrounding neighborhood or City in general. Include where applicable; information concerning use of public utilities/services, relationship to the comprehensive plan effect of request on public schools, traffic impact, means of access to nearest public road, existing and future area development, etc.

No structure is to be erected at the present time - maybe storage

D. Has any previous application for a land use amendment been filed in connection with these parcels? List case numbers and explain any existing use permit, special exception, conditional use or variance previously granted on the parcels in question. If this application is to amend an existing special use

exception, or other applicable amendment, please explain the request (proposed change in structure(s) including all signs).

N/A

**E. Proffers and Conditions**

List any conditions or proffers currently associated with this property.

N/A

If the applicant proffers any conditions (§ 15.2-2297 of the Code of Virginia), they must:

- 1) Have a reasonable relationship to the rezoning
- 2) Not include a cash contribution to the City of Emporia
- 3) Not include mandatory dedication of property
- 4) Not include payment for construction of off-site improvements

Proffers may be amended in writing prior the Planning Commission public hearing.

If this is an application for a **conditional zoning**, the following conditions are voluntarily proffered:

N/A

**F. Please list any and all restrictive covenants, deed restrictions and other special considerations:**

N/A

**G. If required by the Zoning Administrator, attach a site plan / plot plan / survey plat / building dimensions / densities showing the location(s) of existing and proposed structures to be erected and applicable setback lines and distances including all zoning district requirements.**

N/A

Notes:

- (1) Special use permits shall be for an indefinite period of time unless the Planning Commission imposes a condition specifying a shorter duration. Such permits shall run with the land unless the City of Emporia imposes a more restrictive condition with regard to the succession to rights in such a permit.
- (2) The City of Emporia may include, as part of the ordinance granting any conditional use permit, suitable regulations and safeguards as it may deem appropriate. Once a special use permit is approved subject to such conditions, they shall be deemed to be a part of the zoning ordinance and may be enforced by the zoning administrator. Conditions attached to a special use permit may only be amended or deleted by subsequent application for the purpose.
- (3) This application for a conditional special use permit must be accompanied by two (2) copies of any required site plans or plot plans.

H. If requesting a variance, explain the unique physical hardship or extraordinary situation (size, shape, topography, etc.) that is justification for the request:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I. Explain how the zoning ordinance prohibits or unreasonable restricts the use of the property.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

J. Applicant Remarks

*ONLY ENHANCING EXISTING PLAN/USE*  
*PROPERTY*

Checklist:

- ✓ The required fee must accompany this application. A fee schedule is attached for your convenience. Checks must be made payable to: "Treasurer, City of Emporia".
- ✓ Enclosed with the application, a copy of the appropriate city tax map with the property marked and, if available, a surveyed plat of the entire parcel.
- ✓ Enclose with this application any required plans or plats (plans must be folded).
- ✓ Enclose with this application any additional information to assist with review and determination.

I/We hereby certify that to the best of my/our knowledge all the above statements and the statements contained in any exhibits transmitted are true and that the adjacent property owners listed herewith are the owners of record as of the date of the application:

Date: \_\_\_\_\_

Applicants Name DENNIS S. ALLEN  
(Typed or printed)

Signature of Applicant *[Handwritten Signature]*

**Note:** Incomplete application will not be accepted. Any request that requires plans must be accompanied by those plans at the time submission of the application.

*For Office Use by the Community Development Planning and Zoning Department and/or the Planning Commission*

Zoning/Subdivision Code (90-14 or 66-8): Fee Paid:

Copy of Receipt attached

Action Taken:

\_\_\_\_\_  
Planner / Zoning Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Commission

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Council

\_\_\_\_\_  
Date

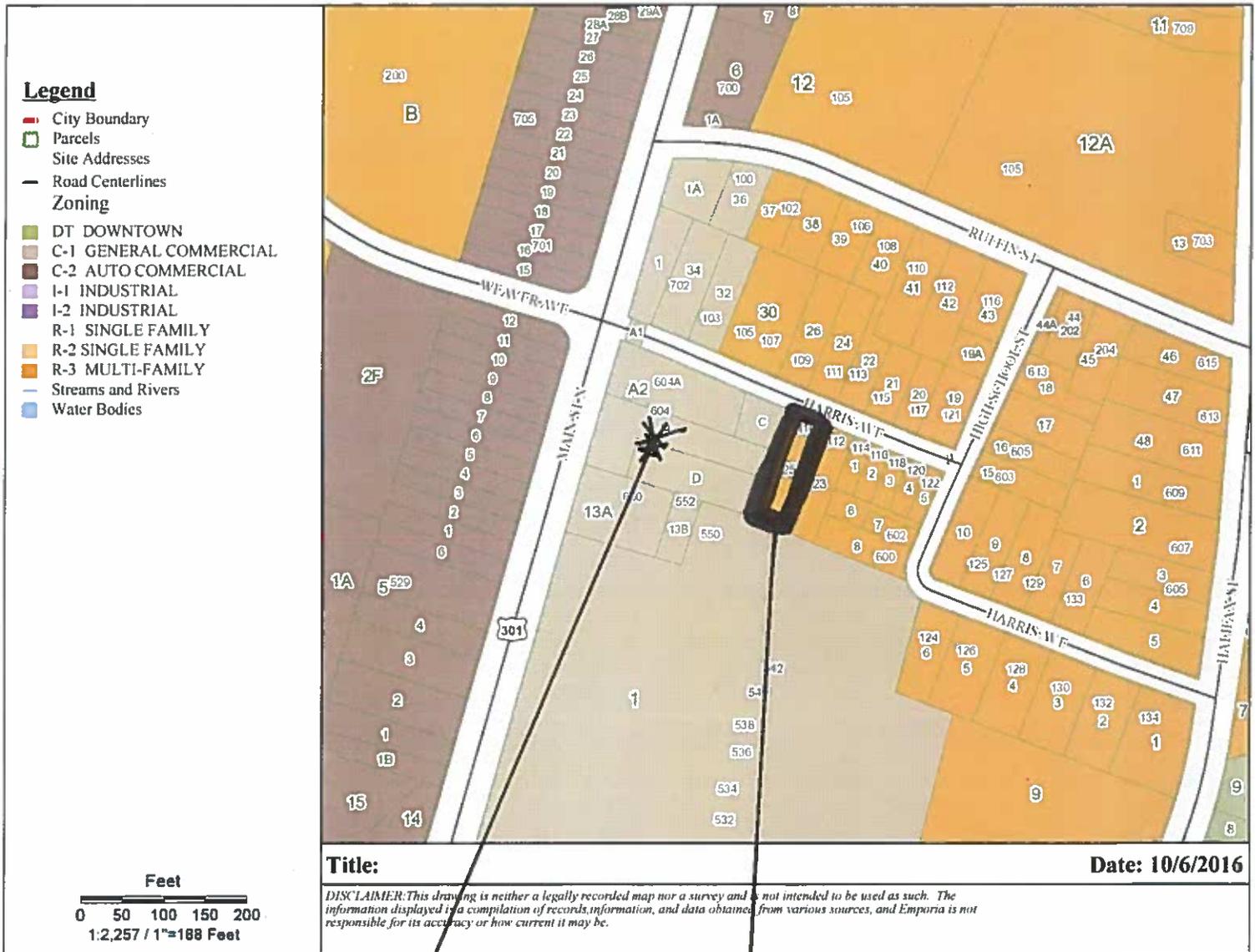
PERMIT FEES

*\$408<sup>00</sup>*

VARIANCE

\$300.00

REZONING	\$400.00 + 50/lot
CONDITIONAL USE PERMIT	\$300.00
TELECOMMUNICATIONS TOWER (CONDITIONAL USE)	\$1,500.00 per plus review by private consultant if deemed necessary for final approval
CO-LOCATION ON EXISTING TOWER (CONDITIONAL USE)	\$300.00 per plus review by private consultant if deemed necessary for final approval
SPECIAL EXCEPTION	\$300.00
AMENDMENT TO CONDITIONAL USE	\$300.00
RENEWAL OF CONDITIONAL USE	\$300.00
REQUEST FOR PRIVATE ROAD- NAME/SIGN	\$100.00
REQUEST TEXT AMENDMENT	\$400.00
APPEAL	\$300.00
AMENDMENT TO PROFFERED REZONING	\$300.00

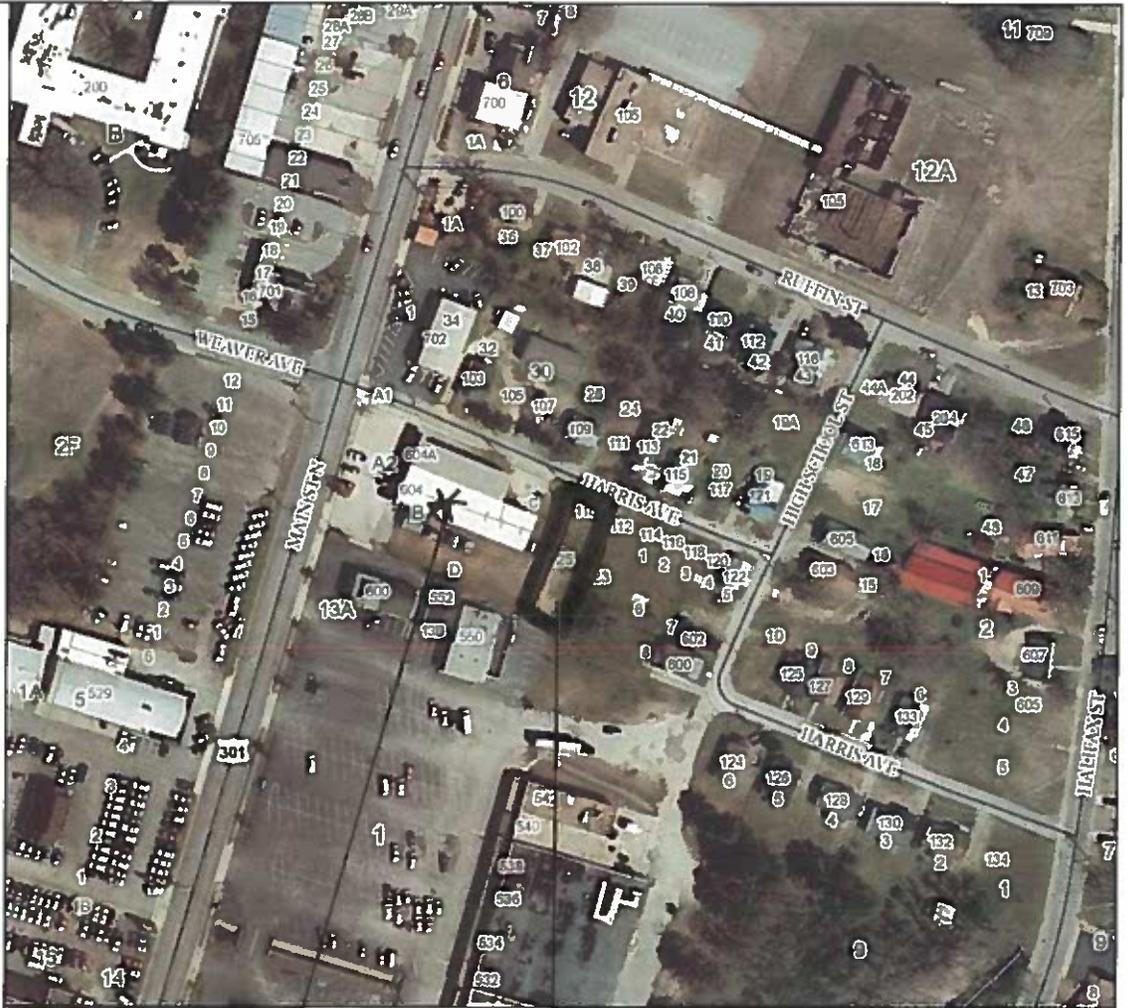


Existing  
Plan S Building

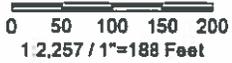
110 Harris Avenue

**Legend**

- City Boundary
- Parcels
- Site Addresses
- Road Centerlines
- Streams and Rivers
- Water Bodies



