



John Jordan, Chairman
Marie Mitchell, Vice Chair
Reggie Bennett, Vice Mayor
Marvin Clements, Commissioner
Jennifer Morton, Commissioner

Sharon D. Williams, AICP,
Planning Commission Secretary &
Director of Community Development

The Regular Meeting of the Planning Commission of the Town of Altavista, Virginia will be held in Town Council Chambers of Town Hall on Monday, August 2, 2021 beginning at 5:00 p.m.

AGENDA

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approval of Agenda
5. Pledge of Allegiance & Invocation
6. Approval of Minutes July 6, 2021
7. Public Expression
8. Public Hearings – None
9. Old Business
 - a. Town Council July 13, 2021 Public Hearings Update (Central Business District, Parking Exception, Use of Metal in Downtown Revitalization Overlay District).
 - b. 2040 Comprehensive Plan Kick Off
10. New Business - None
10. Adjournment

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

Next Meeting: Monday, September 6, 2021 at 5:00 p.m.

The Altavista Planning Commission held a regularly scheduled meeting on July 6, 2021 at 5:00 p.m. in Council Chambers at Town Hall, located at 510 7th Street, Altavista, Virginia.

Members present - John Jordan, Chairman
Marie Mitchell, Vice Chair
Marvin Clements
Reggie Bennett, Vice Mayor
Jennifer Morton

Staff present - Sharon D. Williams, AICP, Community Development Director
John Eller, Town Attorney
Crystal Hailey, Administrative Assistant
Amanda “Amie” Owens, Assistant Town Manager
George Sandridge, Main Street Coordinator

CALL TO ORDER:

Chairman John Jordan called the Planning Commission meeting to order at 5:03 p.m.

DETERMINATION OF QUORUM:

Chairman Jordan confirmed a quorum, as all Planning Commission members were present.

APPROVAL OF AGENDA:

Chairman Jordan asked if there were any amendments to be made to the agenda, to which there were none. Upon a motion by Vice Mayor Reggie Bennett and seconded by Vice Chair Marie Mitchell, the Planning Commission voted 5-0 to approve the agenda as presented.

PLEDGE OF ALLEGIANCE & INVOCATION:

Chairman Jordan delivered the Invocation and afterwards, the Planning Commission recited the Pledge of Allegiance.

APPROVAL OF MINUTES:

Upon a motion made by Vice Mayor Bennett and seconded by Vice Chair Mitchell, the Planning Commission voted 5-0 to approve the minutes from their June 7, 2021, meeting.

PUBLIC EXPRESSION:

Chairman Jordan opened the floor for public comment.

Mr. Ryan Claeys, 1013 Broad Street, Altavista, came forward and stated he had spoken with Councilman Tim George about the expansion of the trail system. He shared that Mr. George had recommended that he attend the meeting and share his thoughts.

Chairman Jordan recommended that Mr. Claeys attend the Recreation Committee meeting, as they were the body best able to act on his suggestions.

Assistant Town Manager Amie Owens informed Mr. Claeys that the Recreation Committee met the third Tuesday of every month at 5:30 p.m. and the next meeting was July 20, 2021.

Ms. Williams shared that Planning Commission was updating the Comprehensive Plan over the next year and recreation would be an area addressed. She stated updates would be posted to the town's website and social media pages.

There being no additional speakers to come forward, the public comment period was closed.

PUBLIC HEARINGS:

a. Ordinance Amendment #OA-21-08: Food Banks & Home Occupations in the Downtown Revitalization Overlay (DRO)

Chairman Jordan opened the public hearing at 5:09 p.m.

Ms. Williams gave an overview of the amendment to Sec. 86-427. She stated that food pantries were allowed in the C-2 (General Commercial) and M (Industrial) zoning districts and explained that it was not permitted in the Downtown Revitalization Overlay (DRO) District. Ms. Williams informed the Commission that a local ministry had opened a food bank in the DRO and had not understood that it was in an overlay district. She stated that due to the Coronavirus pandemic the town had not taken enforcement action against the food bank. Ms. Williams said that there had been minimal impact since it opened; however, due to the potential nuisance, staff recommended that it be permitted with a Special Use Permit (SUP). Ms. Williams stated the second amendment was related to the requirement for home-based businesses to have a SUP. She explained it was the opinion of staff that it was not needed, as the home occupation regulations kept home-based businesses from being nuisances. Ms. Williams stated the town as part of its revitalization efforts, desired to have more people living and working downtown, as such that requirement was not necessary. She stated staff recommended approval of the amendment.

