



**Town of Altavista, Virginia
Meeting Agenda Planning Commission
Planning Commission**

**Monday, February 6, 2023
5:00 PM - 510 7th Street
Altavista, VA 24517**

February Planning Commission Meeting

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. DETERMINATION OF A QUORUM**
- 4. APPROVAL OF AGENDA**
- 5. INVOCATION & PLEDGE OF ALLEGIANCE&NBSP;**
- 6. APPROVAL OF MINUTES**
 - 6.1 [Planning Commission Meeting Minutes attachment. PC Meeting Minutes 1.03.23](#)
- 7. PUBLIC EXPRESSION**
- 8. PUBLIC HEARING(S)**
 - 8.1 [Rezoning Case RZ-23-01: A request to rezone 3326 Lynch Mill Rd from M, Industrial to C-2, General Commercial.
PC Staff Report 2.6.23 Rezoning of 3326 Lynch Mill Rd.pdf
Glenn Berger Application.pdf
Map 3326 Lynch Mill Road.pdf
FLUM 3326 Lynch Mill Rd.pdf](#)
 - 8.2 [Ordinance Amendment OA-23-01 - Definition ofÂ hospital
Sec._86_32.____Use_types.pdf](#)
 - 8.3 [ORDINANCE AMENDMENT OA-23-02: An ordinance to amend Sec. 86-352\(5\) of the Zoning Ordinance to authorize hospitals in the C-2 \(General Commercial\) Zoning District with a Special Use Permit.
DOC268.pdf](#)
 - 8.4 [Ordinance Amendment OA-23-03: An ordinance to amend Sec. 86-382\(6\) of the Zoning Ordinance to delete Resource Extraction as a permitted use in the M \(Industrial\) Zoning District and to amend Sec. 86-566 to delete the parking requirement for the use.
DOC267.pdf](#)
- 9. OLD BUSINESS**

- 9.1 [Approval of revised Planning Commission Bylaws attachment. Bylaws - PC - 2023.pdf](#)
- 9.2 [Rules of Procedure Rules of Order 2.6-23.pdf](#)
- 9.3 [Code of Ethical Principals PC Code of Ethical Principals 2023.pdf](#)
- 9.4 [Discussion on Recycling Centers in the Industrial Zoning District Recycling Center Pic.pdf](#)

10. NEW BUSINESS

- 10.1 [Short Term Rentals attachment 1. 58.1-3826 \(C\)..pdf attachment 2. Â§ 15.2-983. Creation of registry for short-term rental of property.pdf](#)
- 10.2 [Utility Services, major](#)

11. ADJOURNMENT

THE TOWN OF ALTAVISTA IS COMMITTED TO FULL COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT STANDARDS. TRANSLATION SERVICES, ASSISTANCE OR ACCOMODATION REQUESTS FROM PERSONS WITH DISABILITIES ARE TO BE REQUESTED NOT LESS THAN 3 WORKING DAYS BEFORE THE DAY OF THE EVENT. PLEASE CALL (434) 369-5001 FOR ASSISTANCE.



TOWN OF ALTAVISTA
PLANNING COMMISSION
February 6, 2023
AGENDA COVER SHEET

AGENDA ITEM #: 6.1

Approval of Minutes

Title: Planning Commission Meeting Minutes

Staff Resource: Sharon D. Williams, AICP, Community Development Director

Action(s):

Approve the minutes as presented; or inform Staff of corrections needed.

Explanation:

The Planning Commission reviews all minutes from previous meetings and may choose to approve the minutes as presented, or inform Staff of corrections needed to the minutes and approve them as amended.

Background:

Minutes from all Planning Commission meetings are required to be recorded, approved by the Commission, and made available to the public.

Funding Source(s):

N / A

Attachments: *(click item to open)*

[attachment. PC Meeting Minutes 1.03.23](#)

The Altavista Planning Commission held a regularly scheduled meeting on Tuesday, January 3rd, 2023, at 5pm, in Council Chambers at Town Hall, located at 510 7th Street, Altavista, VA.

Members present: John Jordan, Chairman
 Marie Mitchell, Vice Chair
 Reggie Bennett, Vice Mayor
 Meghan Bolling
 Ashby Robinson, Jr.

Staff present: Sharon D. Williams, AICP, Community Development Director
 John Eller, Town Attorney
 Crystal Hailey, Assistant Town Clerk

CALL TO ORDER

Chairman John Jordan called the Altavista Planning Commission Meeting to order at 5:00 p.m.

DETERMINATION OF QUORUM

With all Commissioners present, Chairman Jordan confirmed a quorum.

APPROVAL OF AGENDA

Chairman Jordan added an amendment to the agenda: the election of officers.

Upon a motion by Vice Mayor Reggie Bennett, and seconded by Vice Chair Marie Mitchell, the Planning Commission voted 5-0 to approve the January 2023 meeting agenda as amended.

PLEDGE OF ALLEGIANCE & INVOCATION

Chairman Jordan delivered an Invocation for the meeting and afterwards, the Planning Commission and staff recited the Pledge of Allegiance.

INTRODUCTION OF NEW COMMISSIONER

Chairman Jordan welcomed Ashby “AJ” Robinson to the Altavista Planning Commission.

Mr. Robinson gave a brief introduction of himself. He stated that he grew up in the area and attended school in Altavista. Mr. Robinson said that he had resided in Altavista for 15 years and was happy to be a member of the Planning Commission. He stated that he looked forward to helping the Commission do good things for the Town.

ELECTION OF 2023 PLANNING COMMISSION OFFICERS

With a motion made by Vice Chair Mitchell, and seconded by Vice Mayor Bennett, the Commission voted 4-0 to reappoint John Jordan as the Altavista Planning Commission’s 2023 Chairman. Mr. Jordan abstained during the vote.

With a motion made by Vice Mayor Bennett, and seconded by Commissioner Meghan Bolling, the Commission voted 4-0 to approve Marie Mitchell as the Altavista Planning Commission’s 2023 Vice Chair. Mrs. Mitchell abstained.

APPROVAL OF MINUTES

Chairman Jordan asked the Commission if corrections were needed to the November 7th, 2022, meeting minutes. There were none.

With a motion made by Vice Mayor Bennett, and seconded by Vice Chair Mitchell, the minutes for the Commission's November 2022 meeting were approved as presented, with a 5-0 vote.

PUBLIC EXPRESSION - There were no citizen comments during this meeting.

PUBLIC HEARINGS

There were no public hearings scheduled for the January 2023 meeting.

OLD BUSINESS

2045 Comprehensive Plan Update

Community Development Director Sharon D. Williams, AICP, informed the Commission that on December 13, 2022, Town Council held a public hearing and adopted the 2045 Comprehensive Plan as presented by Staff and recommended by the Planning Commission. She said bound copies of the plan would be distributed to Town Council, the Planning Commission, and Town Directors; and also placed at designated places throughout town. Ms. Williams stated that Town Council extended their appreciation to the Planning Commission for their diligent work on the plan's update. She personally thanked the Commissioners for their support and confidence in her, as she guided them through the lengthy process.

NEW BUSINESS

Planning Commissioner 2023 Meeting Binder

Ms. Williams informed the Commission that since the meeting had moved to Tuesday, due to the holiday, the Town Attorney, John Eller, might need to leave early to attend another meeting. She began with an overview of the binders that had been delivered to the Commissioners. Ms. Williams said her goal had been to create a document to assist new Planning Commissioners who had not had the opportunity to attend the Certified Planning Commissioners Program, and could also serve as a refresher to seasoned Commissioners. She gave an overview of the eight tabs in the binder.

Tab 1: Ms. Williams stated that the first tab included contact information for Town Council, Planning Commissioners, and Staff. She said the 2023 Planning Commission meeting schedule was also included.

Chairman Jordan referenced the proposed deletion of determining a quorum and asked if it needed to remain for the record.

Ms. Williams stated that the item was not listed in the Town Council's Order of Business and that she mirrored that document. She reminded the Planning Commission that a quorum was needed to hold a Planning Commission meeting; thus, if there was not a quorum, the meeting would not occur. Ms. Williams reminded the Commission they were required to wait thirty days before they voted on the proposed changes; and accordingly, she scheduled adoption of the updated bylaws for their February meeting.

Tab 2: She said the second tab contained a Welcome Packet that provided an overview of the Planning Commission and the Department of Community Development. Ms. Williams stated that included in the document was a summary of the Zoning Ordinance, Comprehensive Plan, and Subdivision Ordinance.

Tab 3: Ms. Williams presented the Planning Commission with proposed amendments: to remove Roll Call and Determination of a Quorum, as the Commission did not do by practice, and to correctly identify her job title. To aid in the transition of leadership, Ms. Williams said that she thought the Planning Commission would benefit from written Rules of Procedure, and she shared a draft with the Commissioners. Finally, Ms. Williams stated that Roberts Rules of Order governed public hearings and she provided the Commission with a cheat sheet.

Ms. Williams referenced meeting timeframes under Rules of Procedure and asked the Commission if they wanted to designate a time limit for meetings.

Vice Mayor Bennett stated he attended other Planning Commission meetings as part of the Certified Planning Commissioners Program and one of those meetings only lasted thirty minutes.

Chairman Jordan shared his favor to have meetings last no longer than sixty minutes unless the Commission was in the middle of a discussion.

Ms. Williams referenced the Commission's 2023 goal, to update the Zoning and Subdivision Ordinances, and recommended their meeting timeframe be ninety minutes; to give Staff time to deliver their presentation and allow the Planning Commission adequate time to discuss.

The Planning Commission concurred with Ms. Williams recommendation.

Tab 4: As an introduction to this tab, Ms. Williams stated that the American Institute of Certified Planners (AICP) had recently updated its Code of Ethics. She informed the Commission that it was recommended that Planning Commissions adopt that same code, and she presented a draft of the document to the Planning Commission. Ms. Williams presented the Commission with Chapter 30 of the Albemarle County Code of Ethical Principals, Government Ethics, and Land Use Law Handbook titled, "Ethics in Government: Conflicts of Interest, Prohibited Gifts, and Impermissible Contractual Relationships". She stated that most planners and attorneys used the handbook as a resource, as it contained examples that were not found in the Code of Virginia.

Vice Mayor Bennett asked if Government Ethics also pertained to Town Council.

Ms. Williams stated the document was an excerpt of the Virginia State Code and pertained to all local government employees.

Vice Mayor Bennett said that he believed it would be a benefit for Town Council to also adopt.

Town Attorney John Eller informed the Commission that the aforementioned documents were state law and applied to all public officials, therefore it was not necessary to adopt.

Ms. Williams stated that it was up to Town Council whether they chose to adopt a Code of Ethics; however, she recommended that the Planning Commission adopt the Statement of Ethical Principals as presented; as adopting the document reflected the Commission's agreement to abide by a Code of Ethics.

As a point of clarification, Mr. Eller asked Ms. Williams if her recommendation was that the Planning Commission adopt Chapter 30 of the Albemarle Land Use Law Handbook or the one-page titled Planning Commission Statement of Ethical Principals.

Ms. Williams answer that it was the one-page document.

Mr. Eller stated he had no objection to its adoption. He said the state statute was not easily understood and that he favored the use of Chapter 30 of the Albemarle Land Use Law Handbook as a reference document, as it provided detailed explanations of Conflicts of Interest.

Chairman Jordan shared his favor to adopt the document presented and fellow Commissioners concurred.

Tab 5: Ms. Williams told of a conversation had with Vice Mayor Bennett, which occurred during the review process of the solar farm text amendment, where they had discussed processes. She shared Appendix D: An Approach to Making Discretionary Land Use Decisions of the Albemarle County Land Use Law Handbook. She gave an overview of its recommendations, which included application placed in its proper context; facts analyzed, issues and the relevant policies identified, the facts organized, points considered and discussed, and options selected. Ms. Williams moved on to Ex Parte Communications. She explained it was important that information was received by the Planning Commission as a whole to ensure applicants received their due process. She provided the members with a pamphlet about the Virginia Freedom of Information Act (FOIA) prepared by the Virginia Advisory Council, and briefly reviewed the document with the Planning Commission.

Tab 6: Ms. Williams explained that the Planning Commission's Annual Reports for the last three (3) calendar years were included in the binder. She presented the Commission with the draft 2022 Annual Report and explained that State Code required the Planning Commission to annually report its activities, including planning and zoning, to the governing body (Town Council). Ms. Williams highlighted some of the activities from the report.

Chairman Jordan shared his favor with adopting the report at that meeting, rather than waiting until February's meeting.

With a motion made by Vice Chair Mitchell, and seconded by Commission Bolling, the Planning Commission voted 5-0 to approve and forward the 2022 Annual Report to Town Council.

Tab 7: Ms. Williams provided a copy of the Subdivision Ordinance, which was Chapter 68 of the Code of the Town of Altavista. She stated that the code had not been updated since 1968 and would be part of the Planning Commission's 2023 work plan.

Tab 8: Ms. Williams provided the Planning Commission with a copy of the Zoning Ordinance, which was Chapter 86 of the Code of the Town of Altavista. She stated the update to the ordinance was also part of the 2023 work plan.