Feet



Title:

Date: 10/6/2016

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Emporia is not responsible for its accuracy or how current it may be.*

Existing  
Plan 5 Building

110 Harris Avenue

# Emporia, Virginia

Map Pin	Tax Map Number	Address	Deed Book Reference
123-4-25	123 -4 -0 -25	110 HARRIS AVENUE Emporia, Va 23847	IN07001748

Owner Information	
Owner	PLAN 4 LLC
Owner's Address:	700 N YORK DR EMPORIA VA 23847

Summary			
Property Information			
Residential	No Data	Well	No Data
Commercial	No Data	Spring	No Data
Class	URBAN RESIDENTIAL	Paved Road	Y
Zone	MULTI-FAMILY	Improvement Value	0
Property Use	VACANT	Land Value	4400
Description Land Area	No Data	Sale Price	0
Size Main Land Area	0	Sale Date	10/16/2007
Computed Main Land Area	0	Account Number	20760
Public Water	No Data	Dirt Road	No Data
Public Sewer	No Data	Road	No Data
Septic System	No Data	Sidewalk	No Data
Underground Utility	No Data	Topography	LEVEL
Gutter	Y		

Improvement Information			
Year Built	No Data	Split Foyer	No Data
Year Remodeled	No Data	Central Heat	No Data
Year Assessed	2016	Central Air	No Data
Number Stories	0	Roof Type	No Data
Number Rooms	0	Exterior Type	No Data
Number Bedrooms	0	Basement Type	No Data
Number Bathrooms	0	Exterior Condition	No Data
Number Fireplaces	0	Foundation Type	No Data
Number Chimneys	0	Floor Type	No Data
Split Level	No Data	Wall Type	No Data
Building Description	No Data	Heat Fuel Type	No Data
Square Footage	0	Subdivision	HARRIS AVENUE

**Previous Owner****Previous Owner 1**

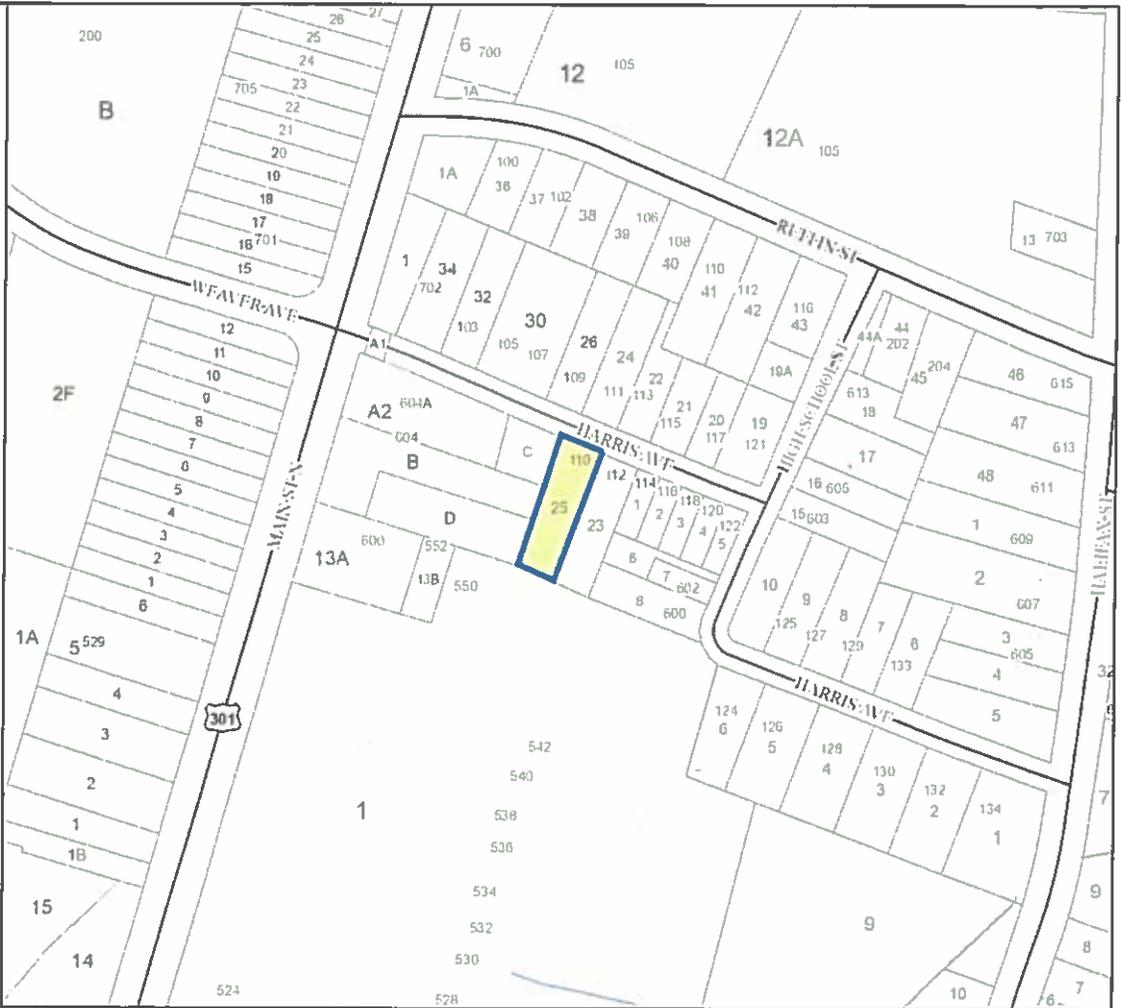
<b>Previous Owner</b>	ALLEN DENNIS S AND CECELIA H
<b>Datebase Reference</b>	DB264 P746
<b>Previous Owner's Address</b>	700 N YORK DR EMPORIA VA 23847
<b>Date of Transfer</b>	10/16/2007
<b>Sale Price</b>	6000

**Previous Owner 2**

<b>Previous Owner</b>	SMITH DOROTHY
<b>Datebase Reference</b>	DB263 P826
<b>Previous Owner's Address</b>	918 WILLIAMS ST EMPORIA VA 23847
<b>Sale Price</b>	5000

**Legend**

-  City Boundary
-  Parcels
-  Site Addresses
-  Road Centerlines
-  Streams and Rivers
-  Water Bodies



**Title: 123-4-25**

**Date: 10/6/2016**

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Feet

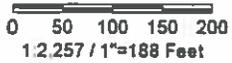




Photo of Property

Sec. 90-73. - R-3 residential district.

- (a) *Purpose and intent.* R-3 districts shall be composed of certain medium to high concentrations of residential uses ordinarily located between residential and commercial areas, plus certain open areas where similar development appears likely to occur. The regulations for this R-3 district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children, and to permit certain professional uses of a character unlikely to develop general concentration of traffic and crowds of customers. To these ends, retail activity shall be limited and this district shall be protected against encroachment of commercial or industrial uses. All residential types of structures for both permanent and transient occupancy are permitted. This R-3 residential district is not completely residential as it includes public and semipublic and other related uses. However, it is basically residential in character and, as such, shall not be spotted with commercial and industrial uses.
- (b) *Uses permitted.* Permitted uses in an R-3 residential district are as follows:
  - (1) All uses permitted in R-1 and R-2 districts.
  - (2) Group homes with conditional use permit.
  - (3) Multiple-family dwellings.
  - (4) Multisectional manufactured home/mobile home with conditional use permit.
  - (5) Tourist homes.
  - (6) Bed and breakfast house.
  - (7) Roominghouses and boardinghouses.
  - (8) Doctors' offices and other professional offices.
  - (9) Nonpublic clubs, lodges (except those of which the chief activities are customarily carried on as a business), subject to approval by the planning commission.
  - (10) Hospitals.
- (c) *Height regulations.* Buildings in the R-3 district may not be erected more than 45 feet in height without prior approval of the city planning commission.
- (d) *Area regulations.* Area regulations in the R-3 district are as follows: The minimum lot area for single-family dwellings shall be 6,000 square feet; each multiple-family dwelling lot shall have a minimum width of 75 feet and a minimum area of 7,500 square feet. The minimum lot area per dwelling unit for multiple-family dwellings, including resident employee's dwelling unit, shall be as follows:

Apartment Type	No. of Bedrooms	Lot Area Required/ Dwelling Unit (square feet)
1	1	2,800

2	2	3,400
3	3	4,000
4	4	4,600

- (e) *Lot coverage.* Buildings, including accessory buildings, in an R-3 district shall not cover more than 40 percent of the lot.
- (f) *Setback regulations.* The front setback line in an R-3 district shall be located 25 feet from any street right-of-way.
- (g) *Width regulations.* The lot width at the setback line in an R-3 district shall be 60 feet for single-family dwellings and 75 feet for multiple-family dwellings.
- (h) *Yard regulations.* Yard regulations in an R-3 district are as follows:
- (1) *Side.* The minimum total width of the side yards for each main structure shall be 15 feet, with no one side yard being less than five feet.
  - (2) *Rear.* Each main structure shall have a rear yard of 25 feet or more.
- (i) *Parking.* Off-street parking space in an R-3 district shall be provided as specified in article V of this chapter.
- (j) *Signs.* Signs in an R-3 district may be erected as provided in article V of this chapter.
- (Code 1972, § 24-25; Ord. No. 99-10, 9-21-99; Ord. No. 01-20, 10-2-01; Ord. No. 10-5, 1-19-10)

Sec. 90-76. - C-1 commercial district.

(a) *Purpose and intent.* C-1 commercial districts shall be for the conduct of retail and general commercial business establishments to which the public requires direct and frequent access and is characterized by constant heavy traffic and by noises of congestion. This C-1 commercial district includes such uses as retail stores, banks, offices, restaurants and taverns located in the central area of the city.

(b) *Uses permitted.* Permitted uses in a C-1 district shall be as follows:

ABC stores.

Assembly halls.

Bakeries.

Banks and financial institutions.

Banquet facility.

Barber and beauty shops.

Bed and breakfast and tourist homes.

Billiard parlors and pool rooms.

Bookstores.

Bowling alleys.

Business offices and display rooms.

Child care centers.

Churches.

Clubs and lodges.

Delicatessen.

Department stores.

Drugstores.

Dry goods or notion stores.

Electronic retail sales and online auction stores with conditional use permit.

Flower, gift, record and tobacco shops.

Furniture stores.

Grocery stores.

Hardware stores.

Hotels/motels.

Household appliance stores.

Jewelry stores.

Laundromats and dry cleaners.

Libraries.

Magazine and news stands.

Mini-storage facilities.

Museums.

Newspaper printing establishment.

Nightclubs with conditional use permit.

Pet service and supply establishments.

Photographer.

Post office.

Printing establishments.

Professional and public offices.

Recreation centers.

Restaurants, excluding drive-in or curbside types.

Shoe repair shops.

Tailors.

Tattoo parlors.

Taxicab establishments.

Temporary outdoor yard sale.

Variety stores.

Wearing apparel stores.