With no citizens coming forward to speak, Chairman Jordan closed the public hearing at 5:17 p.m.

Chairman Jordan reminded the Commissioners that the public hearing was for two separate amendments to Sec. 86-427 of the Zoning Ordinance: 1) to permit food banks/pantries in the DRO with a Special Use Permit; and 2) remove the requirement for a SUP for home occupations in the DRO.

Upon a motion made by Vice Chair Marie Mitchell and seconded by Mrs. Jennifer Morton, the Planning Commission voted 5-0 to recommend approval of the ordinance amendment as presented.

b. Ordinance Amendment #OA-21-09: Sec 86-454 Home Occupation Regulations

Chairman Jordan opened this public hearing at 5:18 p.m.

Ms. Williams gave the Planning Commission an overview of the amendment. She stated staff had discussed whether home occupations should be permitted in accessory structures. Ms. Williams

informed the Commission that home occupations were only permitted in an accessory structure with a Special Use Permit (SUP). She explained that the Zoning Ordinance allowed home craft businesses, which by nature created noise, debris, and would normally be conducted outdoors or in an accessory structure. Ms. Williams stated that it was the opinion of staff that the primary factor was that a home occupation be limited to a certain percentage of a building rather than the type of structure; therefore, a SUP was not necessary. Ms. Williams recommended approval of the amendment.

With no citizens coming forward regarding this matter, Chairman Jordan closed the public hearing at 5:23 p.m.

Upon a motion made by Vice Mayor Reggie Bennett and seconded by Vice Chair Mitchell, the Planning Commission voted 5-0 to recommend Town Council amend Sec 86-454 to permit home occupations in either a dwelling, or accessory structure with a maximum floor space of 25% to be used for the business.

OLD BUSINESS:

a. Solar Energy Facilities Discussion

Ms. Williams informed the Commission that at the Regional Planners meeting held at the Central Virginia Planning District Commission (CVPDC) members raised concerns about regulating solar energy facilities and the nuisances that were created, with an emphasis on erosion and sediment control. She stated some localities had decided not to approve new facilities and other had decided not to address the use until they had updated their Comprehensive Plans. Ms. Williams stated that attendees ask CVPDC staff to facilitate a half day workshop with an industry expert for Planners and E&S Administrators to better understand how the issue should be regulated.

Chairman Jordan referenced a recent article from the News & Advance newspaper and quoted a remark made by Campbell County's Planning Commission Chairman Dean Monroe in the article: *"I prefer the Campbell County Planning Commission not recommend approval of any further solar projects until such a time as commissioners and the board have finalized recommendations of general policies that can be used as conditions on future Special Use Permits for solar projects."* Chairman Jordan suggested the Town of Altavista follow the Campbell County Planning Commission's lead and utilize the county's general policies, if applicable for Altavista, or the town should create their own. He stressed that it should be done correctly.

Ms. Williams informed the Commission that training was tentatively scheduled for September, and she would provide updates later.

b. 2040 Comprehensive Plan Update

Ms. Williams informed the Commission that July 1 began the official kick-off of the Comprehensive Plan update. She stated that the Central Virginia Planning District Commission (CVPDC) would assist with the updates and would attend the next Planning Commission meeting to discuss it with the Commissioners.

Vice Mayor Bennet asked if it was important to have the 2020 Census data for the update.

Ms. Williams answered that it was extremely important. She said that it was one component that the CVPDC would update, along with the charts and maps in the current plan. Ms. Williams explained the town had little access to technology and would rely on CVPDC for electronic data gathering through surveys. She explained that she wanted to spend time in the community gathering feedback. She said that with an aging population, the town cannot expect all citizens to be comfortable completing an online survey. Ms. Williams shared that it has been her experience that meetings held at Town Hall were not well attended and it was her intent to make multiple presentations around town. She stated the goal was to have the plan completed by June 30, 2022.