Zoning Ordinance Text Amendments

Ms. Williams informed the Commission that she was recently approached by a developer who wanted to convert a hotel in Altavista into a substance abuse treatment center. She was asked to make a determination on whether the use would be classified as a hospital based on the Zoning Ordinance. Ms. Williams stated she wrote a letter that detailed why the facility did not meet the Zoning Ordinance definition of hospital and explained that under the Zoning Ordinance and Code of Virginia, the developer had 30 days to appeal that decision to the Board of Zoning Appeals (BZA). She said the appeal period had passed and Staff recommended amending the Zoning Ordinance definition of hospital to state that the use did not include facilities for the treatment of substance abuse. She asked to advertise a public hearing.

It was the consensus of the Planning Commission that a public hearing be scheduled.

Ms. Williams informed the Commission that in the Zoning Ordinance, hospitals were a by right use. She asked the Commission to consider if it should be permitted by right or require a Special Use Permit (SUP).

It was the consensus of the Planning Commission that a public hearing be scheduled.

Moving to the next item, Ms. Williams informed the Commission that the Industrial (M) Zoning District allowed resource extraction. She stated Staff had discussed that use and agreed that it was not appropriate in Altavista. She asked the Commission to authorize staff to advertise to amend the ordinance to remove the use from Altavista's Zoning Ordinance.

It was the consensus of the Planning Commission that a public hearing be scheduled.

Ms. Williams led a discussion on whether recycling centers should be a permitted use in the Zoning Ordinance. She stated that Staff was concerned the use could become a nuisance. She said Campbell County recently removed recycling bins near the Altavista Walmart that were visually unappealing and overloaded.

There was a consensus of the Commission to defer the item to the February Planning Commission meeting.

At this time, 6:05pm, Attorney John Eller left the meeting.

Ms. Williams concluded the meeting with a visioning exercise in preparation for the Zoning Ordinance update and asked each Commissioner what they wanted to see more of in Altavista, and what issue, if any, they wanted addressed. She started the conversation and expressed her favor with different housing options and homes closer together.

Vice Mayor Bennett referenced the Parks & Recreation Master Plan and shared he favored the extension of the town's trail system.

Vice Chair Mitchell stated that she wanted additional focus to tackle blighted properties and enforcement on landlords. She said she would like to see a greater cultural presence in Altavista.

Chairman Jordan expressed his concern with blight in Altavista and stated he believed the issue should be a priority to the town. He said that he wanted to see the Vista Theatre revitalized and the town to continue updating the Booker Building, so both could be better utilized by the community.

Commissioner Robinson shared his love for Altavista's multiple community and neighborhood parks. He shared his concern regarding blighted businesses and stated he believed there were too many signs on Main Street that were not visually appealing for the town.

Commissioner Bolling shared her love for Altavista and its smalltown feel. She said that she liked having accessible/clean sidewalks all through the town. She stated, however, it made her nervous to think about the town growing much larger than it was. Mrs. Bolling said that she agreed with the concern regarding business blight and believed it needed to be addressed. She also believed the town needed additional restaurants and cultural locations.

Ms. Williams referenced Chairman Jordan's comments regarding the Vista Theatre and the Booker Building. She assured the Commission that it was important to Town Council to find appropriate uses for both facilities. She stated that the town was conducting a feasibility study on the theatre soon and it was at the top of the town's list for restoration.

Vice Chair Mitchell stated that she believed commercial blight should also be at the top of the town's list of issues to address and shared an example of uncovered dumpsters.

Ms. Williams stated that two businesses were recently contacted for that same issue and had enclosed the dumpsters at their businesses. She assured the Commission that the town would continue its efforts towards that matter.

Commissioner Robinson shared his love for all genres of music and recommended the Vista Theatre and the Booker Building be utilized for music events, and the Commission concurred.

Vice Chair Mitchell praised the town for the quarterly newsletter. She referenced a previous discussion regarding a town/community shredding event and stated she believed it should be advertised in the newsletter. Vice Chair Mitchell stated that she liked the heading of the town newsletter, Fall in Love with Altavista, and its positive vibe towards the town. She said there should be more marketing for the town.

Commissioner Bolling referenced the annual town calendar and stated the front cover had the same positive vibe as the newsletter. She shared her appreciation for them both.

Chairman Jordan stated that he believed both were assets to the community.

Ms. Williams thanked the Commission for their input. She reminded the Commission of the public hearings in February. Ms. Williams also informed the Commission that she and Vice Chair Mitchell would be visiting Altavista's Combined School, to meet with the Principal about a student representative for the Planning Commission, which was approved by Town Council. She said, in the FY2024 proposed budget, she asked for an increase to the Planning Commissioner's stipend.

Chairman Jordan thanked Ms. Williams for her presentation and for the Commission's new resource binders. He stated, no matter how long someone was in office, education of updated information was important.

Adjournment

With no further business to discuss, Chairman Jordan adjourned the meeting at 6:27 p.m.

John Jordan
Planning Commission Chair

Sharon D. Williams, AICP
Planning Commission Secretary



TOWN OF ALTAVISTA
PLANNING COMMISSION
February 6, 2023
AGENDA COVER SHEET

AGENDA ITEM #: 8.1

Public Hearing(s)

Title: Rezoning Case RZ-23-01: A request to rezone 3326 Lynch Mill Rd from M, Industrial to C-2, General Commercial.

Staff Resource: Sharon D. Williams, AICP, Community Development Director

Action(s):

Hold a hearing to receive comment from the public.

Explanation:

The applicant is requesting to rezone the property for use as a single-family dwelling.

Background:

The applicant has requested to rezone the property to convert the use to residential.

Funding Source(s):

\$400 Application Fee

Attachments: *(click item to open)*

[*PC Staff Report 2.6.23 Rezoning of 3326 Lynch Mill Rd.pdf*](#)

[*Glenn Berger Application.pdf*](#)

[*Map 3326 Lynch Mill Road.pdf*](#)

[*FLUM 3326 Lynch Mill Rd.pdf*](#)

**Planning Commission Staff Report
Rezoning #RZ-23-01
Public Hearing February 6, 2023**

Request:

The request is from Glenn & Deborah Berger to rezone a parcel from Industrial (M) to General Commercial (C-2). The subject parcel is located at 3326 Lynch Mill Rd and is identified as Tax Parcel 69-4-4-3.

Background:

Applicant:	Glenn & Deborah Berger
Owner:	Glenn & Deborah Berger
Requested Action:	To rezone the property from the Industrial (M) Zoning District to the General Commercial (C-2) Zoning District.
Tax Parcel:	69-A-65A
Status of Property:	Vacant Office
Size:	1.39± acres

Adjoining Zoning and Land Use:

North: M (Industrial) – 30± acres, undeveloped
South: R-1 (Low Density Residential) – church and a single-family dwelling
East: M (Industrial) – 30± acres, undeveloped
West: R-1 (Low Density Residential) – a single family dwelling and 79.5± undeveloped acres

Introduction:

Changes to a zoning district can be made by amending the regulations that govern that district or by an amendment to the official Zoning Map (rezoning). The applicant is proposing to downzone the property in order to use it as a dwelling unit. The current Industrial designation does not permit single-family residential. The proposed C-2 (General Commercial) Zoning District permits dwellings.

According to real estate records, the parcel was developed as a single-family dwelling in 1950 and was occupied as that use until 1996.

The parcel and the area around it were annexed into the town in 1979. During the initial zoning, the property was designated as Industrial. When that happened, the dwelling became nonconforming (grandfathered) and the use would have been allowed to continue, provided that the use was not abandoned for a period of two (2) or more years or changed to a conforming use.

When the home was converted to a commercial use, it lost any vested rights it had as a single-family dwelling, per Sec. 86-702(d)(4) of the Town of Altavista Zoning Ordinance and §15.22307(c) of the Code of Virginia. There are three elements that preserve a nonconforming status:

1. The existing use continues, or it changes to a more restrictive use.
2. The use is not continued to more than two (2) years.
3. Buildings or structures are maintained in their then structural condition.

Altavista Zoning Ordinance:

§15.2-702(d)(4) *General provisions as to nonconforming lots of record, structures, uses of land, and uses of structures:*

- (4) If a building in which a nonconforming use is conducted is moved for any distance, for any reason, the future use of such building shall be in conformity with the regulations specified for the zoning district in which such building is located.

§ 86-703(a) *General rules as to nonconforming uses:*

- (a) If any nonconformity of any type ceases for any reason for a continuous period of two years or more or is changed to or replaced by a conforming use, the land and building that occupied such nonconforming use shall be subject to all the regulations as to use for the zoning district in which such land and building are located as if such nonconforming use had never existed.

Code of Virginia:

§15.2-2307(C) of the Code of Virginia:

- (C) A zoning ordinance may provide that land, buildings, and structures and the uses thereof which do not conform to the zoning prescribed for the district in which they are situated may be continued only so long as the then existing or a more restricted use continues and such use is not discontinued for more than two years, and so long as the buildings or structures are maintained in their then structural condition; and that the uses of such buildings or structures shall conform to such regulations whenever, with respect to the building or structure, the square footage of a building or structure is enlarged, or the building or structure is structurally altered as provided in the Uniform Statewide Building Code (§ 36-97 et seq.). If a use does not conform to the zoning prescribed for the district in which such use is situated, and if (i) a business license was issued by the locality for such use and (ii) the holder of such business license has operated continuously in the same location for at least 15 years and has paid all local taxes related to such use, the locality shall permit the holder of such business license to apply for a rezoning or a special use permit without charge by the locality or any agency affiliated with the locality for fees associated with such filing. Further, a zoning ordinance may provide that no nonconforming use may be expanded, or that no nonconforming building or structure may be moved on the same lot or to any other lot which is not properly zoned to permit such nonconforming use.

Analysis of the request:

The Code of Virginia under § 15.2-2284 provides matters to be considered as part of rezoning:

1. Existing use and character of the property

The property was built as a single-family dwelling. While it was converted into an office, it has maintained the residential colonial façade.

2. Comprehensive Plan

The Comprehensive Plan's Future Land Use Map (FLUM) recommends "General Commercial" for this parcel, which does not support the proposed residential use.

General Commercial - These areas are generally located along North Main Street and at major highway intersections. They are suitable locations for auto oriented uses and large-scale commercial uses such as shopping centers and big-box retailers. Because of traffic generated by these large uses, special concern must be given to site design issues like access, turning movements, and the design capacity of existing roads.

The Town adopted its updated Comprehensive Plan on December 13, 2022. The Planning Commission spent several meetings discussing growth, development, and the Future Land Use Map. This area was discussed by the Planning Commission and the recommendation was to leave *General Commercial* as the recommendation.

3. The suitability of the property for various uses

The applicant has demonstrated through his occupancy of the building, that the property is suitable for commercial uses and provides onsite parking that would accommodate the use. If the building is converted to a single-family dwelling, the required off-street parking could be provided.

4. The trends of growth and change

Staff is of the opinion that the properties along Lynch Mill Rd should be reviewed as part of the Zoning Ordinance and Zoning Map update in 2023. There should be a wholistic approach to zoning changes and should involve more than one (1) parcel. There are vacant parcels adjacent to, and across the road from, 3326 Lynch Mill Rd that could be developed for residential and/or commercial uses. However if the 30-acre parcel adjacent to this is developed for an industrial use. There could be incompatible uses.

5. The current and future requirements to the of the community as to land for various purposes as determined by the population and economic studies and other studies

The Economic Strategic Plan (ESP) identified the lack of housing diversity as a challenge for Altavista. Recommendations in the plan include rehabilitation, patio style homes for seniors, downtown housing, and mixed-use development. If the building were converted to a residence, it could attract a buyer to located to Altavista to own a larger home.

The ESP also states that Altavista is prime for office use as people relocate to Altavista to avoid the high rents in Lynchburg. The current layout could easily accommodate an office/professional services establishment.

6. The Transportation requirements of the community

This intersection has already been identified as an area in need of improvements.

7. The requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services.

The existing and proposed use would have little if any impact on services.

8. The encouragement of the most appropriate use of land throughout the locality

The most appropriate use of this area is commercial, as designated by the Comprehensive Plan, and it sits at the corner of the entrance to industrial, commercial, and public facility uses. If the parcel is considered prime for commercial and residential purposes, a comprehensive overview should be given to the area led by the Planning Commission and staff.

Staff is concerned that the rezoning will create two (2) hardships on the new owner, should the rezoning be approved. During the Zoning Ordinance update, staff will recommend that stand alone residential uses be removed from the C-2 (General Commercial) Zoning District and be permitted as an accessory use. If the building is converted to a dwelling and the Zoning Ordinance updated, this would create a nonconforming use.

Additionally, this property is surrounded by a 30-acre parcel that is zoned Industrial. There are no setback or buffer requirements for industrial uses when they are adjacent to a C-2 parcel. Zoning Ordinances provide protections by regulating the permitted use and required features of a zoning district. If the adjacent property is developed, a potential nuisance to the homeowner may be created, as industrial development is an allowable use.

Public Input:

The public hearing was advertised in the Altavista Journal, the property was posted, and adjacent property owner letters were mailed. As of the writing of this report there have been no phone calls, letters, or emails in support of or in opposition to this request.

Budget Impact:

Any revenue lost would be nominal to the town. The new owner may face a higher residential tax rate. According to the Campbell County Office of Real Estate that have the option of assessing the value of the land at a commercial rate, while the building would be assessed at a residential rate.

