



P.O. Box 420  
510 Seventh Street  
Altavista, VA 24517  
Phone (434) 369-5001  
Fax (434) 369-4369

THE REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF ALTAVISTA, VIRGINIA, WILL BE HELD IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING ON Monday, July 2, 2018 at 5:00 p.m.

### AGENDA

1. Call to Order
2. Roll Call
3. Determination of a Quorum
4. Approval of Agenda: TAB 1
5. Pledge of Allegiance- American Flag & Invocation
6. Approval of Minutes: June 4, 2018: TAB 2
7. Citizens to Address the Commission
8. Public Hearing: None
9. New Business
10. Old Business
  - Draft Ordinance: Mobile Restaurant: TAB 3
  - Draft Ordinance: Horses: TAB 4
11. Staff Report- Dan Witt: TAB 5

Adjournment

The Altavista Planning Commission held a regularly scheduled meeting on Monday, June 4, 2018 at 5:00 p.m. in the Council Chambers at Town Hall

Members present - John Jordan, Chairman  
Marvin Clements  
Tim George  
Marie Mitchell  
John Woodson  
Also present - Cheryl Dudley  
John Eller  
Sarah Phillips  
Dan Witt

The agenda was reviewed and approved as presented. A motion was made by Mr. George and seconded by Mr. Woodson. All members were in favor with none opposing.

The minutes were reviewed and approved as amended. A motion was made by Mr. Woodson and seconded by Mr. George. All members were in favor with none opposing.

New business to discuss by the commissioners began with the presentation of a resolution to recommend to council (TC) to honor Mrs. Laney Thompson for her years of service while on the Planning Commission (PC). Mr. George made a motion to present the resolution to TC and Mr. Woodson seconded the motion. All members were in favor with none opposing.

*RESOLUTION IN RECOGNITION OF  
LANEY THOMPSON*

WHEREAS, the Town of Altavista Planning Commission encourages community participation and thoughtful approaches to the impacts of development within the community and on the environment, and

WHEREAS, the Town of Altavista Planning Commission Member, Laney Thompson, has provided valuable leadership, insights and planning contributions to the town's planning program since her appointment to the Commission in April 2010, and

WHEREAS, Laney Thompson actively participated in the development of the update and overhaul of the Town's Zoning Ordinance adopted in October 2011; annual reviews of the Town's Comprehensive Plan to include a formal update to the Plan in 2015; and development of the Design Guidelines in 2014, and

WHEREAS, Commissioner Laney Thompson, has performed her duties with the highest respect for our citizens, the volunteer commissioners, and ethical standards of the Town.

NOW, THEREFORE, BE IT RESOLVED that by action of the Mayor Michael Mattox and the Town Council, Chairman John Jordan and the Planning Commission hereby record their appreciation to Laney Thompson for her outstanding service on the Altavista Planning Commission.

Adopted this 12<sup>th</sup> day of June 2018

The next matter of business was a draft ordinance for mobile restaurants. Mr. Witt introduced the discussion by presenting the draft ordinance for mobile restaurants. He stated that in the past several years there has been an influx of mobile restaurants and Altavista currently has 11 of these units with business licenses.

Mr. Witt stated he put out an inquiry to the region's zoning and community development directors requesting feedback on how their localities handle these businesses. Based on that feedback and additional research, Mr. Witt drafted an ordinance for discussion. Mr. Witt stated that no action is needed immediately but he stated that it needs to be thought out and an ordinance eventually agreed upon for advertising for a public hearing followed by a recommendation to TC. Mr. Witt pointed out that there are regulations from other localities that he left out of the draft. These might want to be considered, i.e., how many days per week or month at a single location a mobile restaurant can be parked or can a mobile restaurant be parked in spaces that are designated for customer parking.

Mr. George asked how the mobile restaurants pay for their business license. Mr. Witt stated that they pay a flat fee as an itinerant vendor and additionally they are required to collect and pay meals tax, just as the brick and mortar restaurants do.

Chairman Jordan asked how long the PC needed to think over the options and proposed draft. Mr. Witt stated that the members need agree on the draft language to be ready for a public hearing. Mr. Witt suggested the members review the draft ordinance, share their thoughts with each other over the next couple of weeks and continue the discussion at the July meeting.