New Business:

There were no new business items to discuss.

Adjournment:

Chairman Jordan adjourned the meeting at 5:38 p.m.

John Jordan
Planning Commission Chair

Sharon D. Williams, AICP
Planning Commission Secretary

An Ordinance to repeal, amend and re-ordain Section 86-22 of the Code of the Town of Altavista, 1968, relating to definitions, general terms (Zoning Ordinance).

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

1. That Section 86-22 of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

Sec. 86-22. Definitions, general terms.

The words and terms listed below shall have the following meanings:

Abutting means contiguous or adjoining; having property or zoning district lines in common, or separated by a right-of-way.

Access means of approach, to provide vehicular or pedestrian physical entrance to a property.

Accessory building or structure means a building or structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. Where an accessory building or structure is attached to the principal building in a substantial manner, as a covered structure made of materials complementary to the principal structure, such accessory building shall be considered a part of the principal building. A walkway alone shall not be considered a substantial connection for the purposes of this chapter. For purposes of this chapter, any swimming pool in a residential district shall be considered an accessory structure.

Accessory use means a use of land, or a building or structure or portion thereof, customarily incidental and subordinate to the principal use of the land or building or structure and located on the same lot with such principal use.

Acreage means a parcel of land, regardless of area, described by metes and bounds and not as a lot shown on any recorded subdivision plat.

Addition means any construction that increases the gross floor area of a building or structure, or results in an expanded footprint of a building or structure on the ground.

Alley means a right-of-way that provides secondary vehicle and service access to abutting properties that have frontage on one or more streets.

Alteration means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, or any enlargement or reduction of a building or structure, whether horizontally or vertically, or the moving of a building or a structure from one location to another.

Amendment means a modification to this chapter, including the text or associated maps that has been approved by the town council.

Antenna means a communication device that transmits or receives electromagnetic signals. Antennas may be directional, including panels and microwave dishes, or omnidirectional including satellite dishes, whips, dipoles, and parabolic types. An antenna does not include the tower or other supporting structure to which it is attached. For purposes of this chapter, an "antenna" does not include a satellite dish antenna, which is otherwise defined.

Base flood means a flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of being equaled or exceeded in any given year). Areas including the base flood are depicted as zone A, AE, AH, AO, AR, A99, V and VE on the Altavista flood insurance rate map (FIRM).

Base flood elevation (BFE) means the water surface elevation which occurs in a 100-year flood as designated by the Federal Emergency Management Agency.

Basement means that portion of a building that is partly or completely below grade plane. A basement shall be considered a story above grade where the finished surface of the floor above the basement is (i) more than six feet above grade, (ii) more than six feet above grade for more than 50 percent of the total building perimeter, or (iii) more than 12 feet above the finished ground at any point.

Berm means a landscaped earthen mound, incorporated as part of a site design, and intended to enhance the compatibility of abutting or nearby properties through the mitigation of sound, the screening of views, and/or the visual enhancement of a property's landscaped character.

Best management practices (BMP) means a practice, or combination of practices as determined by the appropriate state and/or local agencies to be the most effective, practical means of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with the water quality goals of the Town of Altavista and/or the Commonwealth of Virginia.

Board of zoning appeals means the Town of Altavista Board of Zoning Appeals, also referred to in this chapter as the BZA.

Buffer yard means a yard improved with screening and/or landscaping materials required between abutting zoning districts of differing intensities or between adjoining land uses for the purpose of decreasing the adverse impact of differing uses and districts.

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, activity, process, equipment, goods or materials of any kind.

Building, coverage means that portion of a lot, which when viewed from directly above, would be covered by any building or structure. For the purposes of this definition, lot shall include contiguous lots of the same ownership within a single zoning district which are to be used, developed or built upon as a unit.

Building, height means the vertical distance measured from the average adjoining grade on all sides of a building or structure to the highest point of a flat roof, the deck line of a mansard roof or in the case of a pitched, gambrel or hip roof, the mean level between the eaves and the highest point of the roof.

Building wall, front means, when viewed from above, the wall, parallel to the street right-of-way, that passes through the point of the principal building nearest the street right-of-way.