Staff Recommendation:

Staff is not supportive of the request as presented. The applicant has not demonstrated that a dwelling is the only viable use for the property. Staff would support a conditional rezoning that eliminated the residential use, which would support the Comprehensive Plan recommendation. The rezoning to C-2 to convert the building to residential will create conflicting uses where no protection will be provided against future development.

Attachments:

1. Application
2. Aerial Map
3. Zoning Map
4. Future Land Use Map

OFFICE USE ONLY App. # <u>R2-22-01</u> FEE PAID: <u>\$200</u> DATE: <u>11-21-22</u>

TOWN OF ALTAVISTA

APPLICATION FOR REZONING

This application and accompanying information must be submitted in full before the request for a zoning change can be referred to the Planning Commission and Town Council for consideration. Please contact the Zoning Department at (434) 369-5001 for application and deadline or questions.

Request is hereby made by the principle officer of applicant or undersigned owner of the below listed property for consideration of a zoning change as provided for in Section 86-33 of The Code of the Town of Altavista, Virginia 2002.

Applicant Information

Name: Glenn & Deborah Berger Phone Number: 434 546-5606
Address: 206 River Oaks Dr. Altavista

Property Information

Property Owner(s): Glenn & Deborah Berger Phone Number: 434 546-5606
Property Address or Location: 3326 Lynch Mill Road Altavista
Parcel ID Number: 69 - A - 65A
Present Zoning District: Industrial
Requested Change in Zoning: Commercial 2

Purpose of Request

Description for the requested zoning change and proposed use:

see attached

Please demonstrate how the proposed change and use will be in harmony with the purposes of the adjoining and adjacent district(s).

(Use separate pages if additional space is required)

Oper: ALTADRM2 Type: OC Drawer: 2
Date: 11/21/22 01 Receipt no: 4885
25 PERMIT FEE - ZONING, SIGN, 1.00
BERGER, GLENN \$400.00
CK CHECK 1249 \$400.00
Trans date: 11/21/22 Time: 10:14:17



Please demonstrate how there will be no undue adverse impacts on the surrounding neighborhood or adjacent zoning district in terms of public health, safety, or general welfare, and show the measures to be taken to achieve such goals.

(Use separate pages if additional space is required)

The following items must accompany this application:

1. The written consent of the owner or agent for the owner (only if the applicant is not the owner). If the applicant is the contract purchaser, the written consent of the owner is required.
2. One copy of a site plan for the property showing the lot, structures, site improvements, parking areas and spaces, and any other information necessary to determine the ability to meet the Zoning Ordinance site development standards, use and design standards, and physical compatibility with the neighborhood or adjacent zoning district.
3. Vicinity map (may be included on the site plan).
4. Fee of \$400 for zoning change application to be applied to the cost of advertising, administrative expense, first class postage, appropriate signage, and processing this application. Please make your check or money order payable to the **TOWN OF ALTAVISTA.**
5. Any item submitted that is greater than 11"x 17" paper size or in color, as deemed necessary as by the applicant, requires twenty-five (25) copies.

Signature of Applicant:

Date: 11/20/2022

This property contains 1.36-1.39 acres and is located at the intersection of Lynch Mill Road and Clarion Road. One structure exists, which was built as a residence and used as a residence for over 200 years. The requested change in zoning is to again allow its use as a residence as well as any other non-industrial purpose.

The adjoining properties located across Lynch Mill Road and across Clarion Road are zoned "residential". The properties to the east and north are zoned "industrial". A creek and flood zone border the property to the north. Altavista Elementary School is located approximately ½ mile west on Lynch Mill Road. The town has prohibited through tractor trailers from this part of Lynch Mill Road. A church is located directly across from the property. No transition zoning exists between the industrial and residential zones. Actual industrial use would conflict with the present nature and use of Lynch Mill Road.

The Town is considering installing a roundabout at this intersection, presumably for safety reasons. It is probable that some acquisition of our property will be necessary for the roundabout. This would further limit the use of the property for industrial purposes.

The primary difference between the present zoning and the requested zoning is to eliminate industrial use and to allow single family dwelling use. This would create no adverse impact on the surrounding neighborhood. In fact, its use for industrial purposes would negatively impact the adjacent area, school buses, church-attendees, local families and create traffic concerns.

The growth of Altavista depends on providing sufficient housing. There is presently a strong demand for housing and far less demand for industry. Since November 5, 2021, 75 homes have been sold in the 24517 zip code. The homes were on the market for an average of 23

days. During that same time period, 5 commercial properties were sold; they were on the market an average of 520 days. We are all aware of the reduced footprint of manufacturing in our area due to the loss of Lane, Klopman, Timken, Pluma, Universal, English Inc. and the underutilization of these properties.

Objections to this rezoning request are not anticipated from the community. However, if raised, objections would likely be that it constitutes illegal "spot zoning", which is zoning intended to benefit only the owner and create a detriment to the town. The acceptability of spot zoning is determined upon the facts and circumstances of each case, with consideration being given to the size of the parcel, the public benefit and the consistency with the surrounding zoning and uses. There is no detriment to the town; in fact, the town benefits from this change.

The house and grounds have some historical interest. The house was constructed in the 1700s as a two room with loft dwelling for the farm workers who serviced the Lynch property, now known as Avoca, and was part of that tract. It later came to be known as "Beaus' Rest", as it provided lodging for suitors of the Lynch daughters. Over time, additions to the structure were made as various local families raised their children in the home.

As an alternative to rezoning, the town could amend its zoning ordinance to allow single family residences to exist in industrial zones.

Agent for Bd. of Supervisors

7/13/76

001100

**County of Campbell,
Virginia**

PLAT FEE PAID

\$ 11. 00

On July 13, 1976
 Walter J. [unclear]
 Treas., Dep. Treas.

Treas., Dep. Treas.

PLAY OF SURVEY

CAMPBELL COUNTY, VA.
Vista Magisterial District

FOR

J. J. ELLER

Scale: 1"=100'

July 6, 1976

I certify that this is an accurate map of a survey made under my direction.

Thos A. Chamber Jr.
LAND SURVEYOR No 031

✓ for Mr. P.D. Smith Sept. 1 1936
Kabler, D.S. 171, Ag 443 formerly
River Dist.

Part of Tract No. 17 - Known
as Robertson Land
DB 279, Pg 130












Charles Lynch Foundleroy
DB. 132. Pg. 301
9 1/2 Ac.

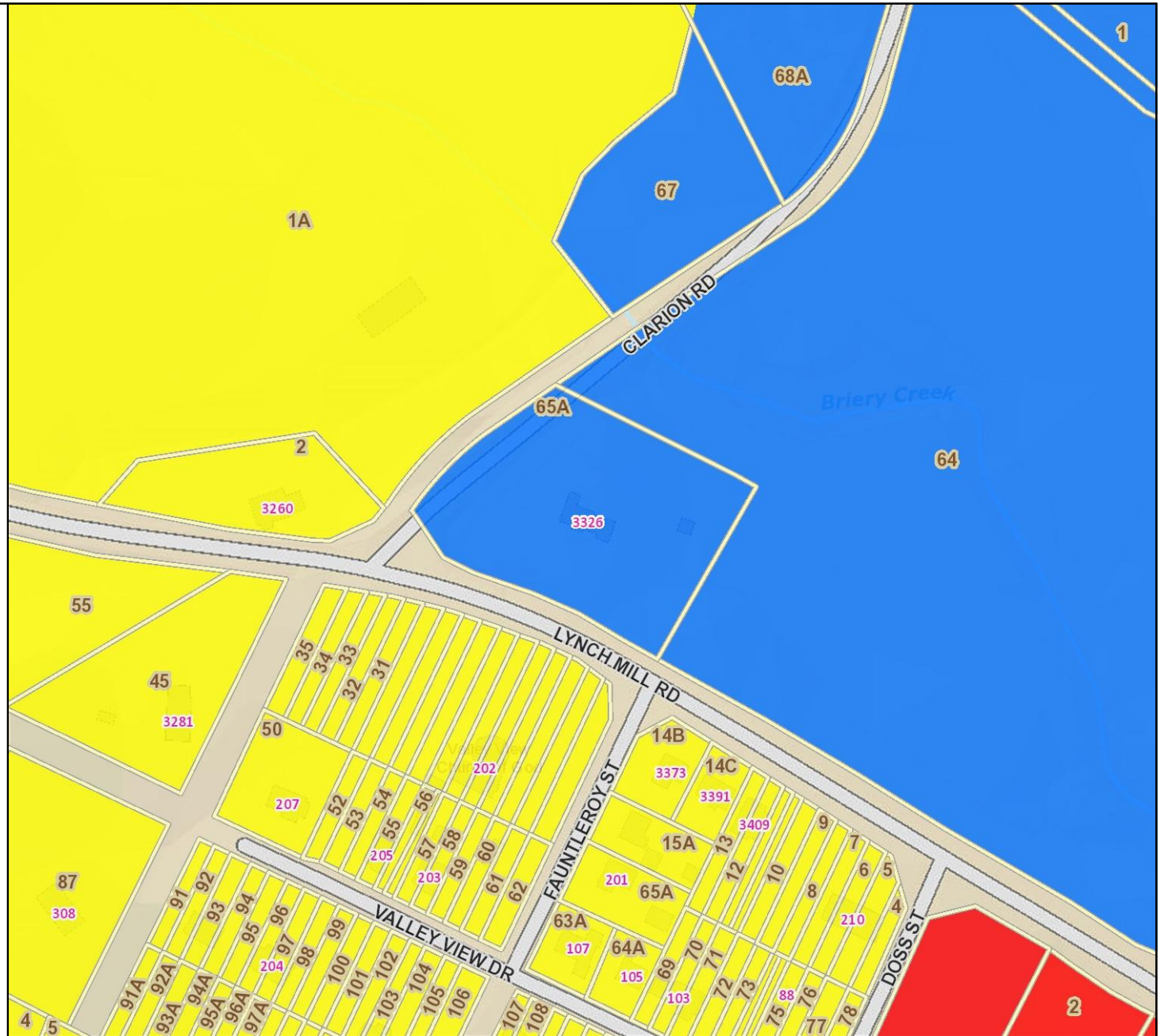
FRED O. SHANKS, JR.
ENGINEERS — SURVEYORS
DANVILLE — VIRGINIA
FILE A— 53

FILE A-1,213

Campbell County, VA

Legend

-  County Boundary
-  E9-1-1 Addresses
-  Street Names
-  Lot Numbers
-  Parcels
- Zoning Districts - Altavista**
 -  R1 Single Family Residential
 -  R2 Multi-Family Residential
 -  C1 Light Commercial
 -  C2 Commercial
 -  M Industrial
-  HiddenRoadCenterline



Feet
0 50 100 150 200
1:2,257 / 1"=188 Feet




Title: 3326 Lynch Mill Rd

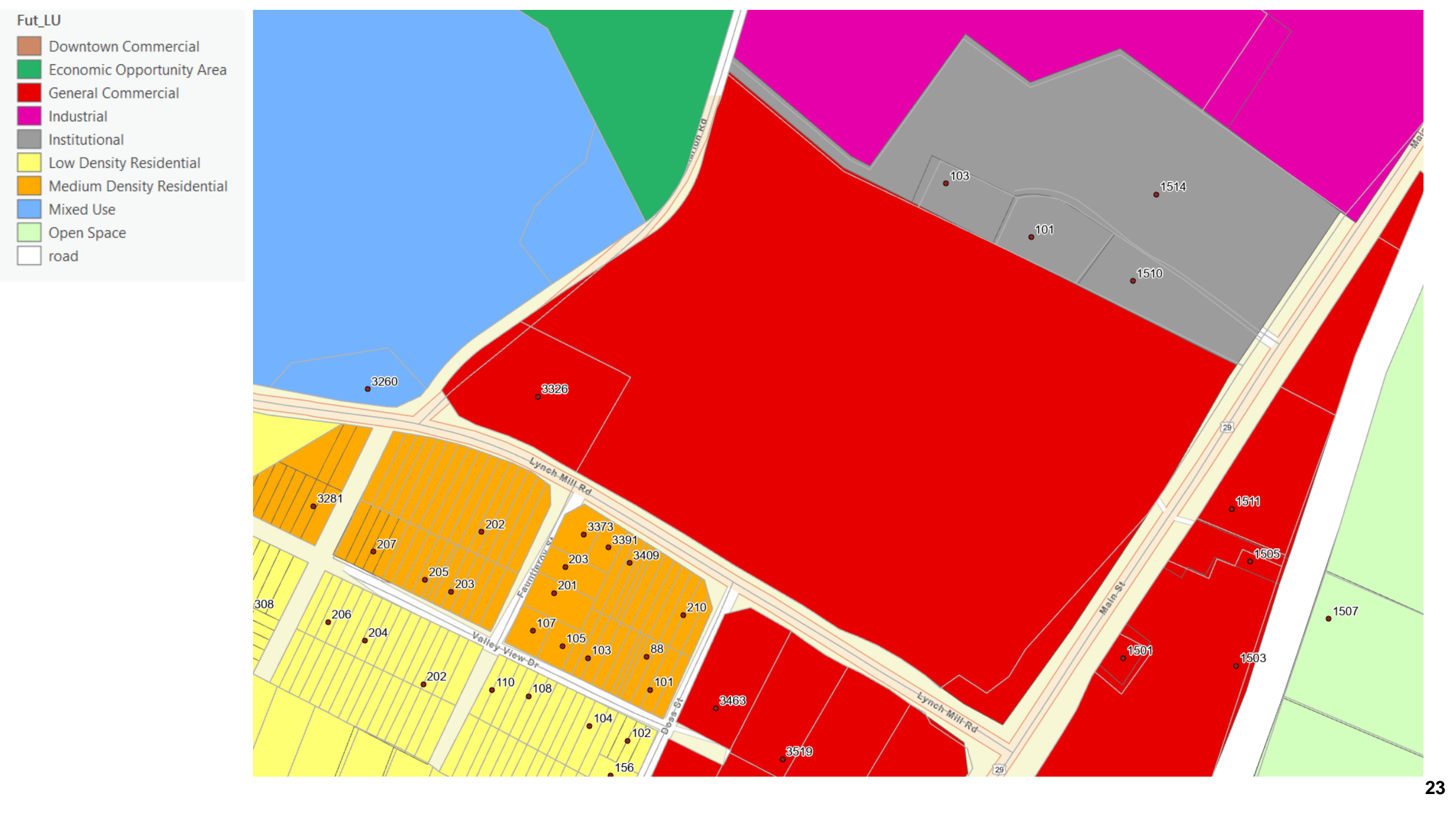
Date: 12/16/2022

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 Campbell County is not responsible for its accuracy or how current it may be.