- (c) *Height regulations.* Buildings in a C-1 district may not be erected more than 45 feet in height without prior approval of the city planning commission.
- (d) *Area regulations.* None, except if the permitted use utilizes a private water or sewage system, the required area in a C-1 district shall be established by the health official.
- (e) *Lot coverage.* Lot coverage in a C-1 district may be up to 100 percent if yard and other regulations are met.
- (f) *Setback regulations.* The front setback line in a C-1 district shall be located 25 feet from any street right-of-way.
- (g) *Width regulations.* Width regulations in a C-1 district are not applicable.
- (h) *Yard regulations.* For permitted uses in a C-1 district, the minimum side or rear yard adjoining or adjacent to a residential district shall be 25 feet.
- (i) *Parking.* Off-street parking space in a C-1 district shall be provided as specified in article V of this chapter.
- (j) *Signs.* Signs in a C-1 district may be erected as provided in article V of this chapter.

(Code 1972, § 24-27; Ord. No. 97-9, 9-2-97; Ord. No. 99-10, 9-21-99; Ord. No. 03-16, § 1, 5-20-03; Ord. No. 05-63, § 1, 12-6-05; Ord. No. 05-64, § 1, 12-6-05; Ord. No. 06-41, 3-6-07; Ord. No. 07-03, 9-18-07; Ord. No. 09-25, 6-2-09; Ord. No. 10-6, 1-19-10; Ord. No. 15-34, 9-15-15)

**2015-2035**



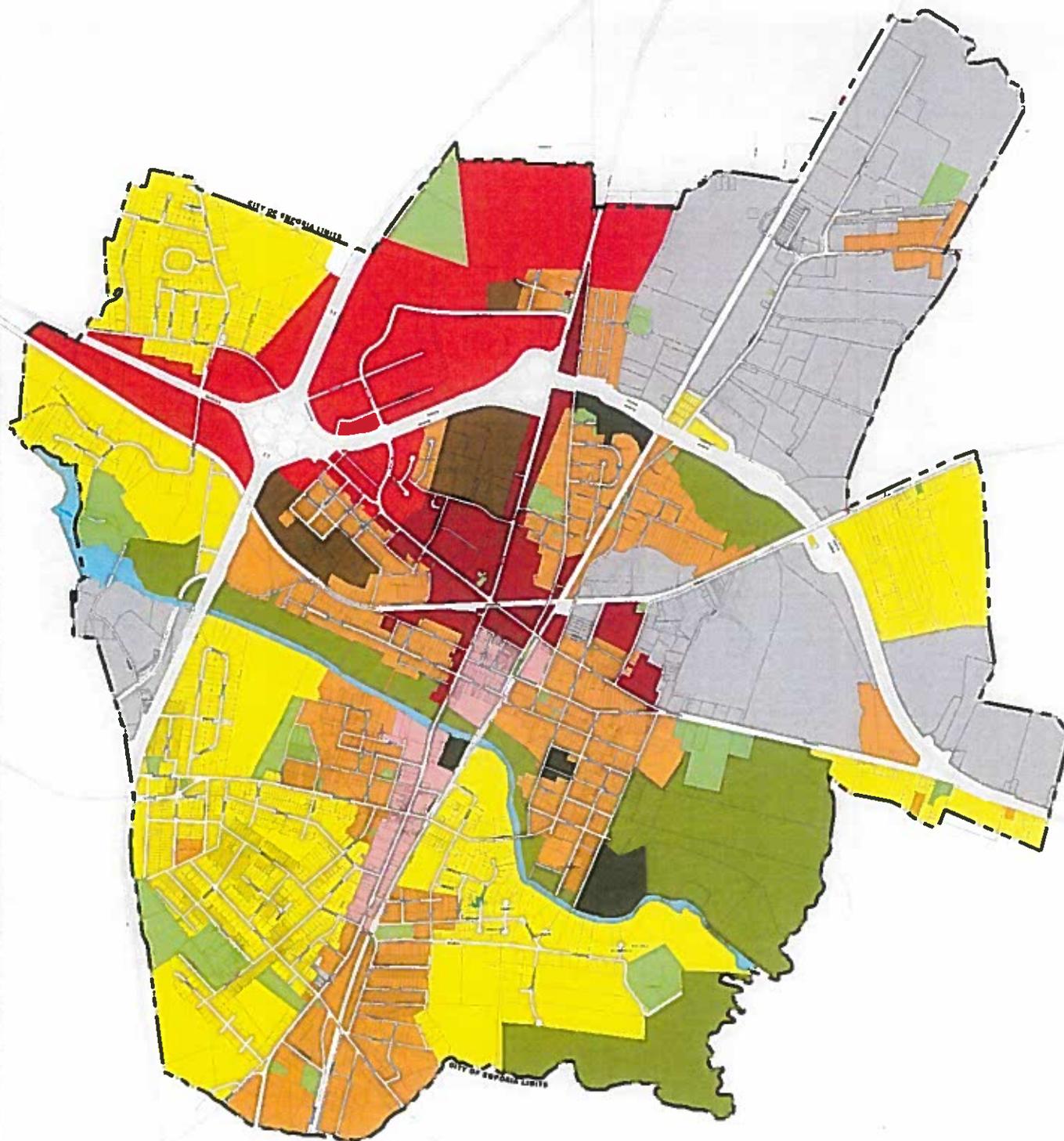
**CITY OF EMPORIA, VA  
COMPREHENSIVE PLAN**

# FUTURE LAND USE

## COMPREHENSIVE PLAN STUDY

### CITY OF EMPORIA, VIRGINIA

- LEGEND**
- Residential**
    - LOW DENSITY
    - MEDIUM DENSITY
    - HIGH DENSITY
  - Commercial**
    - GENERAL COMMERCIAL
    - RETAIL & SERVICE
    - DOWNTOWN / MIXED-USE
  - Industrial**
    - INDUSTRIAL
  - Public & Open Space**
    - COMMUNITY FACILITIES
    - CONSERVATION / OPEN SPACE
    - PARKS & RECREATION



**1. Low-Density Residential (1-5 units per acre)**

Neighborhoods or areas intended for detached, single-family development only. A maximum density of four (4) dwelling units per acre is generally permitted. Within this category, the zoning ordinance should specify density requirements associated with the availability of public utilities. Higher density types of residential use are not encouraged.

**2. Medium-Density Residential (up to 8 units per acre)**

Neighborhoods or areas which allow a greater density and variation of housing types. Permitted uses include one and two-family dwellings and townhouses. A maximum of eight dwelling units per acre is generally permitted. Public water and sewer must be available to serve medium density areas.

**3. High-Density Residential (up to 20 units per acre)**

Areas set aside for high-density residential uses, including apartment buildings, assisted-living facilities (elderly/nursing homes) and other large-scale forms of group housing or multi-family development. This use permits the development of multi-family housing up to twenty units per acre.

**Designated Areas of Residential Use**

The general extent and location of the three residential districts are indicated on the Future Land Use Map. The primary goal of the

Land Use Plan is to maintain existing patterns of residential development throughout the City of Emporia while protecting its older neighborhoods and historic districts. A second strategy is to concentrate residential development in compact growth areas where the infrastructure is already in place. This will help minimize costs for public services and preserve valuable open space.

**Low-Density Residential Use**

Low-density residential use is designated for established single-family areas, as well as nearby vacant areas where similar development is expected to occur. Existing low-density areas are generally situated on larger lots (over ¼ acre) within several distinct neighborhoods. In order to maintain stable homeownership and property values, these low-density areas should be restricted solely to detached, single-family development.

Within the corporate limits, opportunities for new large-lot development are confined primarily to existing subdivisions as well as vacant areas around the southern and northeastern areas of the City. However, several of these areas have slopes in excess of 15% and the development cost to build houses on the land would be expensive as would public infrastructure. The City should also ensure that existing built-up areas are adequately served before major service extensions are approved for subdivisions at the City's borders.

**Medium-Density Residential Use**

The Plan designates medium-density residential use in some of the older neighborhoods. Smaller lot sizes in these areas generally prevail, as well as a pedestrian-oriented environment. The older

neighborhoods contain a diverse housing stock and include homes of modest size as well as larger homes. Some of these older neighborhoods are in transition and experiencing a slight to moderate decline. Potential impacts on the surrounding neighborhoods should be carefully weighed before medium-density residential uses are approved.

#### High-Density Residential Use

The plan directs high-density residential uses to established multi-family areas in and around the City. As a general rule, apartments and other large-scale group housing are best sited on arterial roads near major commercial and healthcare centers. In these locations, high-volume circulation needs can be met without disrupting lower-density neighborhoods.

In an effort to keep these areas active, vacant and underutilized dwellings should be conditionally considered for conversion to other uses such as small offices, group homes, and similar mixed-use development. However, potential impacts on the surrounding neighborhood should be carefully considered before such conversions are approved.

### COMMERCIAL USES

The Land Use Plan establishes three (3) principal types of commercial designations for the City of Emporia. A detailed description of each designation is found below.

#### 1. General Commercial

Areas intended for general commercial development including large retail stores, services,

lodging/restaurants, offices, and shopping centers. General Commercial uses should be easily accessible via automobile and should be located on collector or arterial roads, have sufficient parking, and be adequately served by public utilities and services.

#### 2. Downtown/Mixed-use

The downtown/mixed-use category includes compact commercial uses that serve both automobile and pedestrian traffic. Commercial uses are similar to those under General Commercial but at a pedestrian scale. Additional appropriate uses include, but are not limited to, legal/financial, real estate, personal services, above ground-floor residential uses and other types of low-impact uses.

#### 3. Retail/Service Commercial

The purpose of this category is to provide for an appropriate dynamic variety of uses adjacent to the downtown for commercial, financial, professional, governmental, and cultural activities. This category is intended to promote an attractive, convenient, and relatively compact arrangement of auto-oriented uses and that retain a pedestrian orientation. Signage and outdoor storage should be adequately controlled to promote an attractive and stable urban environment.

Code of Virginia  
Title 15.2. Counties, Cities and Towns  
Chapter 22. Planning, Subdivision of Land and Zoning

### § 15.2-2284. Matters to be considered in drawing and applying zoning ordinances and districts.

Zoning ordinances and districts shall be drawn and applied with reasonable consideration for the existing use and character of property, the comprehensive plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the protection of life and property from impounding structure failures, the preservation of agricultural and forestal land, the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the locality.

Code 1950, §§ 15-821, 15-968.4; 1962, c. 407, § 15.1-490; 1966, c. 344; 1974, c. 526; 1978, c. 279; 1981, c. 418; 1983, c. 530; 1989, cc. 447, 449; 1997, c. 587; 2008, c. 491.



# CITY OF EMPORIA

## Memorandum

October 7, 2016

**TO:** Planning Commissioners

**FROM:** Brian S. Thrower, City Manager *BST*

**SUBJECT:** Rezoning Request – 513 South Main Street

**ITEM #:** 16-06

The Greensville Volunteer Rescue Squad (GVRS) is seeking to rezone its property located at 513 South Main Street to C-1 Commercial District in order to construct a new ambulance bay on the south end of the property and to bring the property into conformance with zoning district use regulations. The four parcels are identified as tax map numbers 182-A-0-36, 182-A-0-37, 182-A-0-38, and 182-A-0-39 and are zoned R-3 Residential District. The parcels abut and are adjacent to properties that are zoned residential (R-2 and R-3).

The subject parcels are currently zoned R-3 Residential District. According to Section 90-73 (a) of the City's Zoning Code "R-3 districts shall be composed of certain medium to high concentrations of residential uses ordinarily located between residential and commercial areas, plus certain open areas where similar development appears likely to occur. The regulations for this R-3 district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children, and to permit certain professional uses of a character unlikely to develop general concentration of traffic and crowds of customers. To these ends, retail activity shall be limited and this district shall be protected against encroachment of commercial or industrial uses. All residential types of structures for both permanent and transient occupancy are permitted. This R-3 residential district is not completely residential as it includes public and semipublic and other related uses. However, it is basically residential in character and, as such, shall not be spotted with commercial and industrial uses."