Chairman Jordan stated that the next issue of business is a draft ordinance related to animals, specifically, horses. He asked Mr. Witt to bring the PC up to date on this issue. Mr. Witt stated that Mr. George was contacted by the owners of the property located at 1407 Lynch Road about the possibility of having horses at that location. The house at this location sits on .43 acres and has an adjacent lot of 7.69 acres. It is zoned R-2, medium density residential and in previous years the larger parcel contained a horse pasture, riding rink, and a horse barn. However, there has not been horses on the property for more than 2 years, so the grandfathered expired.

Mr. Witt provided the PC with some options to possibly allow livestock at this location. He stated that the PC needed to determine which zoning districts should allow horses, how many animals per acre would be permitted, and should the use be by right or with the issuance of a special use permit. Other options would include be to not allow horses or create a residential agricultural district.

Mr. Witt stated the location being requested might be appropriate to allow horses, but the members needed to think about all of the unintended consequences such as other less desirable residential parcels in town.

Chairman Jordan asked Mrs. Phillips, the property owner requesting the horses to come to the podium to address the commissioners.

Sarah Phillips  
1407 Lynch Road  
Altavista, VA 24517

She stated that her and her husband bought the property a few years ago and the property has a 4-horse barn that is in good shape and a 2-acre riding ring, plus an additional smaller barn with an additional 3 stalls. They are asking to be able to use the barns and riding ring so her children can learn to ride but also provide a place for some of her elderly family member's horses to be boarded when they can no longer care for them.

Chairman Jordan asked how many horses she is planning to have. Her reply was to have no more than 4 or 5. She will not be having any horse shows or boarding horses at this location. It will strictly be for recreational use.

Mr. George stated that before things went much further, it should be specified for horses only instead of livestock. Livestock could include turkeys, cows, pigs, goats, etc.

Chairman Jordan asked Mr. Eller if there was a way to allow this without having to change the ordinance. Mr. Eller stated that there would have to be a provision stating that horses would be permitted either by right or with the issuance of an SUP. But either way, the ordinance would still have to be amended. Additionally, the ordinance would have to state how many horses per acre would be allowed or if a special use permit is required.

It was suggested the PC combine public hearings for both the mobile restaurant ordinance and amendments related to horses.

Mr. Witt gave his administrative report for permits issued in April and May 2018

The meeting was adjourned at 6:07 PM

---

John Jordan, Chairman

---

Dan Witt, Assistant Town Manager

## PLANNING COMMISSION AGENDA FORM

**Agenda Item and Number:** Mobile Restaurant Ordinance- 11  
(Public Hearings, New Business, Old Business, Staff Report, Permit Related, Citizen request)

**Subject Title:** Restaurant, Mobile (Food Truck Ordinance) | **Meeting Date:** July 2, 2018

**Action Needed:** If there is a consensus, then direct staff to advertise for a public hearing.  
(N/A: Information only) Authorize staff to conduct a public hearing if appropriate.

### Subject Overview

This item was first presented at your June meeting. At that meeting a draft ordinance was presented. You have had a month to read and consider the ordinance. Several members have provided suggested changes and staff, along with recommendations from Mr. Eller, is providing a 2<sup>nd</sup> draft ordinance for discussion.

### Staff Recommendations, if applicable

Staff recommends that once a consensus is reached that the Commissioners direct staff to schedule a public hearing.

### Suggested / Required Action or Suggested Motion(s)

A consensus of the members is sufficient at this time.