Fut_LU

-  Downtown Commercial
-  Economic Opportunity Area
-  General Commercial
-  Industrial
-  Institutional
-  Low Density Residential
-  Medium Density Residential
-  Mixed Use
-  Open Space
-  road

- Fut_LU**
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 -  Mixed Use
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 -  road





TOWN OF ALTAVISTA
PLANNING COMMISSION
February 6, 2023
AGENDA COVER SHEET

AGENDA ITEM #: 8.2

Public Hearing(s)

Title: Ordinance Amendment OA-23-01 - Definition of *hospital*

Staff Resource: Sharon D. Williams, AICP, Community Development Director

Action(s):

Hold a hearing to receive public comment.

Explanation:

A public hearing is being held to receive comments on a proposed amendment to the Zoning Ordinance to amend the definition of *hospital*.

Background:

The Community Development Director, in her capacity as the Zoning Administrator, was asked to make a determination on whether a residential substance abuse treatment center should be classified as a "hospital" based on the Zoning Ordinance definition of the use. She ruled that it was not defined as a hospital and therefore was not a permitted use.

To avoid any ambiguity in the future, staff recommends amending the definition to read: Hospital means a facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an in-patient basis and including ancillary facilities for outpatient and emergency treatment diagnostic services, training, research, administration, and services to patients, employees, or visitors. This use type shall not include facilities operated for the treatment of drug addiction or substance abuse.

Funding Source(s):

Attachments: *(click item to open)*

[Sec. 86_32. Use types.pdf](#)

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ALTAVISTA, VIRGINIA, 2002, AS AMENDED, CHAPTER 86 "ZONING" BY AMENDING §86-32, USE TYPES.

BE IT ORDAINED by the Town Council of the Town of Altavista:

- (1) That §86-32 of the Code of the Town of Altavista, 2002, as amended are amended to re-codify to read as follows:

Sec. 86-32. Use types.

Accessory apartment means a second dwelling unit within a detached single-family dwelling or within an accessory structure on the same lot as the detached single-family dwelling, which is clearly incidental and subordinate to the main dwelling unit.

Adult bookstore means an establishment that devotes more than 15 percent of the total floor area utilized for the display of books and periodicals to the display and sale of the following: (a) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, blue ray discs, compact discs, digital video discs, video cassettes, slides, tapes, records, or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas;" or (b) instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities." An adult bookstore does not include an establishment that sells books or periodicals as an incidental or accessory part of its principal stock-in-trade and does not devote more than 15 percent of the total floor area of the establishment to the sale of books and periodicals, or photographs, films, motion pictures, blue ray discs, compact discs, digital video discs, video cassettes, slides, tapes, records, or other forms of visual or audio representations.

Adult drive-in-theatre means an open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions, and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats, and presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" for observation by patrons.

Adult mini-motion picture theatre means an establishment, with a capacity of more than five but less than 50 persons, where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons.

Adult model studio means an establishment open to the public where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons, other than the proprietor, paying such consideration or gratuity. This provision shall not apply to any school of art which is operated by an individual, firm, association, partnership, corporation, or institution which meets the requirements established in the Code of Virginia, for the issuance or conferring of, and is in fact authorized there under to issue and confer, a diploma.

Adult motion picture arcade means a place to which the public is permitted or invited where coin or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or specified "anatomical areas."

Adult motion picture theatre means an establishment, with a capacity of 50 or more persons, where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown; and in which a substantial portion of the total presentation time is devoted to the showing of material which is distinguished or characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons.

Adult use means any adult bookstore, adult motion picture theatre, adult mini-motion picture theatre, adult motion picture arcade, adult model studio, or adult drive-in theatre, as defined in this chapter.

Agricultural service means services provided specifically for the agricultural community which is not directly associated with a farm operation. Included in this use type would be servicing of agricultural equipment, independent equipment operators, and other related agricultural services.

Agriculture means the use of land for the production of food and fiber, including farming, dairying, pasturage, agriculture, horticulture, viticulture, and animal and poultry husbandry. The keeping of a cow, pig, sheep, goat, male chicken (rooster) or similar animal shall constitute agriculture regardless of the size of the animal and regardless of the purpose for which it is kept. The keeping of female chickens in compliance with section 86-515.1 shall not constitute agriculture. The keeping of horses in compliance with section 86-515.2 shall not constitute agriculture. A garden accessory to a residence shall not be considered agriculture (see definition for Garden, home).

Amateur radio tower means a structure on which an antenna is installed for the purpose of transmitting and receiving amateur radio signals erected and operated by an amateur radio operator licensed by the Federal Communications Commission (FCC).

Antique shop means a place offering primarily antiques for sale. An antique for the purposes of this chapter shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least 30 years old.

Asphalt plant means an establishment engaged in manufacturing or mixing of paving materials derived from asphaltic mixtures or tar.

Assembly hall means a building, designed and used primarily for the meeting or assembly of a large group of people for a common purpose. Typical uses include meeting halls, union halls, bingo halls, and catering or banquet facilities.

Assisted care residence means an establishment, regulated by the Commonwealth of Virginia, that provides shelter and services which may include meals, housekeeping, and personal care assistance primarily for the elderly. Residents are able to maintain a semi-independent lifestyle, not requiring the more extensive care of a nursing home.

Automobile dealership, new means an establishment that uses building, land area or other premise for the display of new and used automobiles, trucks, vans, or motorcycles for sale or rent, including any warranty repair work and other major and minor repair service conducted as an accessory use.

Automobile dealership, used means a lot or establishment where three or more used or previously-owned motor vehicles, including automobiles, trucks, and motorcycles are displayed at one time for sale.

Automobile parts/supply, retail means retail sales of automobile parts and accessories. Typical uses include automobile parts and supply stores which offer new and factory rebuilt parts and accessories, and include establishments which offer minor automobile repair services.

Automobile rental/leasing means rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.

Automobile repair service, major means repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. This includes minor automobile repairs in conjunction with major automobile repairs. Typical uses

include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops and other similar uses where major repair activities are conducted.

Automobile repair service, minor means repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include tire sales and installation, wheel and brake shops, oil and lubrication services and similar repair and service activities where minor repairs and routine maintenance are conducted.

Aviation facility, general means landing fields, aircraft parking, service facilities and related facilities for the operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

Aviation facility, private means any area of land used or intended to be used for the landing or taking-off of aircraft for personal use of the tenant or owner of the site, and not available for public use or commercial operations. Aircraft include helicopters, and all fixed wing planes and gliders, including hang gliders.

Bed and breakfast means a dwelling, occupied by the owner or member of owner's immediate family or, with the written permission of the owner, tenant leasing the entire home, in which not more than five bedrooms are provided for overnight guests for compensation, on daily or weekly basis, with or without meals.

Brewpub means a restaurant featuring beer that is brewed, on site, as an accessory use, either for consumption on-site or in hand-capped containers.

- (1) The area used for brewing, bottling, and kegging shall not exceed 30 percent of the total floor area of the commercial space.

Business support service means an establishment or place of business engaged in the sale, rental or repair of office equipment, supplies and materials, or the provision of services used by office, professional and service establishments. Typical uses include office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, as well as temporary labor services.

Business/trade school means a school providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as an educational facility, either primary and secondary, or college and university.

Car wash means an establishment that washes and cleans vehicles. Typical uses include automatic conveyor machines and self-service vehicle washes.

Cemetery means land used or dedicated to the burial of the dead, including columbariums, crematoriums, mausoleums, and necessary sales and maintenance facilities. Funeral services use types shall be included when operated within the boundary of such cemetery.

Club means a use providing meeting or social facilities for civic or social clubs, and similar organizations and associations, primarily for use by members and guests. Recreational facilities, unless otherwise specifically cited in this section, may be provided for members and guests as an accessory use. This definition shall not include fraternal or sororal organizations associated with colleges or universities. A club does not include a building in which members reside.

Commercial indoor amusement means an establishment which provides multiple coin operated amusement or entertainment devices or machines as other than an incidental use of the premises. Such devices would include pinball machines, video games, and other games of skill or scoring, and would include pool and/or billiard tables, whether or not they are coin operated. Typical uses include game rooms, billiard and pool halls, and video arcades.

Commercial indoor entertainment means an establishment conducting predominantly spectator uses within an enclosed building. Typical uses include motion picture theaters, and concert or music halls.

Commercial indoor sports and recreation means an establishment conducting predominantly participant uses within an enclosed building. Typical uses include bowling alleys, ice and roller skating rinks, indoor shooting ranges, indoor racquetball, swimming, and/or tennis facilities.

Commercial outdoor entertainment means an establishment conducting predominantly spectator uses in open or partially enclosed or screened facilities. Typical uses include sports arenas, go-cart, lawn mower, motor vehicle or animal racing facilities, tractor pulls, and outdoor amusement parks.

Commercial outdoor sports and recreation means an establishment conducting predominantly participant uses in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, and motorized model airplane flying facilities.

Communications service means an establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded from this use type are facilities classified as utility services — major or minor. Typical uses include television studios, telecommunication service centers, telegraph service offices or film and sound recording facilities.

Community recreation means a recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with development and are usually located within or adjacent to such development.

Composting means a process by which animal wastes and plant discards are combined and manipulated to produce a soil additive/nutrient. Composting does not include the processing of municipal wastes.

Construction sales and service means an establishment or place of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures, but specifically excluding automobile or equipment supplies otherwise classified herein. Typical uses include lumber yards, building material stores and home supply establishments.

Construction yard means an establishment housing facilities of businesses primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's yards.

Consumer repair service means an establishment primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

Convenience store means an establishment primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, and limited household supplies and hardware. Convenience stores may include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

Correction facility means a public or privately operated use providing housing and care for individuals legally incarcerated, designed to isolate those individuals from a surrounding community.

Crisis center means a facility providing temporary protective sanctuary for victims of crime or abuse including emergency housing during crisis intervention for individuals, such as victims of physical attacks, rape, or abuse.

Cultural service means a library, museum, or similar public or quasi-public use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

Custom manufacturing means establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving the use of hand tools, or the use of mechanical equipment commonly associated with residential or commercial uses.

Dance hall means an establishment in which more than ten percent of the total floor area is designed or used as a dance floor, or where an admission fee is directly collected or some other form of compensation is obtained for admission to or use of a dance floor.

Day care center means a facility operated for the purpose of providing care, protection and guidance to 13 or more individuals during only part of a 24-hour day. This term includes nursery schools, preschools, day care

centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.

Duplex means the use of an individual lot for two dwelling units which share at least one common wall, each occupied by one family.

Educational facility, college/university means an educational institution authorized by the Commonwealth of Virginia to award associate, baccalaureate or higher degrees.

Educational facility, primary/secondary means a public, private or parochial school offering instruction at the elementary, junior and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the Commonwealth of Virginia.

Equipment sales and rental means an establishment primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, similar industrial equipment, and the rental of recreational vehicles. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

Extended stay lodging means a building or group of attached or detached buildings containing lodging units available for rental or lease to transients for periods of 30 consecutive days or more. Lodging units generally contain full kitchens and kitchen wares, and onsite guest laundry facilities, periodic maid service, and may offer restaurants, meeting rooms and/or recreation facilities.

Family day care home means a single-family dwelling in which more than five but less than 13 individuals receive care, protection and guidance during only part of a 24-hour day. Individuals related by blood, legal adoption or marriage to the person who maintains the home, or is providing the care, shall not be counted towards this total. The care of five or less individuals for portions of a day shall be considered a home occupation.

Farmers market means a place where locally-grown plants, produce, canned goods, or baked goods excluding livestock are sold on a temporary or seasonal basis to the general public. It shall not include wholesale or bulk sales to commercial enterprises or the sale of crafts, household items, or other non-agricultural products.

Financial institution means an establishment that provides financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, free-standing automatic teller machines, and lending establishments, but, for purposes of this chapter, not including a "pawn shop" or a "payday loan establishment" which are defined separately.

Flea market means a business engaged in the sale of used or new items, involving regular or periodic display of merchandise for sale or for bartering, that may be located outdoors or indoors.