As stated above, the GVRS is seeking to rezone these parcels to C-1 Commercial District. Per Section 90-76 (a) of the City's Zoning Code "C-1 commercial districts shall be for the conduct of retail and general commercial business establishments to which the public requires direct and frequent access and is characterized by constant heavy traffic and by noises of congestion. This C-1 commercial district includes such uses as retail stores, banks, offices, restaurants and taverns located in the central area of the city."

According to the City's 2015-2035 Comprehensive Plan, these parcels are designated as "Downtown/Mixed-Use" on the Future Land Use Map (FLUM). The properties abutting these parcels and along South Main Street in the immediate area also are designated as "Downtown/Mixed-Use" on the FLUM.

The Comprehensive Plan describes "Downtown/Mixed-Use" as "compact commercial uses that serve both automobile and pedestrian traffic. Commercial uses are similar to those under General Commercial but at a pedestrian scale. Additional appropriate uses include, but are not limited to, legal/financial, real estate, personal services, above ground-floor residential uses and other types of low-impact uses."

Per Section 15.2-2223 of State Code, the overall purpose of a locality's comprehensive plan is to guide and accomplish a "coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants..."

### **Recommendation**

Section 15.2-2284 of State Code lists the relevant factors to consider in rezoning applications. Every proposed rezoning should be accompanied by an analysis of how the amendment will satisfy one or more of these factors. A locality is not required to consider all nine factors in each zoning decision.

The most pertinent factors applicable to this request involve the Comprehensive Plan, the existing use and character of the property, and public service needs of the community. In terms of the Comprehensive Plan FLUM, these parcels are designated as "Downtown/Mixed-Use." The properties abutting these parcels and along South Main Street in the immediate area also are designated as "Downtown/Mixed-Use" on the FLUM. As such, rezoning these parcels to C-1 Commercial District supports the goals of the Comprehensive Plan.

In terms of the existing use and character of the property, these parcels are not used for residential purposes. The current use as a rescue squad facility is only allowed in commercially zoned districts. Rezoning the parcels will bring the property into compliance with zoning district use regulations. As such, the existing use and character of the property further supports the rezoning request.

The public service needs of the community are also an important consideration in this particular request. Rezoning the parcels helps to support the efforts of our volunteers and will aid in the construction of a new ambulance bay to enhance the service provided by the GVRS.

Given the reasons outlined above, I recommend this rezoning request be approved and the parcels be rezoned to C-1 Commercial District. City Council will consider this rezoning request and your recommendation at its October 18, 2016 meeting.

## **Attachments**

Application

Zoning and Aerial Maps

Tax Map Sheets 182-A-0-36,37,38,39

Photos of Parcels

City Zoning Code Section 90-73 R-3 Residential District

City Zoning Code Section 90-76 C-1 Commercial District

Comprehensive Plan Future Land Use Map

Comprehensive Plan Downtown/Mixed-Use Designation Description

State Code Section 15.2-2284 – Rezoning Considerations



**CITY OF EMPORIA**  
 Planning Department  
 201 South Main Street  
 Emporia, Virginia 23847  
 (434) 634-3332  
 (434) 634-0003 /fax



**LAND USE AMENDMENT APPLICATION**  
*Information must be typed or printed and completed in full.*  
*Attach additional pages where necessary.*

**LAND USE INFORMATION**

Application Type: (Circle One):  Variance  Rezoning  Conditional Use Permit  
 Special Exception  Amendment  Appeal  
 Telecommunications Tower  Co-location on existing tower

Description of Request: Addition to existing building

Existing Zoning: R3 Proposed Acreage: .291

**APPLICANT/AGENT INFORMATION**

Applicant(s): Greensville Volunteer Rescue Squad Home/Cell# 804-370-2002  
 Address: 513 South Main St., Emporia, Va. 23847 Work# 434-634-4012  
 Agent(s): Richard Short Home/Cell# \_\_\_\_\_  
 Address: 8678 Purdy Road, Emporia, Va. 23847 Work# \_\_\_\_\_  
 Email Address: richardshortegva@yahoo.com

**PROPERTY OWNER INFORMATION**

Property Owner's Name and address (see note on last page): Greensville Volunteer Rescue Squad  
P.O. Box 108 / 513 South Main St.  
Emporia, Va. 23847 Property Owner's Mailing Address (If this address is different from that listed in the Assessor's Office.): \_\_\_\_\_

Property Tax Parcel Number: 36, 37, 38, 39 TM182-30 Phone# 434-634-4012

Is the applicant:  Property Owner  Contract Purchaser  Other: \_\_\_\_\_

If you are the agent for the property owner, do you have consent of the owner attached?  Y  N

SUBJECT PARCEL INFORMATION

Location of Property

513 South Main St.

TM182-36

Street Address

Tax parcel ID number

General Description of Property

Existing building is block in structure containing: meeting room, day room, training room, lounge and 6 truck bays.

Current Zoning (circle one)

R-1 R-2 R-3 R-PRD R-3MHS C-1 C-2 I-1 I-2 DT Other

Proposed Zoning (for rezoning request)

R-1 R-2 R-3 R-PRD R-3MHS C-1 C-2 I-1 I-2 DT

Handwritten: C-1 BST

Existing Use(s) of Property

Rescue Squad

A. Explain fully the proposed use, type of development, operation program, reason for this request, etc.:

Addition to South end of building to be used for ambulance bay.

B. Section(s) of the City Code that pertain to this request

C. State how this request will not be materially detrimental to adjacent property, the surrounding neighborhood or City in general. Include where applicable; information concerning use of public utilities/services, relationship to the comprehensive plan effect of request on public schools, traffic impact, means of access to nearest public road, existing and future area development, etc.

16' still would exist between new addition and property line.

D. Has any previous application for a land use amendment been filed in connection with these parcels? List case numbers and explain any existing use permit, special exception, conditional use or variance previously granted on the parcels in question. If this application is to amend an existing special use permit, special exception, or other applicable amendment, please explain the request (proposed change in structure(s) including all signs).

*No*

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**E. Proffers and Conditions**

List any conditions or proffers currently associated with this property.

*None*

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If the applicant proffers any conditions (§ 15.2-2297 of the Code of Virginia), they must:

- 1) Have a reasonable relationship to the rezoning
- 2) Not include a cash contribution to the City of Emporia
- 3) Not include mandatory dedication of property
- 4) Not include payment for construction of off-site improvements

Proffers may be amended in writing prior the Planning Commission public hearing.

If this is an application for a **conditional zoning**, the following conditions are voluntarily proffered:

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F. Please list any and all restrictive covenants, deed restrictions and other special considerations:

*None*

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G. If required by the Zoning Administrator, attach a site plan / plot plan / survey plat / building dimensions / densities showing the location(s) of existing and proposed structures to be erected and applicable setback lines and distances including all zoning district requirements.

Notes:

- (1) Special use permits shall be for an indefinite period of time unless the Planning Commission imposes a condition specifying a shorter duration. Such permits shall run with the land unless the City of Emporia imposes a more restrictive condition with regard to the succession to rights in such a permit.

- (2) The City of Emporia may include, as part of the ordinance granting any conditional use permit, suitable regulations and safeguards as it may deem appropriate. Once a special use permit is approved subject to such conditions, they shall be deemed to be a part of the zoning ordinance and may be enforced by the zoning administrator. Conditions attached to a special use permit may only be amended or deleted by subsequent application for the purpose.
- (3) This application for a conditional special use permit must be accompanied by two (2) copies of any required site plans or plot plans.

H. If requesting a variance, explain the unique physical hardship or extraordinary situation (size, shape, topography, etc.) that is justification for the request:

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I. Explain how the zoning ordinance prohibits or unreasonable restricts the use of the property.

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J. Applicant Remarks

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K. The required fee must accompany this application. A fee schedule is attached for your convenience. Checks must be made payable to: "Treasurer, City of Emporia".

L. Enclosed with the application, a copy of the appropriate county tax map with the property marked and, if available, a surveyed plat of the entire parcel.

M. Enclose with this application any required plans or plats (plans must be folded).

N. Enclose with this application any additional information to assist with review and determination.

O. I/We hereby certify that to the best of my/our knowledge all the above statements and the statements contained in any exhibits transmitted are true and that the adjacent property owners listed herewith are the owners of record as of the date of the application:

Date: August 26, 20 16

SIGNATURE OF AGENT\*

(Name of person other than, but acting for, the property owner and responsible for this application.)

AGENT'S NAME Richard Short  
(Typed or printed)

SIGNATURE OF APPLICANT\*\* Richard Short

(Same name as used in Item 2, Page 1)

APPLICANT'S NAME Richard Short  
(Typed or printed)

**Notes:** Incomplete application will not be accepted. Any request that requires plans must be accompanied by those plans at the time submission of the application.

**For Office Use by the City of Emporia Dept. of Planning and Zoning and/or the Planning Commission**

Zoning Subdivision Code (90-14 or 66-8): Fee Paid:

Copy of Receipt attached

Action Taken:

\_\_\_\_\_  
Planner / Zoning Administrator

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Commission

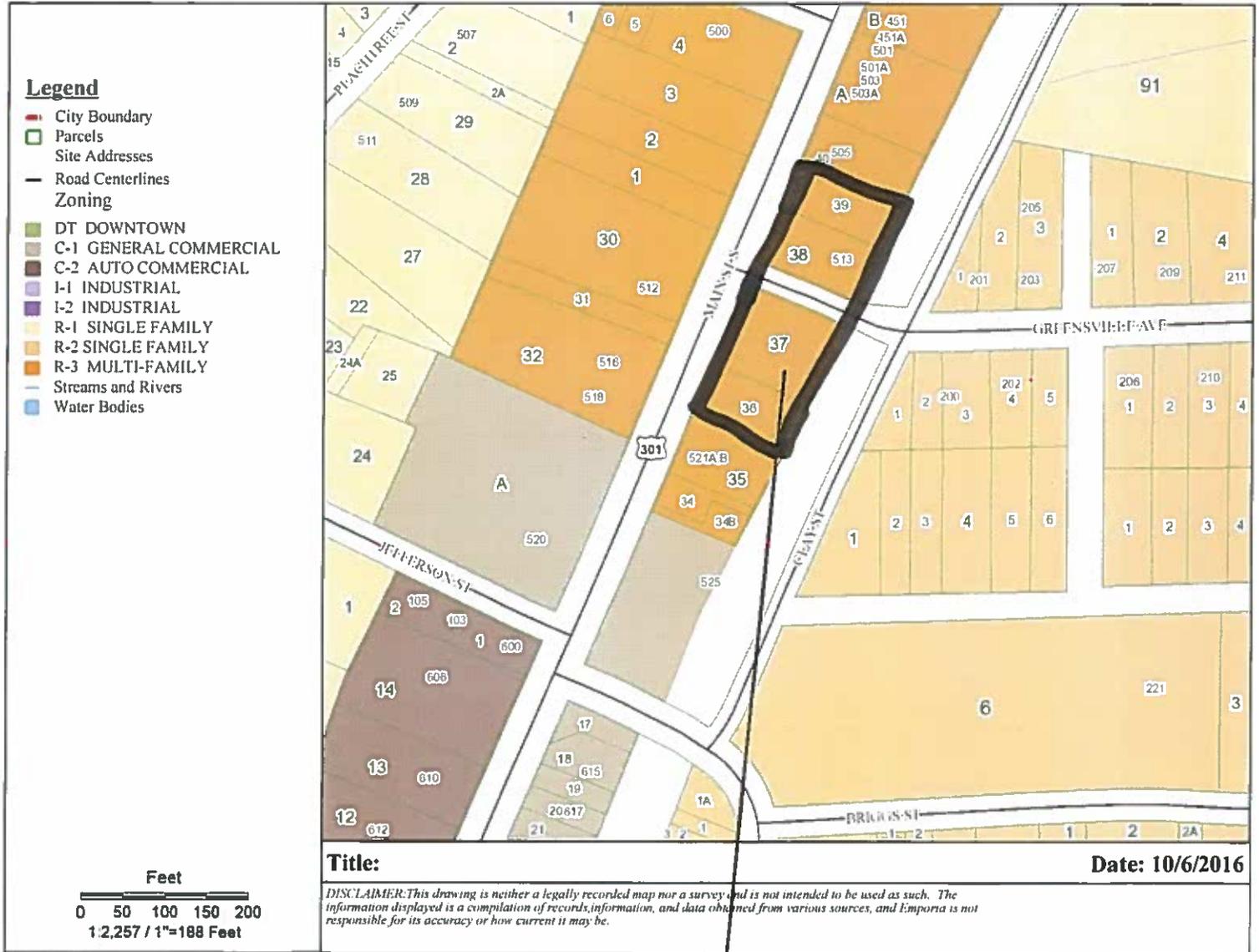
\_\_\_\_\_  
Date

\_\_\_\_\_  
City Council

\_\_\_\_\_  
Date

## PERMIT FEES

VARIANCE	\$300.00
REZONING	\$400.00 + 50/lot
CONDITIONAL USE PERMIT	\$300.00
TELECOMMUNICATIONS TOWER (CONDITIONAL USE)	\$1,500.00 per plus review by private consultant if deemed necessary for final approval
CO-LOCATION ON EXISTING TOWER (CONDITIONAL USE)	\$300.00 per plus review by private consultant if deemed necessary for final approval
SPECIAL EXCEPTION	\$300.00
AMENDMENT TO CONDITIONAL USE	\$300.00
RENEWAL OF CONDITIONAL USE	\$300.00
REQUEST FOR PRIVATE ROAD- NAME/SIGN	\$100.00
REQUEST TEXT AMENDMENT	\$400.00
APPEAL	\$300.00
AMENDMENT TO PROFFERED REZONING	\$300.00



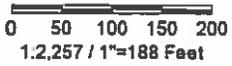
Rescue Squad Property  
513 S. Main Street

**Legend**

- City Boundary
- Parcels
- Site Addresses
- Road Centerlines
- Streams and Rivers
- Water Bodies



Feet



Title:

Date: 10/6/2016

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Emporia is not responsible for its accuracy or how current it may be.*

Rescue Squad Property  
513 S. Main Street

# Emporia, Virginia

Map Pin	Tax Map Number	Address	Deed Book Reference
182-A-36	182 -A -0 -36	0 SOUTH MAIN STREET Emporia, Va 23847	DB232 P295

Owner Information	
Owner	GREENSVILLE VOLUNTEER RESCUE SQUAD INC
Owner's Address:	513 S MAIN ST EMPORIA VA 23847

Summary			
Property Information			
Residential	No Data	Well	No Data
Commercial	No Data	Spring	No Data
Class	LOCAL GOVERNMENT	Paved Road	Y
Zone	MULTI-FAMILY	Improvement Value	5000
Property Use	GOVERNMENT- NONTAXABLE	Land Value	9000
Description Land Area	No Data	Sale Price	40000
Size Main Land Area	0	Sale Date	12/05/1997
Computed Main Land Area	0	Account Number	12480
Public Water	No Data	Dirt Road	No Data
Public Sewer	No Data	Road	No Data
Septic System	No Data	Sidewalk	Y
Underground Utility	No Data	Topography	+ GRADE
Gutter	Y		

Improvement Information			
Year Built	No Data	Split Foyer	No Data
Year Remodeled	No Data	Central Heat	No Data
Year Assessed	2016	Central Air	No Data
Number Stories	0	Roof Type	No Data
Number Rooms	0	Exterior Type	No Data
Number Bedrooms	0	Basement Type	No Data
Number Bathrooms	0	Exterior Condition	No Data
Number Fireplaces	0	Foundation Type	No Data
Number Chimneys	0	Floor Type	No Data
Split Level	No Data	Wall Type	No Data
Building Description	No Data	Heat Fuel Type	No Data
Square Footage	0	Subdivision	MAIN STREET SOUTH

**Previous Owner****Previous Owner 1**

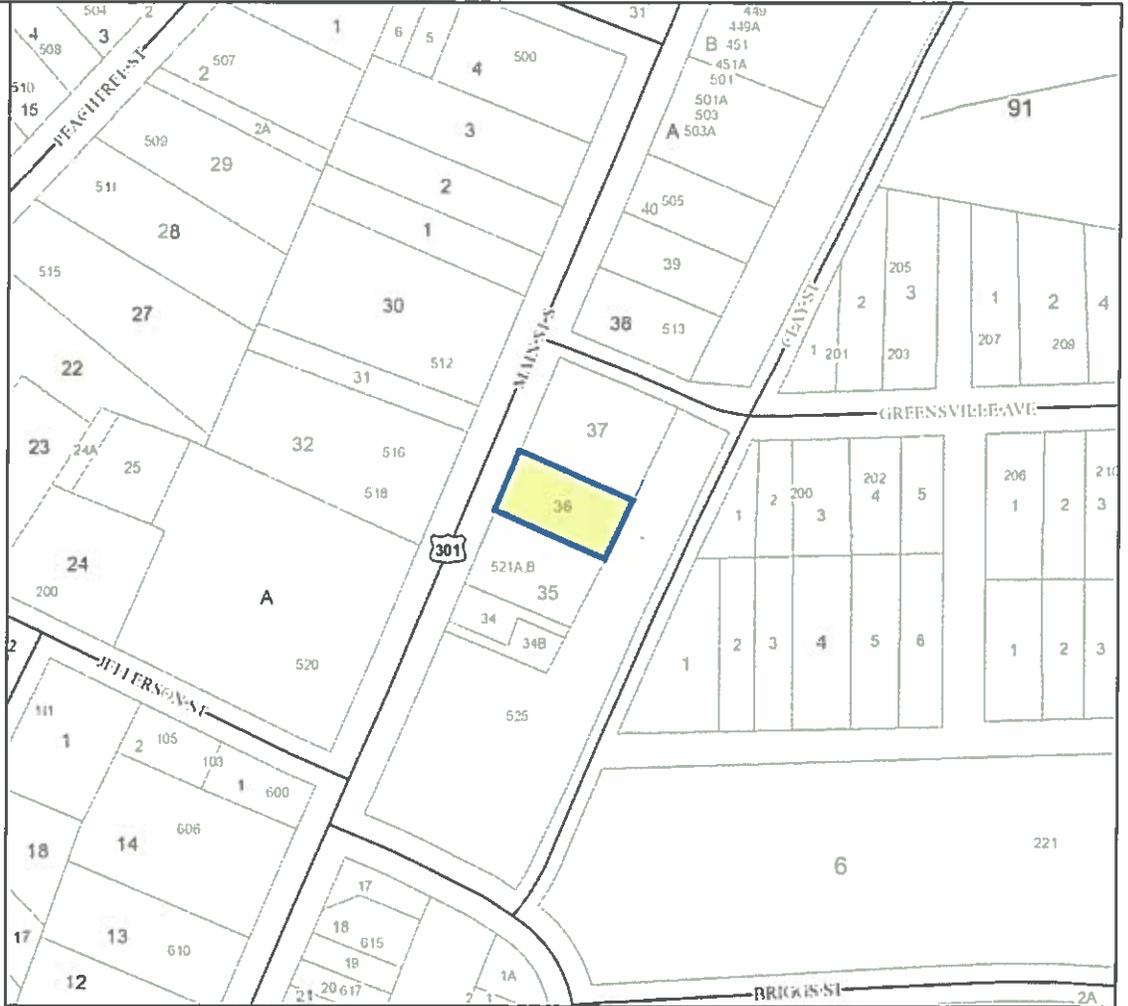
<b>Previous Owner</b>	PERCY L HOUSE JR & LOFTON PAIR
<b>Datebase Reference</b>	No Data
<b>Previous Owner's Address</b>	No Data
<b>Date of Transfer</b>	No Data
<b>Sale Price</b>	0

**Previous Owner 2**

<b>Previous Owner</b>	WILLIAM E AND ALYSE W BEALE
<b>Datebase Reference</b>	No Data
<b>Previous Owner's Address</b>	No Data
<b>Sale Price</b>	0

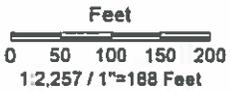
**Legend**

-  City Boundary
-  Parcels
-  Site Addresses
-  Road Centerlines
-  Streams and Rivers
-  Water Bodies



**Title: 182-A-36**

**Date: 10/6/2016**



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# Emporia, Virginia

Map Pin	Tax Map Number	Address	Deed Book Reference
182-A-37	182 -A -0 -37	513 SOUTH MAIN STREET Emporia, Va 23847	No Data

Owner Information	
Owner	GREENSVILLE VOLUNTEER RESCUE SQUAD INC
Owner's Address:	513 S MAIN ST EMPORIA VA 23847



## Summary

### Property Information

Residential	No Data	Well	No Data
Commercial	Y	Spring	No Data
Class	LOCAL GOVERNMENT	Paved Road	Y
Zone	MULTI-FAMILY	Improvement Value	389000
Property Use	GOVERNMENT- NONTAXABLE	Land Value	20600
Description Land Area	SITE	Sale Price	0
Size Main Land Area	0	Sale Date	No Data
Computed Main Land Area	15000	Account Number	544061
Public Water	Y	Dirt Road	No Data
Public Sewer	Y	Road	No Data
Septic System	No Data	Sidewalk	Y
Underground Utility	No Data	Topography	LEVEL
Gutter	Y		

**Improvement Information**

<b>Year Built</b>	1980	<b>Split Foyer</b>	No Data
<b>Year Remodeled</b>	1995	<b>Central Heat</b>	Y
<b>Year Assessed</b>	2016	<b>Central Air</b>	Y
<b>Number Stories</b>	1	<b>Roof Type</b>	TAR/GRVL
<b>Number Rooms</b>	0	<b>Exterior Type</b>	BR/BLOCK
<b>Number Bedrooms</b>	0	<b>Basement Type</b>	NONE
<b>Number Bathrooms</b>	0	<b>Exterior Condition</b>	AVG.
<b>Number Fireplaces</b>	0	<b>Foundation Type</b>	C/B
<b>Number Chimneys</b>	0	<b>Floor Type</b>	CONCRETE
<b>Split Level</b>	No Data	<b>Wall Type</b>	CB/PANEL
<b>Building Description</b>	RESCUE SQUAD BL	<b>Heat Fuel Type</b>	HOTAIR
<b>Square Footage</b>	5086	<b>Subdivision</b>	MAIN STREET SOUTH