## Town of Altavista

### Draft Food Truck Ordinance (Restaurant, Mobile)

#### ***Definition: Amend Sec. 86-32 – Use Types***

**Restaurant, Mobile:** 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.

#### ***Zoning Districts Permitted –***

**Amend Sec. 86-322 – Permitted Uses C-1 (Local Commercial):**

**Amend Sec. 86-352 – Permitted Uses C-2 (General Commercial):**

**Amend Sec. 86-427 – Permitted Uses DRO (Downtown Revitalization Overlay) &**

**Amend Sec. 86-382 – Permitted Uses M (Industrial) Districts**

#### ***Use and Design Standards:***

#### **ADD: Section 86-520. Restaurant, Mobile**

##### ***(a) Authorization***

- (1) Mobile restaurants must obtain a Mobile Restaurant permit. The Mobile Restaurant Permit shall not be transferable to a new owner of the unit. The permit fee is \$50 and is valid for 12 months – January to December. The flat fee is in lieu of the BPOL.
- (2) Mobile restaurants must maintain a valid business license issued by the Town and a valid health permit issued by the Virginia Department of Health. These must be displayed at all times the restaurant is open for service.
- (3) Mobile Restaurants shall be required to collect and remit 7% meals tax to the Town of Altavista. (Sec. 70-41 through 43)

##### ***(b) General Standards***

- (1) A Mobile Restaurant may operate on private property but must obtain written permission from the property owner, a copy of which must be provided when seeking a Mobile Restaurant Permit.
- (2) No items shall be sold other than food and non-alcoholic beverages and items incidental to food and its consumption.

- (3) No music shall be played that is audible outside of the vehicle.
- (4) Mobile restaurant vehicles must park in locations or areas as approved in the Mobile Restaurant permit, and shall not block i) the main entry drive aisles or affect pedestrian or vehicular circulation overall, (ii) other access to loading areas, or (iii) emergency access and fire lanes. The Mobile Restaurant must also be positioned at least fifteen (15) feet away from fire hydrants, driveway entrances, alleys and handicapped parking spaces.
- (5) A Mobile Restaurant may operate between 7:00 a.m. and 9:00 p.m. The vehicle and all accessory structures shall be removed each day. No Mobile Restaurant shall operate past 9:00 p.m. A Mobile Restaurant and all materials associated with the business shall be removed from the location by 9:30 p.m. each day.
- (6) When open for business, the Mobile Restaurant operator, or his or her designee, must be present at all time, except in cases of an emergency.
- (7) No outdoor seating shall be permitted. If space is available, one covered table is permitted to provide condiments to patrons.
- (8) No signs may be displayed except those permanently affixed to the vehicle. No signs intended to move with air / wind shall be allowed (such as streamers, sails or wings or feather flags).
- (9) Trash receptacles shall be provided by and at the Mobile Restaurant and all trash, refuse, or recyclables generated by the use shall be properly disposed of in them. Trash, refuse or recyclables must be removed with the mobile unit and may not be placed in any public receptacle or public trash can on a street or public dumpster.
- (10) No liquid wastes or grease shall be discharged from the Mobile Restaurant.
- (11) No Mobile Restaurant shall locate within 50 feet of the entrance to a business that sells food for consumption (determined by measuring from the edge of the Mobile Restaurant to the main public entrance of the restaurant) unless permission of the restaurant owner is provided in writing. This standard shall not apply when an established, active restaurant is closed or outside its normal operating hours or when the Mobile Restaurant is part of a town sanctioned event.
- (12) No Mobile Restaurant shall locate within 50 feet of a single family or multi-family residential structure (determined by measuring from the edge of the Mobile Restaurant to the edge of the structure).
- (13) Mobile Restaurant vehicles may be otherwise limited by the Town depending on the location or other details of the Mobile Restaurant permit application.

- (14) A Mobile Restaurant may operate at the First Saturday Trade Lot with permission from the manager of the event but not at other times.**
- (15) The operation of the Mobile Restaurant or use of a generator may not be loud enough to be plainly audible at a distance of one hundred (100) feet from the mobile restaurant. Excessive complaints about vehicle or generator noise will be grounds for the Administrator to require that the Mobile Restaurant Vendor change location on the site, to move to another property or the permit may be revoked at that location.**
- (16) A Mobile Restaurant permit may be revoked by the Zoning Administrator at any time, due to the failure of the property owner or operator of the Mobile Restaurant permit to observe all requirements for the operation of Mobile Restaurants. Notice of revocation shall state the grounds for revocation and be made in writing to address of record for Mobile Restaurant permit holder. Any person aggrieved by such notice may appeal the revocation to the Board of Zoning Appeals.**



## PLANNING COMMISSION AGENDA FORM

**Agenda Item and Number:** Horses Ordinance: 10

(Public Hearings, New Business, Old Business, Staff Report, Permit Related, Citizen request)

**Subject Title:** Draft Ordinance Livestock (Horses)

**Meeting Date:** July 2, 2018

**Action Needed:** If a consensus is reached, direct staff to advertise for a public hearing

(N/A: Information only)

### Subject Overview

This item was introduced at your June meeting and was based on a request made to Councilman George by the owners of the property located at 1407 Lynch Road about the possibility of having horses at this location. The house sits on a .43 acre parcel but they also own two adjacent parcels, one is 7.69 the other is 2.47 acres

Staff has drafted an ordinance, as requested by the commissioners for consideration.