Food bank, food pantry, or similar uses means a public or charitable institution that collects and/or distributes food or edible commodities to individuals in need. This can include food banks, food pantries, soup kitchens, hunger relief centers or other food or feeding centers similar in nature.

Funeral services means establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include mortuaries and crematories.

Garden center means establishments or places of business primarily engaged in retail or wholesale (bulk) sale, from the premises, of trees, shrubs, seeds, fertilizers, pesticides, plants and plant materials primarily for agricultural, residential and commercial consumers. Such establishments typically sell products purchased from others, but may sell some material which they grow themselves. Typical uses include nurseries, plant stores and lawn and garden centers.

Garden, community means a garden in a residential district for the production of vegetables, fruits and flowers specifically intended for use and/or consumption by the residents of the general community and not for commercial production.

Garden, home means a garden in a residential district for the production of vegetables, fruits and flowers specifically intended for use and/or consumption by the occupants of the premises and not for commercial

production. For purposes of this chapter, a home garden is considered an accessory use of the parcel to a primary use.

Gasoline station means any place of business with fuel pumps and gasoline storage tanks which provides fuels for motor vehicles.

General office means use of a site for business, professional, or administrative uses excluding medical offices. Typical uses include real estate, insurance, management, travel, computer software or information systems research and development, or other business offices; organization and association offices; or law, architectural, engineering, accounting or other professional offices. Retail sales do not comprise more than an accessory aspect of the primary activity of a general office.

Golf course means a tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters. Included would be executive or par three golf courses. Specifically excluded would be independent driving ranges and any miniature golf course.

Governmental service means a governmental office providing administrative, clerical or public contact services that deal directly with the citizens. Typical uses include federal, state, city, town and county offices.

Group home means a building used as a dwelling unit where not more than eight mentally ill, intellectually disabled, or other developmentally disabled persons, not related by blood or marriage, reside, with one or more resident counselors or other staff persons and for which the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services is the licensing authority, pursuant to Code of Virginia, § 15.2-2291. Excluded from this definition are drug or alcohol rehabilitation centers, half-way houses and similar uses.

Guidance service means a use providing counseling, guidance, recuperative, or similar services for persons requiring rehabilitation assistance or therapy for only part of a 24-hour day. This use type shall not include facilities operated for the treatment of drug addiction or substance abuse.

Halfway house means an establishment providing residential accommodations, rehabilitation, counseling, and supervision to persons suffering from alcohol or drug addiction, to persons reentering society after being released from a correctional facility or other institution, or to persons suffering from similar disorders or circumstances.

Home occupation means an accessory use of a dwelling unit, or an accessory use of an accessory building on a residential property, for gainful employment involving the production, provision, or sale of goods and/or services in accordance with article IV, use and design standards.

Hospital means a facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an in-patient basis and including ancillary facilities for outpatient and emergency treatment diagnostic services, training, research, administration, and services to patients, employees, or visitors. This use type shall not include facilities operated for the treatment of drug addiction or substance abuse.

Hotel/motel/motor lodge means a building or group of attached or detached buildings containing lodging units available for rental or lease to transients for periods of less than 30 consecutive days. Such uses generally provide additional services such as daily maid service, restaurants, meeting rooms and/or recreation facilities.

Industry, heavy means an establishment which has the potential to be dangerous or extremely obnoxious. Included are those in which explosives are stored, petroleum is refined, natural and liquid gas and other petroleum derivatives are stored and/or distributed in bulk, radioactive materials are compounded, pesticides and certain acids are manufactured, and hazardous waste is treated or stored as the establishment's principal activity.

Industry, light means an establishment engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. A machine shop is included in this category. Also included is the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, food, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic

products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, and any other product of a similar nature or requiring similar production characteristics.

Industry, medium means enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Included in this use type are industries involved in processing and/or refining raw materials such as chemicals, rubber, wood or wood pulp, forging, casting, melting, refining, extruding, rolling, drawing, and/or alloying ferrous metals, and the production of large durable goods such as automobiles, manufactured homes, or other motor vehicles.

Intermodal facility means a facility where freight in transit is transferred from one mode of transportation (air, rail, truck, water) to another mode of transportation.

Kennel, commercial means the boarding, breeding, raising, grooming or training of five or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

Laboratory means an establishment primarily engaged in performing research or testing activities into technological matters. Typical uses include engineering and environmental laboratories, medical, optical, dental and forensic laboratories, x-ray services; and pharmaceutical laboratories only involved in research and development. Excluded from this use type are any laboratories which mass produce one or more products directly for the consumer market.

Landfill, construction debris means the use of land for the legal disposal of construction and demolition wastes consisting of lumber, wire, sheet rock, broken brick, shingles, glass, pipes, concrete, and metals and plastic associated with construction waste from land clearing operations consisting of stumps, wood, brush, and leaves.

Landfill, rubble means the use of land for the legal disposal of only inert waste. Inert waste is physically, chemically and biologically stable from further degradation and considered to be non-reactive, and includes rubble, concrete, broken bricks, and block.

Landfill, sanitary means the use of land for the legal disposal of municipal solid waste derived from households, business and institutional establishments, including garbage, trash, and rubbish, and from industrial establishments, other than hazardous wastes as described by the Virginia Hazardous Waste Regulations.

Laundry means establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

Life care facility means a residential facility primarily for the continuing care of the elderly, providing for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home type care where all related uses are located on the same lot. Such facility may include other services integral to the personal and therapeutic care of the residents.

Manufactured home means a structure subject to federal regulations, built since June 15, 1976, which is transportable in one or more sections; is eight feet or more in width and 40 body feet or more in length in the traveling mode, or is 320 or more square feet when erected on site; is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation when connected to the required facilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. This structure is not constructed to meet the Industrialized Building Code, Council of American Building Officials, Virginia Uniform Statewide Building Code Use Group R-4.

Manufactured home park means one or more contiguous parcels of land in which two or more lots are provided for manufactured homes.

Manufactured home sales means an establishment primarily engaged in the display, retail sale, rental, and minor repair of new and used manufactured homes, parts, and equipment.

Manufactured home, emergency means a manufactured home used temporarily for the period of reconstruction or replacement of an uninhabitable dwelling lost or destroyed by fire, flood, or other act of nature, or used temporarily as housing relief to victims of a federally declared disaster in accordance with section 86-456.

Meat packing and related industries means industries processing of meat products and by-products directly from live animals or offal from dead animals.

Medical office means use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Excluded from this definition shall be facilities operated for the treatment of drug addiction and substance abuse. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the commonwealth.

Microbrewery means a facility for the production, bottling, packaging and sale of beer, malt beverages, mead, wine, artisan spirits, and/or hard cider, produced on site for distribution, retail or wholesale, on or off-premises sales, with a capacity of not more than 15,000 barrels per year.

- (1) If operated in conjunction with a restaurant, the operation shall be considered a brewpub.
- (2) The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.
- (3) All state ABC laws shall apply to the production and sale of all alcoholic beverages.

Mini-storage means a building designed to provide rental storage space in cubicles where each cubicle has a maximum floor area of 400 square feet. Each cubicle shall be enclosed by walls and ceiling and have a separate entrance for the loading and unloading of stored goods. Cubicles may or may not be climate controlled.

Mobile home means a factory assembled structure or structures equipped with the necessary service connections and made to be readily movable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit without a permanent foundation and built before June 14, 1976 (also see Manufactured Home). This unit does not meet the requirements of the Council of American Building Officials (CABO) or the Virginia Uniform Statewide Building Code Use Group R-4. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the manufactured home placed thereon will be moved from time to time at the convenience of the owner.

Modular home means a dwelling unit constructed on-site in accordance with the Virginia Uniform Statewide Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Modular home sales means a site used for the construction and display of model modular homes, including a sales office and incidental storage associated with the construction of the model homes.

Multi-family dwelling means a building or portion thereof which contains three or more dwelling units for permanent occupancy, regardless of the method of ownership. Included in the use type would be garden apartments, low and high rise apartments, apartments for elderly housing and condominiums.

Non-profit facility means a building owned or controlled by a non-profit organization holding an exemption under Internal Revenue Code Section 501(c) said exempt status to be evidenced by a currently valid exemption letter from the Internal Revenue Service. Such non-profit organization shall be in good standing with the Internal Revenue Service in all respects.

Nursing home means a use providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Nursing homes have doctors or licensed nurses on duty.

Outdoor gathering means any temporary organized gathering expected to attract 500 or more people at one time in open spaces outside an enclosed structure. Included in this use type would be music festivals, church revivals, carnivals and fairs, and similar transient amusement and recreational activities not otherwise listed in this section. Such activities held on publicly owned land shall not be included within this use type.

Park and ride facility means a publicly-owned short term parking facility for commuters.

Parking facility, structure means a site used for a parking structure unrelated to a specific use which provides one or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this chapter. This use type shall not include parking facilities accessory to a permitted principal use.

Parking facility, surface means a site used for surface parking unrelated to a specific use which provides one or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this chapter. This use type shall not include parking facilities accessory to a permitted principal use.

Pawn shop means an establishment engaged in the loaning of money on the security of property pledged to a pawnbroker and the incidental sale of such property.

Payday loan establishment means a place of business engaged in offering small, short-maturity loans on the security of (i) a check, (ii) any form of assignment of an interest in the account of an individual or individuals at a depository institution, or (iii) any form of assignment of income payable to an individual or individuals, other than loans based on income tax refunds. For the purposes of this chapter, such establishments shall not be construed to be "banks" or "financial institutions."

Personal improvement services means establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services. Typical uses include driving schools, health spas or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

Personal services means establishments or places of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops; tattoo and piercing establishments; grooming of pets; seamstresses, tailors; florists; and laundromats and dry cleaning services.

Planned unit development (i.e. — P.U.D.) means a type of building development specifically described by ordinance standards in which a thoughtfully designed grouping of varied and compatible land uses, such as housing, recreation, commercial centers, and industrial parks, are all contained within one overall development plan.

Post office means an establishment providing postal services directly available to the consumer operated by the United States Postal Service.

Public assembly means a facility owned and operated by a public or quasi-public agency accommodating public assembly for sports, amusement, or entertainment purposes. Typical uses include auditoriums, sports stadiums, convention facilities, fairgrounds, and sales and exhibition facilities.

Public maintenance and service facility means a public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment services centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

Public park and recreational area means publicly-owned and operated parks, picnic areas, playgrounds, indoor or outdoor athletic facilities, and open spaces.

P.U.D. See *Planned unit development* (above).

Railroad facilities means railroad yards, equipment servicing facilities, and terminal facilities.

Recreational vehicle sales and service means an establishment engaged in the retail sales of recreational vehicles, boats, and jet skis, including service and storage of vehicles parts and related accessories.

Recycling center means a receptacle or facility used for the collection and storage of recyclable materials designed and labeled for citizens to voluntarily take source separated materials for recycling.

Religious assembly means a use located in a permanent building and providing regular organized religious worship and related incidental activities, except primary or secondary schools and day care facilities.

Resource extraction means an establishment involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and soil mining. Specifically excluded from this use type shall be grading and removal of dirt associated with an approved site plan or subdivision, or excavations associated with, and for the improvement of, a bona fide agricultural use.

Restaurant, fast food or drive-thru means an establishment engaged in the preparation and sale of food and beverages for take-out, delivery, or table service, served in disposable containers at a counter, a drive-up or drive-thru service facility, or at a curb.

Restaurant, general means an establishment engaged in the preparation and sale of food and beverages containing more than 3,000 gross square feet and typically characterized by table service to customers.

Restaurant, mobile means a readily movable wheeled cart, trailer, or vehicle designed and equipped for the preparing, serving, and/or selling of food and operated at temporary locations. This definition shall include food trucks, food trailers, and food carts and shall not apply to ice cream trucks, "meals on wheels" or food home delivery services.

Restaurant, small means an establishment engaged in the preparation and sale of food and beverages containing no more than 3,000 gross square feet. Typical uses include cafes, coffee shops and small restaurants. Customers may be served over the counter or by table service by a wait staff.

Retail sales means an establishment engaged in sale or rental with incidental service, of commonly used goods and merchandise for personal or household use, excluding those classified more specifically by these use type classifications.

Safety service means a facility for the conduct of safety and emergency services for the primary benefit of the public, whether publicly or privately owned and operated, including police, fire protection, emergency medical and ambulance services.

Satellite dish antenna means an accessory use that is a combination of:

- (1) An antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other distant sources;
- (2) A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and
- (3) A coaxial cable whose purpose is to carry the signals to the exterior of the building.

Sawmill means an establishment for the storage of harvested timber and/or the sawing of timber into lumber products.

Scrap and salvage service means a place of business primarily engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not intended for reuse in their original forms. Typical uses include paper and metal salvage yards, automotive wrecking yards, junk yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies.

Shooting range, outdoor means a site where land is used for archery and the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as a turkey shoot. Excluded from this use type shall be general hunting and the unstructured and nonrecurring discharging of firearms on private property with the property owner's permission.

Single-family dwelling means a site-built or modular building designed for or used exclusively as one dwelling unit for permanent occupancy.

- (1) *Detached* means a single-family dwelling which is surrounded by open space or yards on all sides, is located on its own individual lot, and which is not attached to any other dwelling by any means.
- (2) *Attached* means two single-family dwellings sharing a common wall area, each on its own individual lot.