Building wall, rear means, when viewed from above, the wall, parallel to the rear lot line that passes through the point of the principal building nearest the rear lot line.

Building wall, side means when viewed from above, the wall, parallel to a side lot line that passes through the point of the principal building nearest the side lot line.

Central Business District means a section of the town beginning at a point being the intersection of Franklin Avenue and 5th Street and following the northeast side of Franklin Avenue, crossing Main Street and 7th Street, to a point on the northwest side of the 20' alley that parallels 7th Street, and running southwest in a straight line approximately 1540' to a point on the northeast side of a 20' alley then running parallel to Broad Street and in a northwest direction, crossing 8th Street to the point of intersection with the Norfolk Southern railroad right-of-way, then following the Norfolk Southern Railroad right-of-way southwest, crossing Broad Street and Bedford Avenue (Route 43) to the southwest side of Bedford Avenue, and following the southwest side of Bedford Avenue, crossing Main Street (Route 29 Business) to a point 36' north of the center of the main line of the Norfolk Southern Railroad (Old Norfolk & Western) and then east parallel to and 36' north of the center of the main line and crossing Pittsylvania Avenue to the northeast side of the right-of-way, thereof, then following the east side of the right-of-way of Pittsylvania Avenue in a northwest direction to the intersection of the southeast side of 5th Street, then following the southeast side of 5th Street and running in a northeast direction to the point of beginning.

Caregiver means, for purposes of section 86-460, an adult who provides care for a mentally or physically impaired person within the commonwealth and the caregiver shall be either related by blood, marriage, or adoption to, or shall be the legally appointed guardian of, the mentally or physically impaired person for who care is being provided.

Certificate of zoning compliance means, for the purposes of this chapter, official certification that premises conform to all applicable provisions of the town zoning ordinance and may be lawfully used or occupied.

Channel means a perceptible natural or artificial waterway which periodically or continuously contains moving water confined to a definite bed and banks.

Cluster subdivision means an alternative means of subdividing land that concentrates building density in specific areas of a site to allow the remaining land to be permanently reserved for the preservation of environmentally-sensitive features and open space.

Code of Virginia means the Code of Virginia 1950, as amended.

Commercial delivery means the delivery of goods, products, materials or other items associated with a home occupation by any means or frequency other than that which would normally occur in a residential neighborhood.

Commission means the Planning Commission of the Town of Altavista.

Condominium means a building or group of buildings, created pursuant to the Virginia Condominium Act, Code of Virginia, § 55-79.39 et seq., in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Construction, new means structures for which construction commenced on or after the effective date of this chapter and including any subsequent improvements to such structures.

Construction, start means the date a building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwellings units or not part of the main structure.

Council means the Town Council of Altavista, Virginia.

Deck means a structure, of any materials, without a roof, directly adjacent to a principal building which has an average elevation of 30 inches or greater from finished grade

Dedication means the transfer of private property to public ownership upon written acceptance.

Density means the number of dwelling units permitted per unit of land, commonly expressed as dwelling units per acre.

Development means any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of manufactured homes,

streets and other paving, utilities, filling, grading, excavation, mining, dredging, drilling operations, or storage of equipment or materials.

District means a zoning district as described and permitted by Code of Virginia, § 15.2-2280 et seq.

Driveway means a private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

Dwelling unit means a room or group of rooms connected together containing cooking, bathroom and sleeping facilities constituting a separate, independent housekeeping unit, physically separated from any other dwelling unit in the same structure.

Easement means a portion of a lot or acreage reserved for present or future use by a person or entity other than the fee simple owner of the lot or acreage. Easements may exist on the ground, or under or above the lot or acreage.

Establishment means any business, enterprise, or other land use permitted by this chapter.

Family means one or more persons related by blood, marriage, or adoption, or under approved foster care, or a group of not more than four persons (including domestic help) living together as a single housekeeping unit. For the purposes of dwelling unit occupancy in a single-family residential zoning district (R1), the term shall include not more than two unrelated persons in addition to the family. For dwelling unit occupancy in all other zoning districts, the term shall include not more than four unrelated persons in addition to the family.