### Staff Recommendations, if applicable

Staff would recommend a minimum of 5 acres is needed to have a horse(s), no more than 1 horse per 2 acres of fenced pasture, and requiring a special use permit.

### Suggested / Required Action or Suggested Motion(s)

If a consensus is reached staff should be directed to advertise for a public hearing at the August meeting.

An Ordinance to repeal, amend and re-ordain Section 86-32 of the Code of the Town of Altavista, 1968, by amending the definition of "agriculture".

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

1. That Section 86-32 of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained to amend the definition of agriculture as follows:

**Sec. 86-32. Use types.**

*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*).

All other use type definitions in Sec. 86-32 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 86-192 of the Code of the Town of Altavista, 1968, relating to permitted uses in the R-2 medium-density residential district.

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

1. That Section 86-192 of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

**Sec. 86-192. - Permitted uses.**

The following uses are permitted by right or by special use permit in the R-2 medium-density residential district, subject to all other applicable requirements contained in this chapter. A special use permit is required where indicated. Certain uses are subject to additional, modified or more stringent standards as indicated.

(1) *Agricultural use types.*

(None)

(2) *Residential use types.*

Accessory apartment. Subject to Sec. 86-453

Community garden. Special use permit required.

Duplex. No Guidelines listed in Code

Family day care home. Subject to Sec 86-477

Group home. Subject to Virginia Code 15.2-2291

Home garden.

Home occupation. Subject to Sec. 86-454

Keeping of chickens per Sec. 86-515.1.

Keeping of horses per Sec. 86-515.2. Special use permit required.

Manufactured home, emergency. Subject to Sec. 86-455

Multi-family dwelling—Consisting of three or fewer units

Multi-family dwelling—Consisting of more than three units. Subject to Sec. 86-458. Special use permit required.

Single-family dwelling, attached. Subject to Sec. 86-459

Single-family dwelling, detached. Subject to Sec. 86-596

Temporary family health care structures. Subject to Sec. 86-460; b2.

Townhouse—Subject to section 86-461

(3) *Civic use types.*

Assisted care residence. No Guidelines listed in Code – regulated by State of Virginia.

Cemetery. Special use permit required.

Club. Subject to Sec 86-473. Special use permit required.

Community recreation. Subject to Sec. 86-474

Crisis center. Special use permit required.

Cultural service.

Educational facilities, primary/secondary. Special use permit required

Governmental service. Special use permit required.

Guidance service. Special use permit required.

Halfway house. Special use permit required.

Life care facility. Special use permit required.

Non-profit facility. Subject to Sec. 86-482. Special use permit required.

Nursing home. Special use permit required.

Public parks and recreational areas. Special use permit required.

Religious assembly. Subject to Sec. 86-479. Special use permit required.

Safety service.

Utility service, minor.

(4) *Office use types.*

(None)

- (5) *Commercial use types.*  
Bed and breakfast. Subject to Sec. 86-507. Special use permit required.  
Day care center. Subject to Sec. 86-510. Special use permit required.  
Golf course. Special use permit required.  
Personal service business. Subject to Sec. 86-483. Special use permit required.
- (6) *Industrial use types.*  
Recycling center. Special use permit required.
- (7) *Miscellaneous use types.*  
Amateur radio tower. Subject to Sec. 86-542  
Satellite dish antenna one meter or less in diameter or measured diagonally.  
Satellite dish antenna in excess of one meter in diameter or measured diagonally. Subject to Sec. 86-544.

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

An Ordinance to add a new Section 86-515.2 to the Code of the Town of Altavista, 1968, relating to keeping of horses in R-2 District.

