Ord. 2011-__

AN ORDINANCE AMENDING CHAPTER 30 "ZONING" OF THE *CHRISTIANSBURG TOWN CODE* IN REGARDS TO PROVISIONS FOR ANTIQUE STORES AND HOME OCCUPATIONS

WHEREAS, the Planning Commission of the Town of Christiansburg, Virginia has recommended to the Council of the Town of Christiansburg amendments to the Zoning Ordinance of the Town of Christiansburg; and,

WHEREAS, notice of the intention of the Town Council to pass said ordinance was published two consecutive weeks (April 20, 2011 and April 27, 2011) in The Roanoke Times – New River Current, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, a joint public hearing of Council and the Planning Commission of the Town was held May 3, 2011 and resulted in a recommendation by the Planning Commission that the following proposed ordinance revisions be adopted; and,

WHEREAS, Council deems proper so to do,

Be it ordained by the Council of the Town of Christiansburg, Virginia that the definition of "home occupation" in Section 30-1 of Chapter 30 "Zoning" of the *Christiansburg Town Code* be amended as follows:

ARTICLE I. IN GENERAL

Sec. 30-1. Definitions.

Home occupation. Any occupation, profession, enterprise, or activity conducted by one or more members of a family residing on the premises which is incidental and secondary to the use of the premises for dwelling purposes, provided that not more than one person other than a family member of the resident family is employed on the premises **and may include activities such as the keeping of files, sending and receipt of mail, accounting and filing of taxes, the storing of no more than one utility truck not exceeding one ton, and the storing of one utility trailer**. See Sec. 30-8 for Conditional Use Permit requirements.

When within the above requirement, a home occupation includes, but is not limited to the following: (a) art or photography studio; (b) dressmaking; (c) professional office of a physician, therapist, dentist, minister, lawyer, engineer, architect, accountant, salesman, or other similar occupation; (d) typing, word processing or computer operation; (e) teaching with musical or educational instruction limited to two pupils at a time; (f) keeping of a single guestroom.

However, a home occupation shall not be interpreted to include the conduct of beauty parlors, barbershops, nursing homes, convalescent homes, rest homes, ~~**antique or craft resale**~~, restaurants, tearooms, tourist homes, fortunetellers, or similar establishments.

An application to conduct all home occupations shall be filed with the Town Manager/Zoning Administrator on forms provided by the Town Manager/Zoning Administrator. Business Licenses are required in accordance with Chapter 15 "Licenses Generally". Such licenses shall be revocable by the Town Manager/Zoning Administrator for violations of this Section 30-1 of the Town Code and where applicable Section 30-8 thereof. Home occupations shall be classified as either a minor home occupation or a major home occupation.

Home occupation, major. Major home occupations shall consist of all home occupations other than minor home occupations as defined herein. Major home occupations shall require a Conditional Use Permit pursuant to Section 30-8 of the Town Code.

Home occupation, minor. A minor home occupation means a residential enterprise where no sales take place whereby property is transferred on-premises from one person to another or others for a consideration of value except for products fabricated or manufactured on the residential site, where no hazardous materials are stored or utilized, where on-street parking in conjunction with such operation is confined to the street frontage of the host lot, where no outside indication exists that a business enterprise is conducted on the premises, and where there is no group instruction, assembly, or activity.

This ordinance shall become effective upon adoption. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid. Ordinances or parts of any ordinances of the Town whose provisions are in conflict herewith are hereby repealed.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held _____, 2011, the members of the Council of the Town of Christiansburg, Virginia present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	Aye	Nay	Abstain	Absent
Mayor Richard G. Ballengee*				
D. Michael Barber				
Cord Hall				
Steve Huppert				
Henry Showalter				
Bradford J. Stipes				
James W. “Jim” Vanhoozier				

*Votes only in the event of a tie vote by Council.

SEAL:

_____	_____
Michele M. Stipes, Town Clerk	Richard G. Ballengee, Mayor