Flood means general and temporary inundation of normally dry land areas from (1) the overflow of inland waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; (3) mudslides (i.e. mudflows), which are approximately caused or precipitated by accumulations of water on or under the ground; or (4) the collapse or subsidence of land along a body of water as a result of erosion or undermining caused by water or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated form of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in this section.

Flood, one hundred-year means a flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year, although the flood may occur in any year).

Flood proofing means any combination of structural and nonstructural additions, changes or adjustments to a structure or property which reduces or eliminates flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodplain means:

- (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; or
- (2) An area subject to the unusual and rapid accumulation of run-off or surface waters from any source.

Floodway means the designated area of the floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this article, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

Floodway fringe means that area characterized during floods by shallow, slow-moving water and represents a low hazard potential; more specifically, the floodway fringe is that area of the 100-year flood elevations contained in the flood profiles of the flood insurance study adopted by the Town of Altavista and as shown on the flood insurance rate map (FIRM) accompanying that study.

Floor area, finished means the sum of the horizontal areas of a building which is intended for human habitation and use and which has a floor to ceiling height of six and one-half feet or greater. Areas excluded from the finished floor area would include unfinished basements and attics, storage and utility rooms, and garages.

Floor area, gross means the sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall exclude interior parking and loading spaces, and airspace above atriums.

Floor area ratio (FAR) means the ratio of the total floor area of buildings located on a certain parcel of land to the area of that parcel. [Note: As a formula: Floor area ratio = (total covered area on all floors of all buildings on a parcel) divided by (area of the parcel). Thus, a FAR of 2.0 would indicate that the total floor area of a building is two times the gross area of the parcel on which it is constructed.]

Garage, private means a building for the private use of the owner or occupant of a principal residential building situated on the same lot as the principal building for the storage of motor vehicles.

Glare means the effect produced by lighting, with a brightness or intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Greenhouse, private means a structure for the raising of plants or flowers indoors not for commercial retail purposes.

Greenhouse, retail means a structure for the raising of plants or flowers indoors for commercial or retail purposes.

Hardscaping means the paved areas such as streets, sidewalks, man-made stormwater management or drainage features, retaining walls, or other permanent structures for any permissible use where the soil is no longer exposed to the surface of the earth.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Land disturbing activity means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

Landscaping means the improvement of the appearance of an area by the planting of trees, grass, shrubs, or other plant materials.

Loading space, off-street means space for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used and accessible to such vehicles when required off-street parking spaces are filled.

Lot means a parcel of land intended to be separately owned, developed, or otherwise used as a unit, established by plat, subdivision, or as otherwise permitted by law.

Lot, corner means a lot abutting on two or more streets at their intersection, or on two parts of the same street forming an interior angle of less than 135 degrees.

Lot coverage means that portion of a lot, which when viewed from directly above, would be covered by any building or structure, parking and loading areas and other surface which is impermeable or substantially impervious to storm water. Gravel parking areas shall be considered impervious. For the purposes of this definition, lot shall include contiguous lots of the same ownership within a single zoning district which are to be used, developed or built upon as a unit.

Lot, double frontage means an interior lot having frontage on two streets.

Lot, flag lot means a panhandle or flag-shaped lot with its widest point (called the "flag") set back from the road at the rear of another lot, and having a thin strip of land (called the "stem") connecting to the road to provide legal access and frontage.

Lot, frontage means the horizontal distance between the side lot lines measured at the front yard setback line. All sides of a lot which abut a street shall be considered frontage. On curvilinear streets the arc between the side lot lines shall be considered the lot frontage.

Lot, interior means a lot, other than a corner lot.

Lot, irregular means a lot of such a shape or configuration that technically meets the area, frontage and width to depth requirements of this chapter but meets these requirements by incorporating unusual elongations, angles, curvilinear lines unrelated to topography or other natural land features.

Lot of record means a lot which has been recorded in the office of the clerk of the appropriate court.

Lot, width of means the mean horizontal distance between the side lot lines. The mean shall consist of the straight line horizontal distances of the front and rear lot lines and the distance of a line connecting the midpoints of the side lot lines; provided however, that for a flag-lot, no part of the pole shall be considered in calculating such distances.