Stable, private means the boarding, keeping, breeding, pasturing or raising of horses, mules, donkeys, ponies or llamas exclusively for personal use and enjoyment by the owner or occupant of the property or the riding of said animals by the owner or occupant of the property and/or their non-paying guests.

Studio, fine arts means a building, or portion thereof, used as a place of work by a sculptor, artist, photographer or similar artisan and/or for sale of such products.

Substance abuse clinic means an establishment which provides outpatient services primarily related to the treatment of alcohol, or other drug or substance abuse disorders, which services include the dispensing and administering of controlled substances and pharmaceutical products by professional medical practitioners as licensed by the commonwealth.

Temporary family health care structures means as described by Code of Virginia, § 15.2-2292.1 and in section 86-460 of this chapter, a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, and which has been primarily assembled at a location other than the site of installation.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes but is not limited to radio and television transmission towers, microwave towers, common-carrier towers, and cellular telephone and wireless communication towers. Tower types include, but are not limited to monopoles, lattice towers, wooden poles, and guyed towers. Excluded from this definition are amateur radio towers, which are otherwise defined.

Townhouse means a grouping of three or more attached single-family dwellings in a row in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from each other by one or more common walls.

Transfer station means any storage or collection facility which is operated as a relay point for municipal solid waste which ultimately is to be transferred to a landfill.

Transportation terminal means a facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or packages between modes of ground transportation, including bus terminals, railroad stations, and public transit facilities.

Travel center means an establishment containing a mixture of uses which cater to the traveling public and in particular motor freight operators. A travel center might include such uses as fuel pumps, restaurants, overnight accommodations, retail sales related to the motor freight industry, and similar uses.

Truck terminal means a facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Post Office.

Upper-story residential unit means residential dwellings, as a secondary or ancillary use in mixed-use commercial or office structures, located on any floor above the ground floor (second-story or above). Such units may provide a residence for the owner, manager, or employees of the business on the first-floor of the same building or may be rented out to the public.

Utility service, major means services of a regional nature which normally entail the construction of new buildings or structures such as generating plants and sources, electrical switching facilities and stations or substations, water towers and tanks, community waste water treatment plants, and similar facilities. Included in this definition are also electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission.

Utility service, minor means services which are necessary to support existing and future development within the immediate vicinity and involve only minor structures. Included in this use type are distribution lines and small facilities that are underground or overhead, such as transformers, relay and booster devices, and well, water and sewer pump stations. Also included are all major utility services that were in existence prior to the adoption of this chapter.

Veterinary hospital/clinic means any establishment rendering surgical and medical treatment of animals. Boarding of animals shall only be conducted indoors, on a short term basis, and shall only be incidental to such hospital/clinic use, unless also authorized and approved as a commercial kennel.

Warehousing and distribution means an establishment specializing in storage, warehousing and dispatching of goods within enclosed structures, or outdoors. Typical uses include wholesale distributors, storage warehouses and moving/storage firms.

Wedding/event facility means a facility which is utilized by individuals or groups to accommodate private functions including but not limited to, banquets, weddings, celebrations, and other events. Civic, religious and community owned buildings are not included in this definition.

(Ord. of 10-11-2011(3), § 2; Ord. of 7-14-2015(1), § 1; Ord. of 4-12-2016(1), § 1; Ord. of 5-9-2017(2), § 1; Ord. of 8-8-2017(1), § 1; Ord. of 11-13-2018(1); Ord. of 5-14-2019(1), § 1; Ord. of 7-9-2019(3), § 1)



TOWN OF ALTAVISTA
PLANNING COMMISSION
February 6, 2023
AGENDA COVER SHEET

AGENDA ITEM #: 8.3

Public Hearing(s)

Title:

ORDINANCE AMENDMENT OA-23-02: An ordinance to amend Sec. 86-352(5) of the Zoning Ordinance to authorize hospitals in the C-2 (General Commercial) Zoning District with a Special Use Permit.

Staff Resource: Sharon D. Williams, AICP, Community Development Director

Action(s):

Hold a hearing to receive public comments.

Explanation:

A public hearing is being held to receive comment on a proposed amendment to the Zoning Ordinance, which would permit hospitals with a Special Use Permit (P).

Background:

At the January 3, 2023 Planning Commission meeting a discussion was held between staff and the Planning Commissions about the definition of a hospital. The question was raised on whether hospitals should be a by-right use or if they should be permitted with a Special Use Permit. The consensus was it only be permitted with a Special Use Permit.

Funding Source(s):

General Fund - public hearing ad

Attachments: *(click item to open)*

[DOC268.pdf](#)

An Ordinance to repeal, amend and re-ordain Section 86-352 (3) of the Code of the Town of Altavista, 1968, relative to civic use types in the C-2 district, by adding hospitals.

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

1. That Section 86-352 (3) of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

Sec. 86-352. Permitted uses.

- (3) *Civic use types.*
 - Assisted care residence*
 - Club*
 - Correction facility (S)
 - Crisis center
 - Cultural services
 - Educational facilities, college/university (S)
 - Educational facilities, primary/secondary
 - Food bank, food pantry, or similar uses. Subject to Sec. 86-482.1
 - Governmental service
 - Guidance service
 - Halfway house (S)
 - Hospitals – Special Use permit required.
 - Life care facility
 - Nursing home
 - Park and ride facility
 - Post office
 - Public assembly
 - Public maintenance and service facility (S)
 - Public parks and recreational areas (S)
 - Religious assembly*
 - Safety services
 - Utility service, major (S)
 - Utility service, minor

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



TOWN OF ALTAVISTA
PLANNING COMMISSION
February 6, 2023
AGENDA COVER SHEET

AGENDA ITEM #: 8.4

Public Hearing(s)

Title: Ordinance Amendment OA-23-03: An ordinance to amend Sec. 86-382(6) of the Zoning Ordinance to delete *Resource Extraction* as a permitted use in the M (Industrial) Zoning District and to amend Sec. 86-566 to delete the parking requirement for the use.

Staff Resource: Sharon D. Williams, AICP, Community Development Director

Action(s):

Hold a hearing to receive public input.

Explanation:

The Planning Commission will hold a public hearing on a proposed text amendment to delete *resource extraction* from the Zoning Ordinance.

Background:

During a recent review of the Zoning Ordinance, staff expressed concern that *resource extraction* was a permitted use in the Zoning Ordinance. It was the opinion of staff that this use should not be permitted in a locality of which the land area is 5sq miles.

Funding Source(s):

General Fund - public hearing ad

Attachments: *(click item to open)*

[DOC267.pdf](#)

An Ordinance to repeal, amend and re-ordain Section 86-382 (6) of the Code of the Town of Altavista, 1968, by removing Resource extraction.

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

1. That Section 86-382 (6) of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

Sec. 86-382. Permitted uses.

- (6) *Industrial use types.*
 - Construction yard
 - Custom manufacturing – Special use permit required
 - Industry, light
 - Industry, medium
 - Industry, heavy - Special use permit required
 - Recycling center
 - ~~Resource extraction – Special use permit required.~~
 - Transportation terminal
 - Truck terminal
 - Warehousing and distribution

All other text in Sec. 86-382 remain unchanged.

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 86-566 of the Code of the Town of Altavista, 1968, relative to civic use types in the C-2 district, by removing Resource Extraction.

Be it ordained by the Town Council of the Town of Alta vista:

1. That Section 86-566 of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

Sec. 86-566. Off-street parking requirements by use.

USE TYPE	PARKING REQUIRED
Agricultural Use Types	
Agriculture	No requirement
Stable, private	No requirement
Residential Use Types	
Accessory apartment	Schedule B
Duplex	2 spaces per dwelling unit
Family day care home	No requirement
Group home	2 spaces per facility
Home occupation	No requirement
Kennel, private	No requirement
Manufactured home, emergency	No requirement
Multi-family dwelling:	
Studio	1 space per dwelling unit
One bedroom	1.5 spaces per dwelling unit
Two bedrooms	1.5 spaces per dwelling unit
Three and four bedrooms	2.0 spaces per dwelling unit
More than four bedrooms	1.0 space per each additional bedroom
Single-family dwelling	2.0 spaces per dwelling unit
Townhouse:	
One bedroom	1.5 spaces per dwelling unit
Two or more bedrooms	2.0 spaces per dwelling unit
Civic Use Types	
Assisted care residence	1 space per employee on shift plus 1 space per 3 residents
Cemetery	Schedule B
Club	1 space per 3 persons based on maximum occupancy
Community recreation	Schedule B
Correction facilities	Schedule B

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(Supp. No. 17, Update 5)

Crises center	1 space per employee on shift plus 1 space per 3 persons based on maximum occupancy
Cultural services	1 space per 400 square feet
Educational facilities, college/university	Schedule B
Educational facilities, primary/secondary	1 space per employee plus 1 space per 4 students in 11 th and 12 th grades
Government services	1 space per employee plus 3 spaces per 1,000 square feet
Guidance services	1 space per 300 square feet
Halfway house	1 space per 2 persons of residential capacity, plus 1 space per employee on shift
Life care facility	Schedule B
Nursing home	1 space per 4 beds
Park and ride facility	No requirement
Post office	Schedule A
Public assembly	1 space per 5 seats
Public maintenance and service facilities	Schedule A
Public parks and recreation areas	Schedule B
Religious assembly	1 space per 5 seats in principal place of worship
Safety services	2 spaces per emergency vehicle based at facility
Utility services, major	Schedule A
Utility services, minor	Schedule B
Office Type Uses	
Financial institution	3 spaces per 1,000 square feet plus required stacking spaces
General offices	3.5 spaces per 1,000 square feet
Laboratories	1 space per employee plus 1 space per company vehicle based on site
Medical office	7 spaces per practitioner or 1 space per 200 square feet, whichever is greater
Substance abuse clinic	7 spaces per practitioner or 1 space per 200 square feet, whichever is greater
Commercial Use Types	
Adult use	Schedule B
Agricultural services	Schedule A
Antique shop	1 space per 400 square feet
Assembly hall	1 space per 5 seats
Automobile dealership, new	Schedule A
Automobile dealership, used	Schedule A
Automobile/parts supply, retail	Schedule A
Automobile repair services, major	2 spaces per repair bay plus 1 space per employee on shift
Automobile repair services, minor	3 spaces per repair bay plus 1 space per employee on shift
Automobile rental/leasing	Schedule A

Bed and breakfast	1 space per sleeping room available for guests
Business support services	1 space per 200 square feet
Business or trade schools	Schedule B
Car wash	1 space per employee on shift plus stacking spaces
Commercial indoor amusement	1 space per 3 persons based on maximum occupancy
Commercial indoor entertainment	1 space per 4 seats
Commercial indoor sports and recreation	1 space per 3 persons based on maximum occupancy plus 1 space per employee on shift
Commercial outdoor entertainment	1 space per 3 persons based on maximum occupancy plus 1 space per employee on shift
Commercial outdoor sports and recreation:	
Miniature golf	1.5 space per hole
Swimming pool	Schedule B
Tennis/court games	2 spaces per court
Other outdoor sports	Schedule B
Communications services	1 space per 300 square feet plus 1 space per company vehicle based on site
Construction sales and services	Schedule A
Consumer repair services	1 space per 300 square feet
Convenience store	5 spaces plus 1 space per 200 square feet plus 1 space per gas dispenser
Dance hall	1 space per 3 persons based upon maximum occupancy
Day care center	1 space per 20 persons receiving care plus one space per employee
Equipment sales and rental	Schedule A
Flea market	1 space per 100 square feet of sales area accessible to the public
Funeral services	1 space per 2 employees on shift plus 1 space per 5 seats in main chapel
Garden center	Schedule A
Gasoline station	1 space per employee plus required stacking spaces
Golf course	36 spaces per 9 holes
Hospital	1 space per employee on shift plus 1 space per 2 beds
Hotel/motel/motor lodge	1 space per guest room plus 1 space per employee, plus spaces as may be required for other uses on site
Kennel, commercial	Schedule B
Laundry	1 space per 300 square feet
Manufactured home sales	Schedule B
Mini-warehouse	0.2 spaces per 1,000 square feet
Modular home sales	Schedule B
Pawn shop	1 space per 300 square feet
Personal improvement services	1 space per 300 square feet
Personal services	1 space per 300 square feet
Recreational vehicle sales and service	Schedule A
Restaurant, small	1 space per 3 seats plus 1 space per employee on shift

Restaurant fast food or drive-in	1 space per 4 seats plus 1 space per employee on shift, plus required stacking spaces
Restaurant, general	1 space per 2 seats plus 1 space per employee on shift
Retail sales	
Shopping center	1 space per 250 square feet of gross leasable area
Other retail	1 space per 200 square feet
Studio, fine arts	Schedule B
Travel center	Schedule B
Veterinary hospital/clinic	1 space per 300 square feet
Industrial Use Types	
Asphalt plant	Schedule B
Composting	Schedule B
Construction yard	Schedule A
Custom manufacturing	Schedule A
Industry, heavy	1 space per 1,000 square feet
Industry, light	1 space per 1,000 square feet
Industry, medium	1 space per 1,000 square feet
Intermodal facility	Schedule A
Landfill, construction debris	Schedule B
Landfill, rubble	Schedule B
Landfill, sanitary	Schedule B
Meat packing and related industries	1 space per employee on shift
Railroad facilities	Schedule B
Recycling centers and stations	Schedule B
Resource extraction	1 space per employee on shift
Sawmill	Schedule A
Scrap and salvage services	Schedule A
Transfer station	Schedule B
Transportation terminal	Schedule B
Truck terminal	Schedule B
Warehousing and distribution	0.5 spaces per 1,000 square feet
Miscellaneous Use Types	
Amateur radio tower	Schedule A
Aviation facilities, general	Schedule B
Aviation facilities, private	Schedule B
Tower	2 spaces per tower
Shooting range, outdoor	Schedule B

Schedule A.