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

1. That a new Section 86-515.2 be added to the Code of the Town of Altavista, 1968, as follows:

**Sec. 86-515.2. Keeping of horses in R-2 District.**

(a) Minimum contiguous fenced acreage is 5 acres with a minimum of two fenced acres per horse.

(b) Horses must be stabled or penned no closer than 300 feet of the residence of any other person and such horses may be permitted to graze no closer than 100 feet from the residence or any other person.

(c) Owner shall keep the pasture and barn cleaned so as to prevent accumulation of manure.

(d) By special use permit, Town Council may place such other conditions upon such keeping and grazing of horses deemed necessary to prevent the creation of a nuisance and/or disturbance to the reasonable peace and comfort of neighboring residents as well as other requirements per the special use permit process.

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

## PLANNING COMMISSION AGENDA FORM

**Agenda Item and Number:** #11

(Public Hearings, New Business, Old Business, Staff Report, Permit Related, Citizen Request)

**Subject Title:** Staff Report- Permits

**Meeting Date:** July 2, 2018

**Action Needed:** N/A

(N/A: Information only)

### Subject Overview

Permits issued for June 2018:

<u>DATE</u>	<u>PERMIT #</u>	<u>APPLICANT NAME &amp; ADDRESS</u>	<u>REASON FOR PERMIT</u>
4-Jun	27-18	Keystone Novelties, Lancaster PA	Fireworks sales at 1301 Main Street
4-Jun	28-18	AA/CC Habitat	New Home 1203 Amherst Avenue
4-Jun	29-18	AA/CC Habitat	New Home 1209 Amherst Avenue
7-Jun	30-18	Wayne Coan- 1322 5th Street	Handicap Ramp on front of home
15-Jun	31-18	Burton Signworks, Mount Airy North Carolina	Replace wall sign on Food Lion, 1301 A Main Street
20-Jun	32-18	Robert Robinson 6153 Tardy Mt. Rd	Replace rear deck at 1915 Tabby Lane
27-Jun	33-18	Amber Nordquist 1009 10th Street	10x14' shed in the back yard

### Suggested / Required Action or Suggested Motion(s)

None required

An Ordinance to repeal, amend and re-ordain Section 86-132 of the Code of the Town of Altavista, 1968, relating to permitted uses in the R-1 low-density residential district.

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

1. That Section 86-132 of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

**Sec. 86-132. - Permitted uses.**

(a) Only one building and its accessory buildings may be erected on any lot or parcel of land in the R-1 low-density residential district.

(b) The following uses are permitted by right or by special use permit in the R-1 low-density residential district, subject to all other applicable requirements contained in this chapter. A special use permit is required where indicated. Certain uses are subject to additional, modified or more stringent standards as indicated.

(1) *Agricultural use types.*

(None)

(2) *Residential use types.*

Accessory apartment Subject to Sec. 86-453

Community garden Special use permit required.

Family day care home Subject to Sec 86-477. Special use permit required.

Group home Subject to Va. Code 15.2-2291

Home garden

Home occupation Subject to Sec. 86-454

Keeping of chickens per Sec. 86-515.1.

Manufactured home, emergency Subject to Sec. 86-455

Single-family dwelling, detached Subject to Sec. 86-596

Temporary family health care structures Subject to Sec. 86-460



- (3) *Civic use types.*  
Community recreation Subject to Sec. 86-474  
Cultural service  
Educational facilities, primary/secondary Special use permit required  
Non-profit facility. Subject to Sec. 86-482. Special use permit required.  
Public parks and recreational areas Special use permit required.  
Religious assembly Subject to Sec. 86-479. Special use permit required.  
Safety service  
Utility service, minor
- (4) *Office use types.*  
(None)
- (5) *Commercial use types.*  
Bed and breakfast Subject to Sec. 86-507. Special use permit required.
- (6) *Industrial use types.*  
(None)
- (7) *Miscellaneous use types.*  
Amateur radio tower Subject to Sec. 86-542.  
Satellite dish antenna one meter or less in diameter or measured diagonally  
Satellite dish antenna in excess of one meter in diameter or measured diagonally Subject to Sec. 86-544.

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