**Previous Owner****Previous Owner 1**

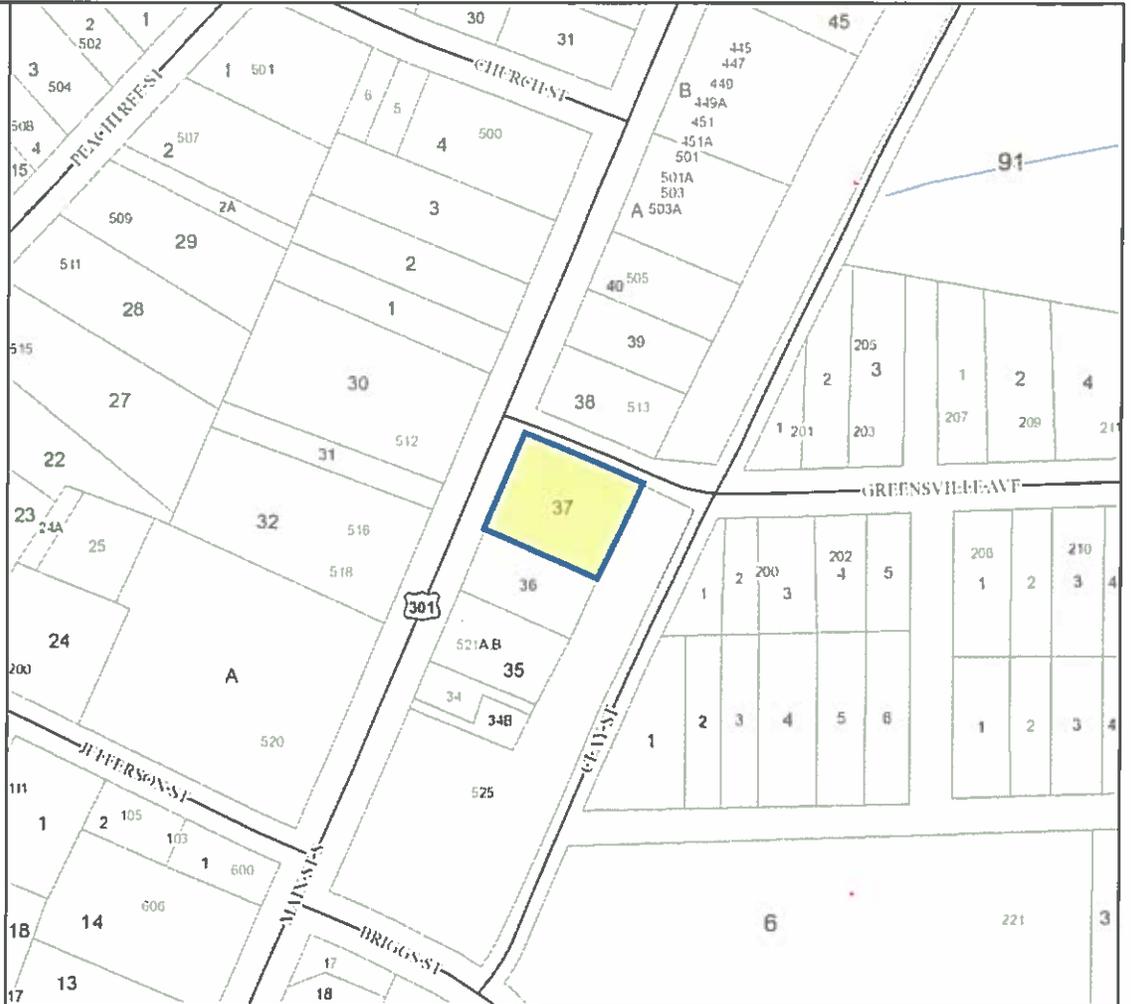
<b>Previous Owner</b>	No Data
<b>Database Reference</b>	No Data
<b>Previous Owner's Address</b>	No Data
<b>Date of Transfer</b>	No Data
<b>Sale Price</b>	0

**Previous Owner 2**

<b>Previous Owner</b>	No Data
<b>Database Reference</b>	No Data
<b>Previous Owner's Address</b>	No Data
<b>Sale Price</b>	0

**Legend**

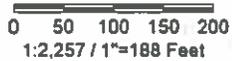
-  City Boundary
-  Parcels
-  Site Addresses
-  Road Centerlines
-  Streams and Rivers
-  Water Bodies



**Title: 182-A-37**

**Date: 10/6/2016**

Feet



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# Emporia, Virginia

Map Pin	Tax Map Number	Address	Deed Book Reference
182-A-38	182 -A -0 -38	0 SOUTH MAIN STREET Emporia, Va 23847	DB102 P584

Owner Information	
Owner	GREENSVILLE VOLUNTEER RESCUE SQUAD INC
Owner's Address:	513 S MAIN ST EMPORIA VA 23847



## Summary

Property Information			
Residential	No Data	Well	No Data
Commercial	No Data	Spring	No Data
Class	LOCAL GOVERNMENT	Paved Road	Y
Zone	MULTI-FAMILY	Improvement Value	9500
Property Use	GOVERNMENT- NONTAXABLE	Land Value	10700
Description Land Area	No Data	Sale Price	0
Size Main Land Area	0	Sale Date	06/19/1972
Computed Main Land Area	0	Account Number	544080
Public Water	Y	Dirt Road	No Data
Public Sewer	Y	Road	No Data
Septic System	No Data	Sidewalk	No Data
Underground Utility	No Data	Topography	LEVEL
Gutter	Y		

**Improvement Information**

<b>Year Built</b>	No Data	<b>Split Foyer</b>	No Data
<b>Year Remodeled</b>	No Data	<b>Central Heat</b>	No Data
<b>Year Assessed</b>	2016	<b>Central Air</b>	No Data
<b>Number Stories</b>	0	<b>Roof Type</b>	No Data
<b>Number Rooms</b>	0	<b>Exterior Type</b>	No Data
<b>Number Bedrooms</b>	0	<b>Basement Type</b>	No Data
<b>Number Bathrooms</b>	0	<b>Exterior Condition</b>	No Data
<b>Number Fireplaces</b>	0	<b>Foundation Type</b>	No Data
<b>Number Chimneys</b>	0	<b>Floor Type</b>	No Data
<b>Split Level</b>	No Data	<b>Wall Type</b>	No Data
<b>Building Description</b>	No Data	<b>Heat Fuel Type</b>	No Data
<b>Square Footage</b>	0	<b>Subdivision</b>	MAIN STREET SOUTH

**Previous Owner****Previous Owner 1**

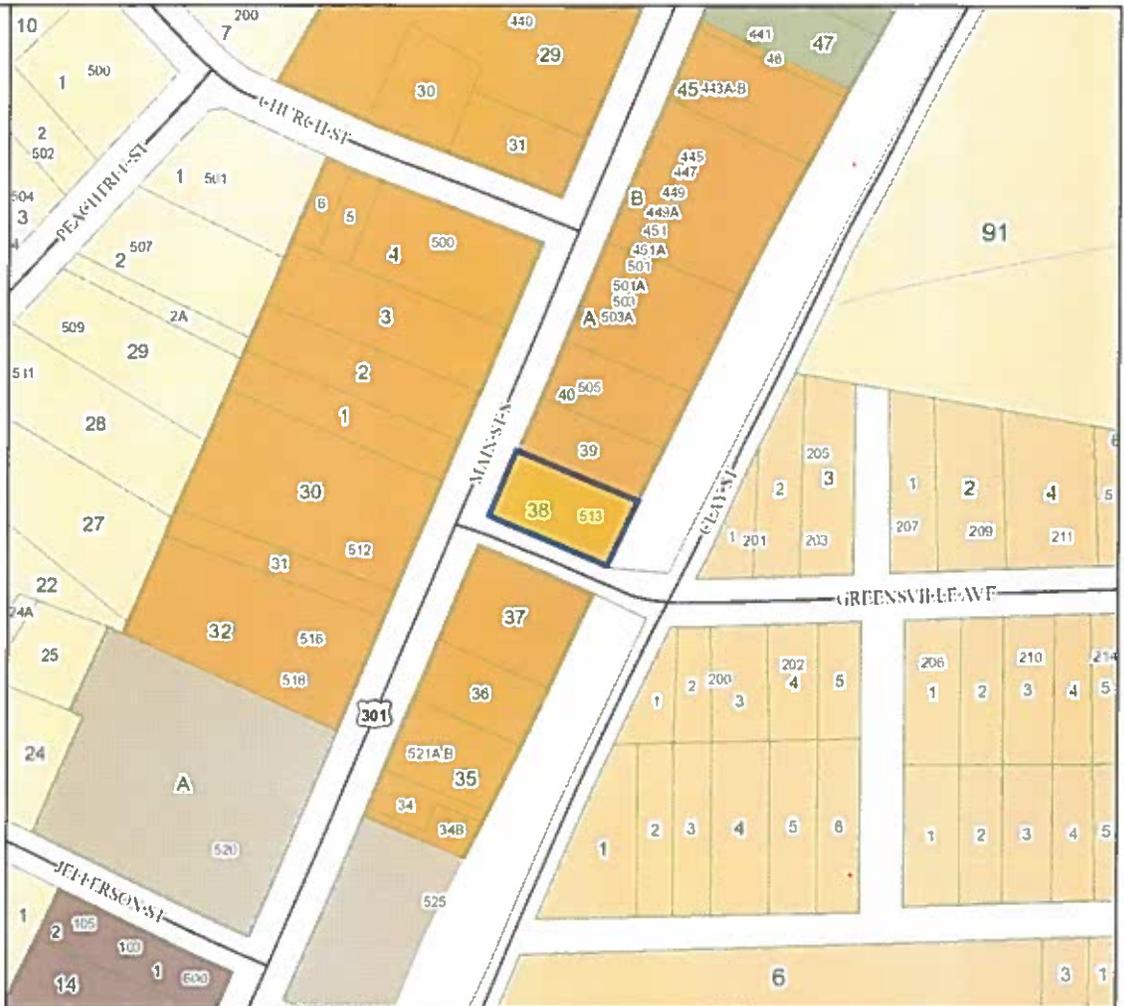
<b>Previous Owner</b>	T B NEWSOME TRUSTEE
<b>Datebase Reference</b>	No Data
<b>Previous Owner's Address</b>	No Data
<b>Date of Transfer</b>	No Data
<b>Sale Price</b>	0

**Previous Owner 2**

<b>Previous Owner</b>	No Data
<b>Datebase Reference</b>	No Data
<b>Previous Owner's Address</b>	No Data
<b>Sale Price</b>	0

**Legend**

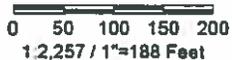
-  City Boundary
-  Parcels
-  Site Addresses
-  Road Centerlines
- Zoning**
-  DT DOWNTOWN
-  C-1 GENERAL COMMERCIAL
-  C-2 AUTO COMMERCIAL
-  I-1 INDUSTRIAL
-  I-2 INDUSTRIAL
-  R-1 SINGLE FAMILY
-  R-2 SINGLE FAMILY
-  R-3 MULTI-FAMILY
-  Streams and Rivers
-  Water Bodies



**Title: 182-A-38**

**Date: 10/6/2016**

Feet



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# Emporia, Virginia

Map Pin	Tax Map Number	Address	Deed Book Reference
182-A-39	182 -A -0 -39	0 SOUTH MAIN STREET Emporia, Va 23847	DB169 P304

Owner Information	
Owner	GREENSVILLE VOLUNTEER RESCUE SQUAD INC
Owner's Address:	513 S MAIN ST EMPORIA VA 23847

## Summary

### Property Information

Residential	No Data	Well	No Data
Commercial	No Data	Spring	No Data
Class	LOCAL GOVERNMENT	Paved Road	Y
Zone	MULTI-FAMILY	Improvement Value	0
Property Use	GOVERNMENT- NONTAXABLE	Land Value	9800
Description Land Area	No Data	Sale Price	0
Size Main Land Area	0	Sale Date	12/14/1988
Computed Main Land Area	0	Account Number	328
Public Water	No Data	Dirt Road	No Data
Public Sewer	No Data	Road	No Data
Septic System	No Data	Sidewalk	No Data
Underground Utility	No Data	Topography	LEVEL
Gutter	Y		

### Improvement Information

Year Built	No Data	Split Foyer	No Data
Year Remodeled	No Data	Central Heat	No Data
Year Assessed	2016	Central Air	No Data
Number Stories	0	Roof Type	No Data
Number Rooms	0	Exterior Type	No Data
Number Bedrooms	0	Basement Type	No Data
Number Bathrooms	0	Exterior Condition	No Data
Number Fireplaces	0	Foundation Type	No Data
Number Chimneys	0	Floor Type	No Data
Split Level	No Data	Wall Type	No Data
Building Description	No Data	Heat Fuel Type	No Data
Square Footage	0	Subdivision	MAIN STREET SOUTH

**Previous Owner****Previous Owner 1**

<b>Previous Owner</b>	No Data
<b>Datebase Reference</b>	PB4 P119
<b>Previous Owner's Address</b>	No Data
<b>Date of Transfer</b>	No Data
<b>Sale Price</b>	0

**Previous Owner 2**

<b>Previous Owner</b>	No Data
<b>Datebase Reference</b>	No Data
<b>Previous Owner's Address</b>	No Data
<b>Sale Price</b>	0

**Legend**

-  City Boundary
-  Parcels
-  Site Addresses
-  Road Centerlines
- Zoning**
-  DT DOWNTOWN
-  C-1 GENERAL COMMERCIAL
-  C-2 AUTO COMMERCIAL
-  I-1 INDUSTRIAL
-  I-2 INDUSTRIAL
-  R-1 SINGLE FAMILY
-  R-2 SINGLE FAMILY
-  R-3 MULTI-FAMILY
-  Streams and Rivers
-  Water Bodies



Feet



**Title: 182-A-39**

**Date: 10/6/2016**

*DISCLAIMER: This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records, information, and data obtained from various sources, and Emporia is not responsible for its accuracy or how current it may be.*



Photo of Property



Photo of Property

Sec. 90-73. - R-3 residential district.