The following table contains minimum parking requirements for uses with elements having different functions or operating characteristics. The administrator shall consider and decide the minimum parking required for uses containing a mixture of these elements:

Element	Parking Required for Element
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Office or administrative activity	3.5 spaces per 1,000 square feet
Indoor sales, display or service area	1 space per 500 square feet
Motor vehicle service bays	2 spaces per service bays
Outdoor sales, display or service area	1 space per 2,000 square feet
General equipment servicing or manufacturing	1 space per 1,000 square feet
Indoor or outdoor storage or warehousing	1 space per 5,000 square feet

Schedule B.

Specific minimum requirements shall be determined administratively by the zoning administrator in consultation with the planning commission, based on requirements for similar uses, location of the proposed use, expected demand, and traffic generated by proposed use.

(Ord. of 10-11-2011(3), § 2)



TOWN OF ALTAVISTA
PLANNING COMMISSION
February 6, 2023
AGENDA COVER SHEET

AGENDA ITEM #: 9.1

Old Business

Title: Approval of revised Planning Commission Bylaws

Staff Resource: Sharon D. Williams, AICP, Community Development Director

Action(s):

Adopt the Bylaws

Explanation:

The Planning Commission's revised Bylaws were introduced at the January meeting. A 30 day review was required before voting on the changes.

Background:

The Planning Commission's Bylaws have been updated to correct the title of the Community Development Director. The document has also been amended to remove the Roll Call and Determination of a Quorum.

Funding Source(s):

N/A

Attachments: *(click item to open)*

[*attachment. Bylaws - PC - 2023.pdf*](#)

PLANNING COMMISSION - BYLAWS

Bylaws Town of Altavista, Virginia Planning Commission

Sec. 58-31. Establishment.

There is hereby established a planning commission, which may be referred to as the "commission." (Code 1968, § 16-2)

Sec. 58-32. Composition; appointment; term; vacancies; salaries.

- (a) The commission shall consist of a minimum of five members and a maximum of seven members. They shall consist of at least four members and up to six members at large and one member from the town council and shall be appointed by the town council. One member may be a member of the administrative branch of government of the town. They shall be residents of the town qualified by knowledge and experience to make decisions on questions of community growth and development; provided, however, that at least one-half of the members so appointed shall be owners of real property. The term of the member from the town council, and from the administrative branch, if there are any, shall be coextensive with the term of office to which he or she has been elected or appointed, unless the town council, at the first regular meeting each year, appoints others to serve as their representatives. Appointments of members shall be for staggered terms of four years each, unless the town council shall desire to establish different terms of office. Vacancies shall be filled by appointment for the unexpired term only. Members may be removed for malfeasance in office.
- (b) The members of the commission, as now constituted or hereafter appointed, may receive a salary to be fixed by the town council by resolution. (Code 1968, § 16-3)

Sec. 58-33. Meetings.

- (a) The commission shall fix the time for holding regular meetings, but it shall meet at least every two months. Special meetings of the commission may be called by the chairperson or by two members upon written request to the secretary. The secretary shall mail, email, or hand deliver to all members, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting, or if all members are present at the special meeting or file a written waiver of notice. (Code 1968, § 16-4)
- (b) **Proposed Order of Business**
 - (1) Call to Order
 - (2) Invocation & Pledge of Allegiance
 - (3) Approval of Agenda
 - (4) Approval of Minutes

PLANNING COMMISSION - BYLAWS

- (5) Public Expression
- (6) Public Hearings
- (7) Reports by any Committees
- (8) Unfinished Business
- (9) New Business
- (10) Matters from the Planning Commission
- (11) Matters from Staff
- (12) Adjournment

Sec. 58-34. Quorum; majority vote.

A majority of the members shall constitute a quorum, and no action of the commission shall be valid unless authorized by a majority vote of those present and voting. (Code 1968, § 16-5)

Sec. 58-35. Officers and employees; expenditures, rules and records; special surveys.

- (a) The commission shall elect, as a first order of business at the January meeting, from the appointed members a chairperson and a vice-chairperson, whose terms shall be for one year. The commission may:
 - (1) Create and fill such other offices as it awards necessary;
 - (2) Appoint such employees and staff as it deems necessary for its work; and
 - (3) Contract with consultants for such services as it requires.

The expenditures of the commission, exclusive of gifts or grants, shall be within the amounts appropriated for such purpose by the town council.

- (b) The commission shall adopt rules for the transaction of business and shall keep a record of its transactions, which shall be a public record. Upon request of the commission, the town council or other public officials may, from time to time, for the purpose of special surveys under the direction of the commission, assign or detail to it any members of the staffs of town administrative departments, or the town council or other public official may direct any such department employee to make for the commission special surveys or studies requested by the commission. (Code 1968, § 16-6)

PLANNING COMMISSION - BYLAWS

Sec. 58-36. Duties.

To effectuate Code of Virginia, §§ 15.2-2200--15.2-2327, the planning commission shall:

- (1) Exercise general supervision of, and make regulations for, the administration of its affairs;
- (2) Prescribe rules pertaining to its investigations and hearings;
- (3) Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the town council;
- (4) Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;
- (5) Make recommendations and an annual report to the Town Council concerning the operation of the Commission and the status of planning within its jurisdiction;
- (6) Prepare, publish and distribute reports, ordinances and other material relating to its activities;
- (7) Prepare and submit an annual budget in the manner prescribed by the town council; and
- (8) If deemed advisable, establish advisory committees. (Code 1968, § 16-7)

Section 58-37. Public Hearings.

- (a) In addition to those required by law, the Commission may hold public hearings on any matter, which is deemed to be in the public interest.
- (b) Notice of a public hearing shall be published once a week for two successive weeks (at least one [1] week apart) in a newspaper of general circulation in the area, with not less than six (6) days elapsing between the first and second publication. Such notice shall specify the time and place of hearing, which cannot be less than five (5) nor more than twenty-one (21) days after the second newspaper advertisement.
- (c) The chairman or designee shall summarize the matter before the Commission, allow interested parties to speak, and accept written statements and other documentation pertinent to the matter being addressed. All speakers must identify themselves by name and address before speaking. Speakers will be limited to five (5) minutes, unless extended by the approval of a majority of the Commission.
- (d) To assure the maximum available time to each public speaker, the Commission should not interrupt the speaker except to ask informational questions.
- (e) An accurate, written record shall be made of the proceedings of the public hearing and maintained as part of the Commission's files.
- (f) Once the Public Hearing is closed the Planning Commission will discuss the matter and agree, by consensus, on a recommendation to be presented to Council. The Planning Commission shall have a written recommendation, when appropriate, to present to the Altavista Town Council.

Section 58-38. Committee(s)

- (a) Special committees may be appointed by the chairman or designee for purposes and terms approved by majority vote of the Commission.

PLANNING COMMISSION - BYLAWS

- (b) The chairman shall be an ex-officio member of every committee.
- (c) Committees may request the participation of the ~~Planning and Zoning~~ Community Development Director and/or the Town Attorney at committee meetings.
- (d) All committees will present a report to the commission.

Section 58-39. Reports to Council

- (a) The Planning Commission shall prepare an annual report to be presented to Council, which shall include the Commission's goals for the upcoming year. The report will be presented to Council at the first regularly scheduled meeting of each year.
- (b) The Planning Commission shall review, annually, the Comprehensive Plan, track progress towards meeting the goals and objectives contained in the plan and determine if development is accordance with the plan. The Commission shall prepare an annual report to be presented to Council at their first meeting of each year.

Section 58-40. Rules of Order

Roberts Rules of Order, Revised, shall be the accepted Parliamentary law for this organization.

Section 58-41. Amendments

These bylaws may be amended by a majority vote of the entire membership after thirty (30) days prior notice.

These bylaws were adopted by the Planning Commission on the 6th day of February, 2023.



TOWN OF ALTAVISTA
PLANNING COMMISSION
February 6, 2023
AGENDA COVER SHEET

AGENDA ITEM #: 9.2

Old Business

Title: Rules of Procedure

Staff Resource: Sharon D. Williams, AICP, Community Development Director

Action(s):

Adopt the Rules of Procedure discussed at the January 3, 2023 Planning Commission meeting.

Explanation:

The Planning Commission will adopt the Rules of Procedure reviewed at the January 3, 2023 Organizational Meeting.

Background:

Over the past three years, the Planning Commission had several members transition off the Commission. To aid current and future Planning Commissioners, staff has written a guide that can be used by current and former members.

Funding Source(s):

Attachments: *(click item to open)*

[Rules of Order 2.6-23.pdf](#)

**RULES OF PROCEDURE
FOR THE TOWN OF ALTAVISTA
PLANNING COMMISSION 2023**

PURPOSE

These rules of procedure were designed and adopted for the benefit and convenience of the Altavista Planning Commission. Their purpose is to help the Planning Commission conduct its affairs in a timely and efficient manner. When the Planning Commission rules of procedure do not address a procedural issue, the Planning Commission may consider the most recent edition of *Robert's Rules of Order* for guidance.

GENERAL RULES

1. The rules contained in Roberts Rules of Order shall be the parliamentary authority in all cases not covered by these Rules of Order. The Town Attorney shall serve as the Parliamentarian. In their absence, the Director of Community Development shall serve as the Parliamentarian.
2. The Chair and Vice Chair shall be elected at the January meeting of each calendar year to serve a one-year term with re-election permitted. The Chairman shall be responsible for conducting the meetings and shall rule on the interpretation of the Rules of Order. The Vice Chairman shall preside in the absence of the Chairman.
3. The Community Development Director shall be the Secretary.

MEETINGS

1. Regular meetings of the Commission shall be held in the Town Council Chambers of the J. R. "Rudy" Burgess Town Hall (510 7th Street), or other location as designated by the Commission or Director of Community Development on the first Monday of each month. If such meeting falls on any legal holiday, then it shall be held on another day designated by the Commission.
2. The time for regular meetings shall be 5:00 p.m. unless otherwise directed by the Commission. Public hearings shall be advertised for 5:00 p.m. If most of the Commission fails to attend within fifteen after the time appointed for any meeting, the Secretary shall enter into the minute book the names of the members present and note the adjournment for want of a quorum.
3. Workshop meetings of the Commission shall be held in the Large Conference Room of Town Hall, or at another location as designated by the Director of Community Development and shall be called on an as-needed basis.
4. The time for workshop meetings shall be posted to the Town's website and social media unless otherwise directed by the Commission.
5. Meetings shall not extend beyond 6:30 p.m. unless extended by resolution of the Commission.

6. If the Chair, or Vice-Chair, if the Chair is unable to act, finds and declares that the weather or other conditions are such that it is hazardous for Commission members and the public to attend a regular meeting, the meeting shall be postponed for a period of two (2) weeks to the same time; however, if the postponement would be a town holiday or the day before a town holiday, the meeting shall be postponed two (2) days before the town holiday. Commission members and the media will be notified as promptly as possible, and notice will be posted on the front doors of Town Hall and on the Town's website and social media pages. All hearings and other matters previously advertised will be conducted at the continued meeting, and no further advertisement or notice is required. The Chair may also elect to cancel the meeting if there are no matters before the Commission.
7. Special meetings of the Commission and Commission work sessions to discuss planning and land use issues may be called by the Commission or by the Chairman with a time and location designated at the time of the call of such meetings. All parties having requested notification of meetings pursuant to the Virginia Freedom of Information Act shall be notified of any special meeting.
8. All questions submitted to the Commission shall be determined by oral vote of the majority of the members voting on any such questions. After a tie vote on a motion to approve or deny, the matter shall be deferred without motion to the next scheduled monthly meeting of the Commission for further consideration and vote. If the vote remains tied after the second meeting, the matter is defeated.
9. A motion to reconsider may be made no later than the succeeding regularly scheduled monthly meeting of the Commission. Such motion can only be made by a member who voted with the majority when the matter was first decided.

CONDUCT OF MEETINGS

1. Members shall address only the Chair or address each other through the Chair. A member must be recognized by the Chair before he shall proceed. Upon being recognized, a member shall not be interrupted during the time allowed, except when a point of order is called or upon being requested to yield the floor by another member.
2. The applicant or their agent should sit in the front rows nearest the lectern to be available to discuss/answer questions concerning their application.
3. Individuals interested in addressing the Commission or staff shall only do so at the lectern for their comments to be recorded as part of the record of the meeting, and shall only address the Commission, not the audience or the applicants. Comments of individuals shall be limited to three (3) minutes per person unless additional time is granted by the Chair.
4. Neighborhoods should select a spokesperson to present their comments. The spokesperson should ask all persons supporting his or her comments to stand in lieu of repetitive comments.
5. Successive speakers for either the proponents or the opponents should address different issues and should not be repetitive.