Lowest floor means the lowest enclosed area, including basement, of any structure. An unfurnished or flood-resistant enclosure usable solely for the parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

Mentally or physically impaired person means, for purposes of section 86-460, a person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in Code of Virginia, § 63.2-2200 and as certified in writing by a physician licensed by the Commonwealth of Virginia.

Mixed-use building means a combination of two or more use types within a single structure.

Monopole means a single pole structure, usually self supporting, used to support antennas.

Natural watercourse means any natural stream river, creek, waterway, gully, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks.

Nonconforming lot means a lot, the area, dimensions or location of which was lawful at the time the lot was created, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this chapter.

Nonconforming structure means any structure the size, dimensions or location of which was lawful when erected or altered, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this chapter.

Nonconforming use means a use or activity which was lawful when originally established, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this chapter.

Not-for-profit means an organization or activity which has obtained nontaxable status from the U. S. Internal Revenue Service.

Off-street parking area means space provided for vehicular parking outside the dedicated street right-of-way.

Open space means any parcel or area of land or water essentially unimproved and set aside, dedicated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may be passive or active. Passive open space remains in a completely undeveloped state and lacks formal facilities. Active open space has developed facilities such as recreation centers, playgrounds, swimming pools, tennis and basketball courts, and similar facilities.

Open space, common means land within-or related to a development, not individually owned or dedicated for public use, which is intended for the common use or enjoyment of the residents of the development and may include such complementary structures as are necessary and appropriate. Common open space may include recreation centers, playgrounds, swimming pools, tennis and basketball courts, and similar facilities.

Outdoor display means the display and sale of products primarily outside of a permanent building or structure, including vehicles, garden supplies, plant materials, tires, oil and other vehicle maintenance supplies, food and beverages, fireworks and holiday decorations.

Outdoor storage means the keeping, in other than a building, of any goods, materials, or merchandise on the same parcel for more than 24 consecutive hours.

Overlay district means a district established by this chapter to prescribe special regulations to be applied to a site in combination with the underlying or base district.

Patio means a level surfaced area, constructed of any materials, directly adjacent to a principal building which has an average elevation of not more than 30 inches from finished grade, and without walls or a roof.

Perennial means occurring or existing on a regular or continual basis.

Porch means a roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from, a building.

Principal building or structure means a building or structure in which the primary use of the lot on which the building is located is conducted.

Principal use means the main use of land or structures as distinguished from a secondary or accessory use.

Private means, unless otherwise specifically indicated, private shall mean anything not owned, operated, provided and/or maintained by a local, state, or federal government.

Projections (into yards) means the parts of buildings, such as architectural features, that shall be exempted from the yard requirements of this chapter. Thus, bay windows, vestibules, eaves, uncovered porches, and the like may be permitted to project up to three feet into required yards. Ramps providing means of ingress or egress required by law may project into required yards when such ramps cannot be located elsewhere in compliance with applicable yard and ingress or egress requirements.

Public means, unless otherwise specifically indicated, public shall mean anything owned, operated, provided and/or maintained by a local, state, or federal government.

Public water and sewer systems means a water or sewer system owned and operated by: (1) a municipality, public service authority or county; or (2) a private individual or a corporation approved and properly licensed by the State Corporation Commission prior to the adoption date of this chapter; and meeting the requirements of the State Health Department and/or Virginia Department of Environmental Quality.

Recreational vehicle means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light-duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation camping, travel or seasonal use.

Replacement cost means the cost of restoring a damaged building or structure to its original condition. Replacement cost shall include reasonable estimates of the cost of materials

and labor and shall be compared with the assessed value as determined by the town to determine the percentage of the cost of improvements.

Right-of-way means a legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded.

Screening means a method of visually shielding or obscuring one or more abutting or nearby structures or uses from other structures or uses by fencing, walls, berms or by densely planted vegetation. Screening is intended to substantially obscure the visual impacts between adjoining uses.

Setback means the minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

Shopping center means a group of commercial establishments planned, constructed and managed as a total entity with shared access, customer and employee parking provided onsite, provision of goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Shoreline means a boundary line between a body of water and the land. This line shall consist of the sloping margin of, or the ground bordering a stream, river, reservoir, lake, etc., and serve to define the limits of, and confine the waters to, the natural channel or impoundment during periods of normal flow or volume.