- (a) *Purpose and intent.* R-3 districts shall be composed of certain medium to high concentrations of residential uses ordinarily located between residential and commercial areas, plus certain open areas where similar development appears likely to occur. The regulations for this R-3 district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life composed of an adult population with children, and to permit certain professional uses of a character unlikely to develop general concentration of traffic and crowds of customers. To these ends, retail activity shall be limited and this district shall be protected against encroachment of commercial or industrial uses. All residential types of structures for both permanent and transient occupancy, are permitted. This R-3 residential district is not completely residential as it includes public and semipublic and other related uses. However, it is basically residential in character and, as such, shall not be spotted with commercial and industrial uses.
- (b) *Uses permitted.* Permitted uses in an R-3 residential district are as follows:
- (1) All uses permitted in R-1 and R-2 districts.
  - (2) Group homes with conditional use permit.
  - (3) Multiple-family dwellings.
  - (4) Multisectional manufactured home/mobile home with conditional use permit.
  - (5) Tourist homes.
  - (6) Bed and breakfast house.
  - (7) Roominghouses and boardinghouses.
  - (8) Doctors' offices and other professional offices.
  - (9) Nonpublic clubs, lodges (except those of which the chief activities are customarily carried on as a business), subject to approval by the planning commission.
  - (10) Hospitals.
- (c) *Height regulations.* Buildings in the R-3 district may not be erected more than 45 feet in height without prior approval of the city planning commission.
- (d) *Area regulations.* Area regulations in the R-3 district are as follows: The minimum lot area for single-family dwellings shall be 6,000 square feet; each multiple-family dwelling lot shall have a minimum width of 75 feet and a minimum area of 7,500 square feet. The minimum lot area per dwelling unit for multiple-family dwellings, including resident employee's dwelling unit, shall be as follows:

Apartment Type	No. of Bedrooms	Lot Area Required/ Dwelling Unit (square feet)
1	1	2,800

2	2	3,400
3	3	4,000
4	4	4,600

- (e) *Lot coverage.* Buildings, including accessory buildings, in an R-3 district shall not cover more than 40 percent of the lot.
  - (f) *Setback regulations.* The front setback line in an R-3 district shall be located 25 feet from any street right-of-way.
  - (g) *Width regulations.* The lot width at the setback line in an R-3 district shall be 60 feet for single-family dwellings and 75 feet for multiple-family dwellings.
  - (h) *Yard regulations.* Yard regulations in an R-3 district are as follows:
    - (1) *Side.* The minimum total width of the side yards for each main structure shall be 15 feet, with no one side yard being less than five feet.
    - (2) *Rear.* Each main structure shall have a rear yard of 25 feet or more.
  - (i) *Parking.* Off-street parking space in an R-3 district shall be provided as specified in article V of this chapter.
  - (j) *Signs.* Signs in an R-3 district may be erected as provided in article V of this chapter.
- (Code 1972, § 24-25; Ord. No. 99-10, 9-21-99; Ord. No. 01-20, 10-2-01; Ord. No. 10-5, 1-19-10)

Sec. 90-76. - C-1 commercial district.

(a) *Purpose and intent.* C-1 commercial districts shall be for the conduct of retail and general commercial business establishments to which the public requires direct and frequent access and is characterized by constant heavy traffic and by noises of congestion. This C-1 commercial district includes such uses as retail stores, banks, offices, restaurants and taverns located in the central area of the city.

(b) *Uses permitted.* Permitted uses in a C-1 district shall be as follows:

ABC stores.

Assembly halls.

Bakeries.

Banks and financial institutions.

Banquet facility.

Barber and beauty shops.

Bed and breakfast and tourist homes.

Billiard parlors and pool rooms.

Bookstores.

Bowling alleys.

Business offices and display rooms.

Child care centers.

Churches.

Clubs and lodges.

Delicatessen.

Department stores.

Drugstores.

Dry goods or notion stores.

Electronic retail sales and online auction stores with conditional use permit.

Flower, gift, record and tobacco shops.

Furniture stores.

Grocery stores.

Hardware stores.

Hotels/motels.

Household appliance stores.

Jewelry stores.

Laundromats and dry cleaners.

Libraries.

Magazine and news stands.

Mini-storage facilities.

Museums.

Newspaper printing establishment.

Nightclubs with conditional use permit.

Pet service and supply establishments.

Photographer.

Post office.

Printing establishments.

Professional and public offices.

Recreation centers.

Restaurants, excluding drive-in or curbside types.

Shoe repair shops.

Tailors.

Tattoo parlors.

Taxicab establishments.

Temporary outdoor yard sale.

Variety stores.

Wearing apparel stores.

- (c) *Height regulations.* Buildings in a C-1 district may not be erected more than 45 feet in height without prior approval of the city planning commission.
- (d) *Area regulations.* None, except if the permitted use utilizes a private water or sewage system, the required area in a C-1 district shall be established by the health official.
- (e) *Lot coverage.* Lot coverage in a C-1 district may be up to 100 percent if yard and other regulations are met.
- (f) *Setback regulations.* The front setback line in a C-1 district shall be located 25 feet from any street right-of-way.
- (g) *Width regulations.* Width regulations in a C-1 district are not applicable.
- (h) *Yard regulations.* For permitted uses in a C-1 district, the minimum side or rear yard adjoining or adjacent to a residential district shall be 25 feet.
- (i) *Parking.* Off-street parking space in a C-1 district shall be provided as specified in article V of this chapter.
- (j) *Signs.* Signs in a C-1 district may be erected as provided in article V of this chapter.

(Code 1972, § 24-27; Ord. No. 97-9, 9-2-97; Ord. No. 99-10, 9-21-99; Ord. No. 03-16, § 1, 5-20-03; Ord. No. 05-63, § 1, 12-6-05; Ord. No. 05-64, § 1, 12-6-05; Ord. No. 06-41, 3-6-07; Ord. No. 07-03, 9-18-07; Ord. No. 09-25, 6-2-09; Ord. No. 10-6, 1-19-10; Ord. No. 15-34, 9-15-15)

2015-2035



**CITY OF EMPORIA, VA  
COMPREHENSIVE PLAN**

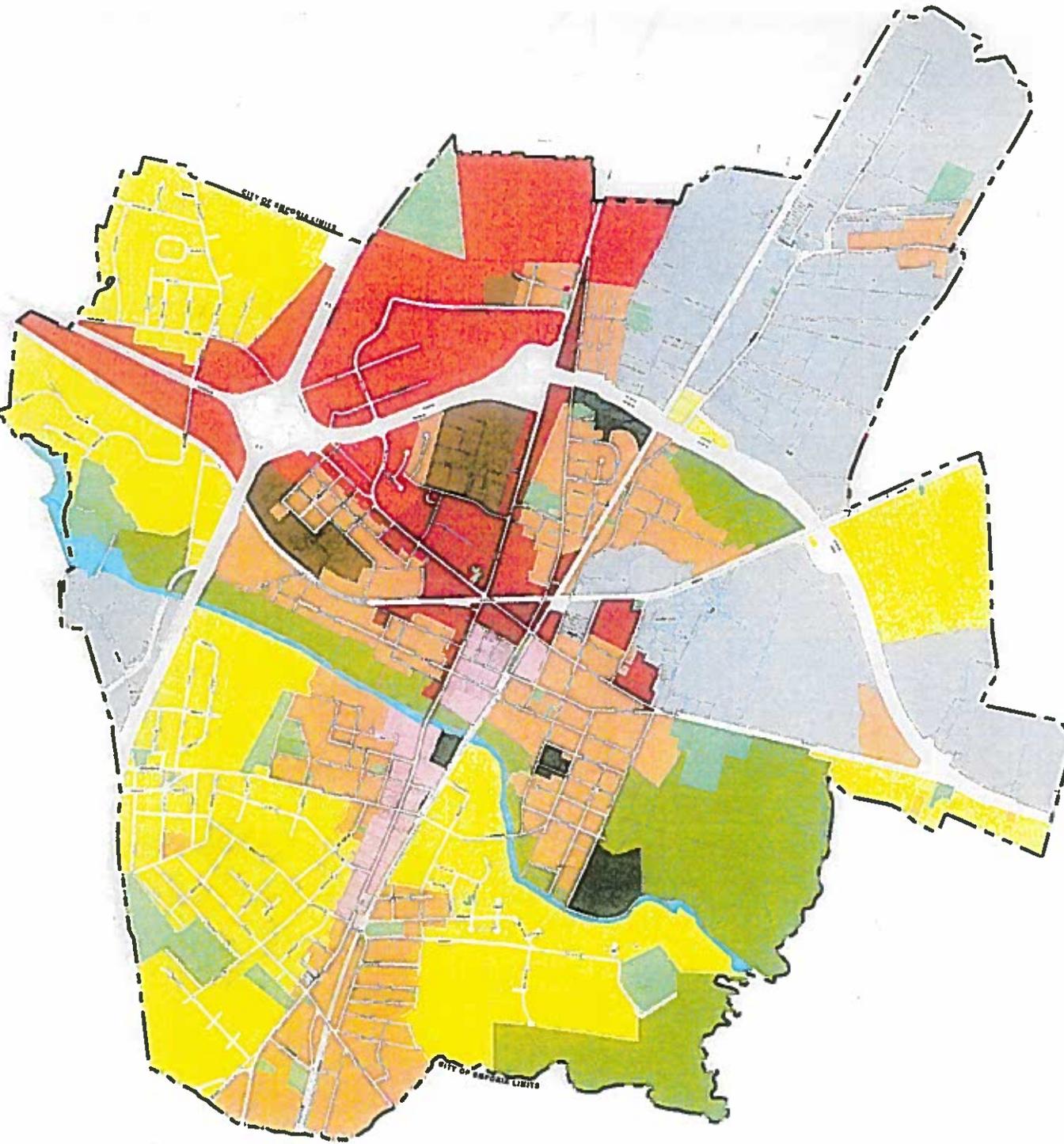
# FUTURE LAND USE

## COMPREHENSIVE PLAN STUDY

### CITY OF EMPORIA, VIRGINIA

#### LEGEND

- Residential**
  - LOW DENSITY
  - MEDIUM DENSITY
  - HIGH DENSITY
- Commercial**
  - GENERAL COMMERCIAL
  - RETAIL & SERVICE
  - DOWNTOWN / MIXED-USE
- Industrial**
  - INDUSTRIAL
- Public & Open Space**
  - COMMUNITY FACILITIES
  - CONSERVATION / OPEN SPACE
  - PAKRS & RECREATION



GRAPHIC SCALE IN FEET  
APRIL, 2014

neighborhoods contain a diverse housing stock and include homes of modest size as well as larger homes. Some of these older neighborhoods are in transition and experiencing a slight to moderate decline. Potential impacts on the surrounding neighborhoods should be carefully weighed before medium-density residential uses are approved.