REMOTE PARTICIPATION

1. It is the policy of the Planning Commission that individual Commission members may participate in meetings of Planning Commission, to ensure the business of the public may be conducted, by electronic communication means from a remote location that is not open to the public only as permitted by Virginia Code § 2.2-3708.1, as amended, and in compliance with this policy. This policy shall apply strictly and uniformly to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.
2. An individual member may participate from a remote location only if a quorum (3 members) of the Planning Commission is physically assembled at the primary meeting location and the Commission has arranged for the voice of the remote participant to be heard by all persons at the primary meeting location.
3. Remote participation in a meeting due to an emergency or personal matter may be approved only if, before noon on the day of the meeting, the requesting member notifies the Chair of the Commission that such member is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter.
4. Remote participation in a meeting due to a temporary or permanent disability or other medical condition may be approved only if, before noon on the day of the meeting, the requesting member notifies the Chair of the Commission that such member is unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance.
5. As required by law, in the event of any such participation by a member from a remote location, the Commission shall record in its minutes the specific nature of the emergency, personal matter, temporary or permanent disability or other medical condition, and the location from which the Commission member participated remotely.
6. As required by law, remote participation shall be limited in each calendar year for each individual member to two (2) meetings of the Commission.
7. Remote attendance shall only be permitted for regularly monthly meetings and shall not be permitted for attendance at workshop meetings.
8. An individual member's request for participation from a remote location under this policy shall be considered approved upon communicating the request to the Chair of the Commission, pending review by the Town Attorney for compliance with the Code of Virginia and this policy. If a member's participation from a remote location is disapproved because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

AGENDAS

1. The following is the standard regular meeting agenda:

- a. Call to Order (5:00 p.m.)
- b. Invocation & Pledge of Allegiance
- c. Approval of Agenda
- d. Approval of Minutes
- e. Public Expression
- f. Public Hearings
- g. Committee Reports
- h. Unfinished Business
- i. New Business
- j. Commission Matters and Miscellaneous
- k. Matters from staff
- l. Adjournment

2. Matters may be placed on the Agenda by Resolution of the Commission, by notification to the Secretary by any member of the Commission, by request of Town Council, or by the Community Development Director.

a. Matters submitted within the prescribed filing deadline are automatically added to the agenda in order of date/time of application. The Director shall have the authority to delay the placement of an item on the Commission agenda if:

1. The application is not, in the opinion of the Planning Director, complete; or
2. In the case of Applicant-initiated deferral requests as follows:

a. For first submissions (those that have not previously been reviewed by the Planning Commission):

i. If the deferral request is made by the Applicant prior to the first Public Hearing advertisement, the Community Development Director has the authority to place the case on a subsequent meeting agenda.

ii. If the deferral request is made by the Applicant after the first Public Hearing advertisement, the deferral request must be approved or denied by the Planning Commission.

b. For cases that have been previously reviewed by the Commission and have either been deferred by the Commission or remanded to Town Council, all deferral requests must be approved or denied by the Planning Commission.

3. Agendas and information to be discussed shall be distributed to each member approximately five days prior to the meeting.

COURTESY

Those persons coming before the Commission shall be extended every courtesy by members of the Commission. Visitors at Commission meetings will be asked to extend the same courtesy. The Chair of the Commission shall determine when the proper courtesies are not being demonstrated.

Adopted by the Altavista Planning Commission on February 6, 2023.



TOWN OF ALTAVISTA
PLANNING COMMISSION
February 6, 2023
AGENDA COVER SHEET

AGENDA ITEM #: 9.3

Old Business

Title: Code of Ethical Principals

Staff Resource: Sharon D. Williams, AICP, Community Development Director

Action(s):

Adopt the Code of Ethics discussed at the January 3, 2023 Planning Commission meeting.

Explanation:

The Planning Commission will adopt a Code of Ethics reviewed at the January 3, 2023 meeting.

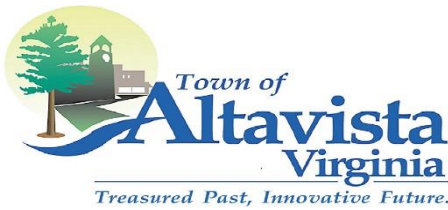
Background:

The American Institute of Certified Planners (AICP) recently updated its Code of Ethics for planners. It also recommended that Planning Commissions adopt that same Code of Ethical Principals.

Funding Source(s):

Attachments: *(click item to open)*

[*PC Code of Ethical Principals 2023.pdf*](#)



Planning Commission Statement of Ethical Principals

The Town of Altavista Planning Commission understands the planning process must continually pursue and faithfully serve the public interest. As such, it has adopted a Statement of Ethical Principals which guides and inspires ethical decision-making for the Planning Commission when faced with controversial or difficult choices. It will:

A. Serve the public interest.

1. Recognize the rights of citizens to participate in planning decisions;
2. Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs;
3. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;
4. Assist in the clarification of community goals, objectives and policies in plan-making;
5. Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;
6. Strive to protect the integrity of the natural environment and the heritage of the built environment; and
7. Pay special attention to the interrelatedness of decisions and the long-range consequences of present actions.

B. Strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

1. Exercise fair, honest and independent judgment in their roles as decision makers and advisors;
2. Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker;
3. Define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;
4. Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is

under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;

5. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;
6. Not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;
7. Serve as advocates only when the client's objectives are legal and consistent with the public interest;
8. Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation commence earlier than one year following termination of the role as advisor or decision maker;
9. Not use confidential information acquired in the course of their duties to further a personal interest;
10. Not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;
11. Not misrepresent facts or distort information for the purpose of achieving a desired outcome;
12. Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service; and
13. Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.

Adopted by the Altavista Planning Commission on February 6, 2023.



TOWN OF ALTAVISTA
PLANNING COMMISSION
February 6, 2023
AGENDA COVER SHEET

AGENDA ITEM #: 9.4

Old Business

Title: Discussion on Recycling Centers in the Industrial Zoning District

Staff Resource: Sharon D. Williams, AICP, Community Development Director

Action(s):

Continue the discussion on whether the use should be permitted in the town and provide guidance to staff.

Explanation:

The Planning Commission deferred making a recommendation to staff on whether *recycling centers* should be permitted in the Industrial (M) Zoning District. Staff has placed the item on the Agenda to continue the discussion.

Background:

During a recent a review of permitted uses for industrial zoned properties, town staff discussed whether Recycling Centers should be permitted uses in the town. Staff is of the opinion that the use could become a nuisance and should be prohibited.

The use is currently permitted in the Industrial (M) Zoning District with a Special User Permit.

Recycling center means a receptacle or facility used for the collection and storage of recyclable materials designed and labeled for citizens to voluntarily take source separated materials for recycling. Resource extraction means an establishment involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operations, mining, and soil mining. Specifically excluded from this use type shall be grading and removal of dirt associated with an approved site plan or subdivision, or excavations associated with, and for the improvement of, a bona fide agricultural use.

Funding Source(s):

N/A

Attachments: *(click item to open)*

[*Recycling Center Pic.pdf*](#)





TOWN OF ALTAVISTA
PLANNING COMMISSION
February 6, 2023
AGENDA COVER SHEET

AGENDA ITEM #: 10.1

New Business

Title: Short Term Rentals

Staff Resource: Sharon D. Williams, AICP, Community Development Director

Action(s):

Discuss whether the Town of Altavista should consider a short-term rental policy, and provide direction to staff.

Explanation:

The Zoning Ordinance has no provision in it that addresses short-term rentals. Staff will seek guidance from the Planning Commission on whether a policy should be developed.

Background:

On October 1, 2022, §58.1-3826 of the Code of Virginia was enacted, which requires that Third Party Accommodation Intermediary Companies file, collect, and remit the local Transient Occupancy Tax, as well as retail sales and use tax on rooms, lodgings, and accommodations. The Town of Altavista is required to accept the payments submitted; however, there is no provision within the Zoning Ordinance that defines or regulates this use.

The Code of Virginia § 58.1-3826 (C). states “For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall be deemed under this article as a facility making a retail sale of an accommodation. The accommodations intermediary shall collect the tax imposed pursuant to this article, computed on the room charge, and shall remit the same to the locality and shall be liable for the same.”

Funding Source(s):

N/A

Attachments: *(click item to open)*

[*attachment 1. 58.1-3826 \(C\)..pdf*](#)

[*attachment 2. Â§ 15.2-983. Creation of registry for short-term rental of property.pdf*](#)

section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

§ 58.1-3826. (Effective October 1, 2022) Scope of transient occupancy tax

A. The transient occupancy tax imposed pursuant to the authority of this article shall be imposed only for the use or possession of any room or space that is suitable or intended for occupancy by transients for dwelling, lodging, or sleeping purposes.

B. For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider shall collect the tax imposed pursuant to this article, computed on the total price paid for the use or possession of the accommodations, and shall remit the same to the locality and shall be liable for the same.

C. For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall be deemed under this article as a facility making a retail sale of an accommodation. The accommodations intermediary shall collect the tax imposed pursuant to this article, computed on the room charge, and shall remit the same to the locality and shall be liable for the same.

D. For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this section shall prohibit such parties from making an agreement regarding which party shall be responsible for collecting and remitting the tax, so long as the party so responsible is registered with the locality for purposes of remitting the tax. In such event, the party that agrees to collect and remit the tax shall be the sole party liable for the tax, and the other parties to such agreement shall not be liable for such tax.

E. In any retail sale of any accommodations in which an accommodations intermediary does not facilitate the sale of the accommodations, the accommodations provider shall separately state the amount of the tax in the bill, invoice, or similar documentation and shall add the tax to the total price paid for the use or possession of the accommodations. In any retail sale of any accommodations in which an accommodations intermediary facilitates the sale of the accommodation, the accommodations intermediary shall separately state the amount of the tax on the bill, invoice, or similar documentation and shall add the tax to the room charge; thereafter, such tax shall be a debt from the customer to the accommodations intermediary, recoverable at law in the same manner as other debts.

F. Subject to applicable laws, an accommodations intermediary shall submit to a locality the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in such locality. Such information shall be submitted monthly.

2005, c. [20](#);2021, Sp. Sess. I, c. [383](#);2022, cc. [7](#), [640](#).

This section has more than one version with varying effective dates. Scroll down to see all versions.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

Code of Virginia
 Title 15.2. Counties, Cities and Towns
 Chapter 9. General Powers of Local Governments

§ 15.2-983. Creation of registry for short-term rental of property.

A. As used in this section:

"Operator" means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

"Short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

B. 1. Notwithstanding any other provision of law, general or special, any locality may, by ordinance, establish a short-term rental registry and require operators within the locality to register annually. The registration shall be ministerial in nature and shall require the operator to provide the complete name of the operator and the address of each property in the locality offered for short-term rental by the operator. A locality may charge a reasonable fee for such registration related to the actual costs of establishing and maintaining the registry.

2. No ordinance shall require a person to register pursuant to this section if such person is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (§ [55.1-2200](#) et seq.); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the locality, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

C. 1. If a locality adopts a registry ordinance pursuant to this section, such ordinance may include a penalty not to exceed \$500 per violation for an operator required to register who offers for short-term rental a property that is not registered with the locality. Such ordinance may provide that unless and until an operator pays the penalty and registers such property, the operator may not continue to offer such property for short-term rental. Upon repeated violations of a registry ordinance as it relates to a specific property, an operator may be prohibited from registering and offering that property for short-term rental.

2. Such ordinance may further provide that an operator required to register may be prohibited from offering a specific property for short-term rental in the locality upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental.

D. Except as provided in this section, nothing herein shall be construed to prohibit, limit, or otherwise supersede existing local authority to regulate the short-term rental of property through general land use and zoning authority. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§ [55.1-1900](#) et seq.), the declaration of a common interest community as defined in § [54.1-2345](#), the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ [55.1-2100](#) et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ [55.1-1800](#) et seq.).

2017, c. [741](#).



TOWN OF ALTAVISTA
PLANNING COMMISSION
February 6, 2023
AGENDA COVER SHEET

AGENDA ITEM #: 10.2

New Business

Title: Utility Services, major

Staff Resource: Sharon D. Williams, AICP Community Development Director

Action(s):

Receive the information from staff and provide direction.

Explanation:

The Zoning Ordinance is silent on utility scale developments (i.e. solar farms). The Planning Commission and staff will discuss if the definition of utility scale, major should be amended to exclude solar farms.

Background:

In 2022, a developer submitted a request to amend the Zoning Ordinance to allow utility scale solar developments with a Special Use Permit. Town Council took no action on the request.

At the January 23, 2023 Board of Zoning Appeals meeting the Community Development Director presented a scenario to the BZA, asking if her interpretation was correct when she stated that solar farms were not a permitted use in the Zoning Ordinance based on the definition of utility services, major. During this exercise, one member provided an interpretation that differed from the ruling she made in her capacity as the Zoning Administrator.

At the recommendation of the Town Attorney, staff is seeking input from the Planning Commission on whether the Zoning Ordinance definition of *utility services, major* should be amended to add language that the large scale solar facilities are not permitted.

Zoning Ordinance definition:

Utility service, major means services of a regional nature which normally entail the construction of new buildings or structures such as generating plants and sources, electrical switching facilities and stations or substations, water towers and tanks, community waste water treatment plants, and similar facilities. Included in this definition are also electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission.

Funding Source(s):

N/A

Attachments: *(click item to open)*