Slope, steep means terrain generally classified as having a 25 percent vertical rise to the horizontal run.

Special use permit means a use with operating and/or physical characteristics different from those uses permitted by right in a given zoning district which may, nonetheless, be compatible with those by-right uses under special conditions and with adequate public input and review. Special use permits are allowed only at the discretion and approval of council following review and recommendation by the commission and staff.

Specified anatomical areas means: (1) less than completely and opaquely covered: (i) human genitals, pubic region, (ii) buttock, and (iii) female breast below a point immediately above the top of the areola; and (b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means: (1) human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, sexual intercourse, or sodomy; and (3) fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Stoop means a platform, without a roof, located at the entrance of a building with sufficient area to facilitate only the ingress and egress to the building.

Story means that portion of a building included between the surface of any floor and the floor next above it, or if there is not a floor above it, then the space between the floor and the ceiling above it.

Story, above grade means any story having its finished floor surface entirely above grade except that a basement shall be considered as a story above grade when the distance from grade to the finished surface of the floor above the basement is more than six feet for more than 50 percent of the total perimeter or more than 12 feet at any point.

Story, half means the space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished for use.

Street means any vehicular way which: (1) is an existing federal, state or municipal roadway; or (2) is shown on a plat approved pursuant to law; or (3) is approved by other official action. The term street shall include road and highway. Unless otherwise indicated, the term street shall refer to both public and private streets.

Street, cul-de-sac means a street with only one outlet and an appropriate turnaround for a safe and convenient reversal of traffic movement.

Structure means anything that is constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, signs, manufactured homes and above-ground swimming pools. Walls and fences shall not be deemed structures except as otherwise specifically provided in this chapter.

Substantial alteration means expansion or modification of a building or site which would result in a disturbance of land exceeding an area of 2,500 square feet.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before such damage occurred.

Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include either any project for improvement for a structure to comply with existing state or county health, sanitary or safety code specifications which are solely necessary to assure safe living condition or any alteration of a structure listed on the National Register of Historic Places.

Transient means, for purposes of this chapter, transient shall refer to the limited, temporary and/or short term occupancy, associated with the hotel/motel/motor lodge or extended stay lodging use types. Transient occupants must have, and be able to demonstrate that they maintain, a principal place of permanent residence elsewhere.

Town charter means the Charter of the Town of Altavista, Virginia.

Use means an activity on a piece of land other than development.

Variance means a reasonable deviation from the provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure in accordance with, and as further defined in Code of Virginia, § 15.2-2201.

Yard means a required open space on a lot, unoccupied and unobstructed from the ground upward, unless otherwise provided by this chapter.

Yard, front means a yard between the front building line and the street right-of-way extending across the full width of the lot. For the purpose of placement of accessory buildings when the principal building exists on the lot the term front yard shall mean a yard between the front building wall and the street right-of-way extending across the full width of the lot.

Yard, rear means a yard between the rear line of the building and the rear line of the lot extending the full width of the lot.

Yard, side means a yard between the side line of the building and the side line of the lot extending from the front lot line to the rear lot line.

Zoning administrator means the zoning administrator of the Town of Altavista or an authorized agent thereof, also referred to in this chapter as the administrator.

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

An Ordinance to repeal, amend and re-ordain Section 86-561 of the Code of the Town of Altavista, 1968, relating to minimum off-street parking.

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

1. That Section 86-561 of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

Sec. 86-561. Minimum off-street parking--Generally.

- (a) Off-street parking areas shall be provided prior to the issuance of a certificate of occupancy for any main building or expansion of an existing building, or the use thereof changed to a more intensive use.
- (b) Exception to off-street parking requirement in the Central Business District. The off-street parking requirement contained in this section shall not apply to any business in the Central Business District which property is located within a 200-foot radius of any public parking lot.

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

An Ordinance to repeal, amend and re-ordain Section 86-424 of the Code of the Town of Altavista, 1968, relating to architectural treatment.

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

1. That Section 86-424 of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

Sec. 86-424. Architectural treatment.

(1) Building Materials.

- (a) 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.
- (b) 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.

(2) Request for Alternative Materials.

- (a) Additional finishes may be approved through a Special Use Permit in accordance with Sec. 86-7.

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