#### **High-Density Residential Use**

The plan directs high-density residential uses to established multi-family areas in and around the City. As a general rule, apartments and other large-scale group housing are best sited on arterial roads near major commercial and healthcare centers. In these locations, high-volume circulation needs can be met without disrupting lower-density neighborhoods.

In an effort to keep these areas active, vacant and underutilized dwellings should be conditionally considered for conversion to other uses such as small offices, group homes, and similar mixed-use development. However, potential impacts on the surrounding neighborhood should be carefully considered before such conversions are approved.

### **COMMERCIAL USES**

The Land Use Plan establishes three (3) principal types of commercial designations for the City of Emporia. A detailed description of each designation is found below.

#### **1. General Commercial**

Areas intended for general commercial development including large retail stores, services,

lodging/restaurants, offices, and shopping centers. General Commercial uses should be easily accessible via automobile and should be located on collector or arterial roads, have sufficient parking, and be adequately served by public utilities and services.

#### **2. Downtown/Mixed-use**

The downtown/mixed-use category includes compact commercial uses that serve both automobile and pedestrian traffic. Commercial uses are similar to those under General Commercial but at a pedestrian scale. Additional appropriate uses include, but are not limited to, legal/financial, real estate, personal services, above ground-floor residential uses and other types of low-impact uses.

#### **3. Retail/Service Commercial**

The purpose of this category is to provide for an appropriate dynamic variety of uses adjacent to the downtown for commercial, financial, professional, governmental, and cultural activities. This category is intended to promote an attractive, convenient, and relatively compact arrangement of auto-oriented uses and that retain a pedestrian orientation. Signage and outdoor storage should be adequately controlled to promote an attractive and stable urban environment.

Code of Virginia  
Title 15.2. Counties, Cities and Towns  
Chapter 22. Planning, Subdivision of Land and Zoning

## § 15.2-2284. Matters to be considered in drawing and applying zoning ordinances and districts.

Zoning ordinances and districts shall be drawn and applied with reasonable consideration for the existing use and character of property, the comprehensive plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the protection of life and property from impounding structure failures, the preservation of agricultural and forestal land, the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the locality.

Code 1950, §§ 15-821, 15-968.4; 1962, c. 407, § 15.1-490; 1966, c. 344; 1974, c. 526; 1978, c. 279; 1981, c. 418; 1983, c. 530; 1989, cc. 447, 449; 1997, c. 587; 2008, c. 491.



# **CITY OF EMPORIA**

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## **Memorandum**

October 7, 2016

**TO:** Planning Commissioners  
**FROM:** Brian S. Thrower, City Manager *BST*  
**SUBJECT:** Zoning Code Amendments – Sections 90-1 and 90-12  
**ITEM #:** 16-07

Attached are amendments to the City's Zoning Code pertaining to "accessory buildings" and "nonconforming structures and uses." City Council requested you review these amendments and provide a recommendation as to whether they should be adopted.

The proposed amendments would allow accessory structures (garages, sheds, carports, etc.) to be placed in side yards. They are currently only allowed in rear yards. A five foot side setback from side and rear lot lines would continue to be required.

Also attached are amendments pertaining to "nonconforming structures and uses." These amendments allow nonconforming structures to be rebuilt even if totally damaged or destroyed by accidental fire, natural disaster or other act of God, or any other accidental means as long as the structure is not enlarged or altered in any way which increases its nonconforming characteristic. Structures must be rebuilt within two years of the occurrence and must adhere to current Building Code and Floodplain regulations. The City's current Zoning Code does not allow nonconforming structures to be rebuilt if damaged to an extent exceeding 50 percent of its appraised value. These amendments also bring the City's Code into compliance with State Code.

### **Recommendation**

I recommend adoption of these amendments. City Council will consider your recommendation at its October 18, 2016 meeting.

### **Attachments**

Current Zoning Code  
Proposed Zoning Code Amendments

# Current Code

## Sec. 90-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Accessory building** means a detached subordinate building located on the same lot with the main building or use, the use of which is customarily incidental to that of the main building or to the use of the land. Where a wall of the accessory building is part of the wall of the main building, or where an accessory building such as a garage is attached in any manner to the main building, such accessory building shall be considered a part of the main building. The accessory building shall be less than the main building in height, except in industrial districts where a higher building is required in the manufacturing process. No accessory building shall be used for residential purposes. Accessory buildings shall be permitted only in the rear yards and shall not be located within five feet of any interior lot side or rear lot line. Accessory buildings constructed on corner lots shall have the same street side yard setback required of the main building.

**Sec. 90-12. - Nonconforming uses; regulations.**

No nonconforming building or use shall be enlarged, extended, reconstructed, substituted, or structurally altered, except when required by law or order, unless the use thereof is changed to a use permitted in the district in which located, except as follows:

- (1) Such use may be extended throughout any part of the building which was manifestly arranged or designed for such use on April 4, 1975, provided no structural alterations except those required by law are made therein.
- (2) Any building that is conforming as to use, but is nonconforming as to floor area, lot, yard, road frontage, distance or height requirements, may be enlarged or structurally altered, but not reconstructed or substituted, so that it more nearly complies with these requirements.
- (3) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification, but it shall not thereafter be changed back to a use of a less restricted classification.
- (4) Any nonconforming building or structure which is hereafter damaged to an extent exceeding 50 percent of its then appraised value exclusive of foundations, by fire, flood, explosion, earthquake, war, riot, storm, or so-called act of God, may not be restored, reconstructed or used for any purpose other than one permitted in the district in which it is located. However, if such damage is not more than 50 percent, such building or structure may be restored, reconstructed, and used as before, provided that it be done within two years after the damage occurs, and provided also that the height, yard, court, and other provisions of this chapter are complied with as nearly as possible. Any building that is conforming as to use, but is nonconforming as to floor area, lot, yard, road frontage, distance or height requirements, may be restored, reconstructed and used as before even though damaged to an extent exceeding 50 percent, provided that it is done within two years and that the floor area, lot, yard, road frontage, distance, or height requirements of this chapter are complied with as nearly as possible.
- (5) No building, structure, or premises where a nonconforming use has ceased for two years or more shall again be put to a nonconforming use.
- (6) All nonconforming buildings and uses in any R district which are of a type first permitted in a C or I district or are restricted for such district, may be continued for a period of ten years after April 4, 1975, unless the owner produces satisfactory evidence that the building at that time is less than 40 years old, in which case the use may be continued until the building does become 40 years old, after which (in either case) the use shall be changed to a

conforming use or the building shall be removed.

(Code 1972, § 24-10(1)—(5), (7))

# Proposed Code

## Sec. 90-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory building* means a detached subordinate building located on the same lot with the main building or use, the use of which is customarily incidental to that of the main building or to the use of the land. Garages, carports, and storage sheds are common accessory buildings. Where a wall of the accessory building is part of the wall of the main building, or where an accessory building such as a garage is attached in any manner to the main building, such accessory building shall be considered a part of the main building. The accessory building shall be less than the main building in height, except in industrial districts where a higher building is required in the manufacturing process. No accessory building shall be used for residential purposes. Accessory buildings shall be permitted only in the rear and side yards and shall not be located within five feet of any interior lot side or rear lot line. Accessory buildings constructed on corner lots shall have the same street side yard setback required of the main building.

# Proposed Code

## Sec. 90-12. Nonconforming structures and uses.

### (a) Nonconforming structures

- (1) Where a lawful structure exists at the time of passage or amendment to this chapter, which structure could not be built under the terms of this chapter by reason of restrictions on area, bulk, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as the structure is maintained in its then structural condition and is not enlarged or altered in any way which increases any nonconforming characteristic of the structure or nonconforming characteristic of its location on the lot.
- (2) Should such nonconforming structure be moved for any reason for any distance on the same lot or to any other lot, it shall thereafter conform to the regulations for the district in which it is located after it is moved. However, a nonconforming sign may be relocated on the same property, if such sign was moved due to highway, utility, or other construction for public purposes.
- (3) The owner of any nonconforming structure which is damaged or destroyed by an accidental fire, natural disaster or other act of God, or any other accidental means may repair, rebuild, or replace any such structure to its original conforming condition as long as the structure is not enlarged or altered in any way which increases its nonconforming characteristic. The owner shall apply for a building permit and any work done to repair, rebuild, or replace such building shall be in compliance with the provisions of the Virginia Uniform Statewide Building Code and the City's Floodplain Zoning Regulations. Unless such structure is repaired, rebuilt, or replaced within two (2) years of the date of the accidental fire, natural disaster or other act of God, or other accidental means which directly caused its damage or destruction, such structure shall only be repaired, rebuilt, or replaced in accordance with the regulations for the zoning district in which it is located. However, if the nonconforming structure is in area under federal disaster declaration and the structure has been damaged or destroyed as a result of conditions that gave rise to the declaration, then the owner shall have an additional two (2) years for the structure to be repaired, rebuilt, or replaced as otherwise provided in this subsection. For the purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, earthquake, or fire caused by lightning or wildfire.

### (b) Nonconforming uses

- (1) Where, at the effective date of adoption or amendment to this chapter, a lawful use exists of a structure, individually or in combination with another structure, which use is made no longer permissible under the terms of this chapter as enacted or amended.

such use may be permitted so long as it is not abandoned for more than two (2) years and so long as the structure in which such use is located is maintained in its then structural condition. Abandonment means the intentional stopped use of the property and that the property has been vacant for two (2) consecutive years. Should a structure in which such nonconforming use is located be enlarged, extended, reconstructed, or structurally altered, except as otherwise permitted by the provisions of this article, the use of such a structure thereafter shall conform to the regulations of the district in which it is located.

- (2) No nonconforming use shall be enlarged, intensified, increased, or extended to occupy a larger square footage of building or lot area than was occupied on the effective date of the adoption of, or amendment to, this chapter. Such intensification, increase, or extension shall include enlargement of the building or other structure, expansion of the use on the premises, or the erection of an additional principal or accessory structure associated with such nonconforming use on the property on which the nonconforming use is located.
- (3) No nonconforming use shall be moved on the same lot or to any other lot which is not properly zoned to permit such use.
- (4) Any use which replaces, in whole or part, a nonconforming use shall conform to the requirements of the district in which it is located and the nonconforming use shall not be resumed.
- (5) Any nonconforming use may be resumed or restored after the structure in which the use is located is damaged or destroyed by an accidental fire, natural disaster or other act of God, or other accidental means. The owner shall apply for a building permit and any work done to repair, rebuild, or replace the structure in which such use is located shall be in compliance with the provisions of the Virginia Uniform Statewide Building Code and the City's Floodplain Zoning Regulations. Unless such use is resumed, restored, or replaced within two (2) years of the date of the accidental fire, natural disaster or other act of god, or other accidental means which directly caused its damage or destruction, such use shall only be restored or resumed in accordance with the regulations for the zoning district in which it is located. However, if the nonconforming use is in an area under a federal disaster declaration and the use has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the owner shall have an additional two (2) years for the use to be restored or resumed as otherwise provided in this subsection. For the purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, earthquake, or fire caused by lightning or wildfire.