

The Altavista Planning Commission held a regularly scheduled meeting on Monday, August 6, 2018 in the Council Chambers at 5:00 PM

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

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

The minutes from the July 2, 2018 meeting 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.

A Public Hearing to consider amendments to the zoning ordinance for Mobile Restaurants was opened at 5:11 PM.

There was no one to speak for or against the recommendation. The Public Hearing closed at 5:14 PM.

Mr. Witt stated that amendments for Mobile Restaurants were introduced in previous meetings and because they involve changes to the Town's Zoning Ordinance, staff has scheduled a Public Hearing to consider these amendments.

The Public Hearings were properly advertised in the Altavista Journal on July 18<sup>th</sup> and July 25<sup>th</sup>.

Mr. Witt compiled the ordinances and made the changes as requested at the July PC meeting. Mr. Eller has put each in the appropriate format for eventual codification, if adopted by TC.

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 That Section 86-32 of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained to amend the definition of agriculture and add the definition of restaurant, mobile as follows:

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

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.

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.

**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 Code of Virginia § 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

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.  
Restaurant, mobile per Sec. 86-520
- (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 more than 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.

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.

Restaurant, mobile per Sec. 86-520

(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 more than 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 repeal, amend and re-ordain Section 86-322 (5) of the Code of the Town of Altavista, 1968, by adding restaurant, mobile.

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

1. That Section 86-322 (5) of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

**Sec. 86-322. Permitted uses.**

- (5) *Commercial use types.*  
Bed and breakfast\*  
Brewpub  
Business support service  
Business/trade schools  
Car wash (S)  
Commercial indoor sports and recreation (S)  
Communications service  
Day care center\*  
Funeral service  
Garden center  
Gasoline stations (S)\*  
Hospital (S)  
Microbrewery (S)  
Personal improvement service  
Personal service  
Restaurant, mobile per Sec. 86-520  
Restaurant, small—whether in a new or existing shopping strip center\*  
Restaurant, small—As a stand-alone building (S)\*  
Retail sales—Not exceeding 3,000 gross square feet per use  
Studio, fine arts

All other text in Sec. 86-322 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 86-352 (5) of the Code of the Town of Altavista, 1968, by adding restaurant, mobile.

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

1. That Section 86-352 (5) of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

**Sec. 86-352. Permitted uses.**

- (5) *Commercial use types.*
- Adult use (S)\*
  - Agricultural service
  - Antique shop
  - Assembly hall
  - Automobile dealership, new\*
  - Automobile dealership, used (S)\*
  - Automobile parts/supply, retail
  - Automobile rental/leasing
  - Automobile repair service, major (S)\*
  - Automobile repair service, minor
  - Brewpub
  - Business support service
  - Business/trade schools
  - Car wash
  - Commercial indoor amusement
  - Commercial indoor entertainment
  - Commercial indoor sports and recreation
  - Commercial outdoor entertainment
  - Commercial outdoor sports and recreation
  - Communications service
  - Construction sales and service
  - Consumer repair service
  - Convenience store
  - Dance hall (S)
  - Day care center\*
  - Equipment sales and rental (S)
  - Farmers market (S)
  - Flea market (S)
  - Funeral service
  - Garden center
  - Gasoline station\*
  - Hospital

Hotel/motel/motor lodge  
Kennel, commercial (S)\*  
Laundry  
Manufactured home sales  
Microbrewery  
Mini-storage (S)\*  
Modular home sales  
Pawn shop  
Payday loan establishment  
Personal improvement service  
Personal service  
Recreational vehicle sales and serviced  
Restaurant, small  
Restaurant, fast food or drive-thru\*  
Restaurant, mobile, per Sec. 86-520  
Restaurant, general  
Retail sales\*  
Studio, fine arts  
Transient merchant\*  
Travel center (S)  
Veterinary hospital/clinic

All other text in Sec. 86-352 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 86-427 (5) of the Code of the Town of Altavista, 1968, by adding restaurant, mobile.

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

1. That Section 86-427 (5) of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

**Sec. 86-427. Permitted uses.**

- (5) *Commercial use types.*  
Antique shop  
Assembly hall (S)  
Automobile repair service, minor (S)  
Bed and breakfast (S)\*



Brewpub  
Business support service  
Business/trade schools (S)  
Commercial indoor entertainment (S)  
Commercial indoor sports and recreation (S)  
Communications service (S)  
Consumer repair service  
Convenience store  
Dance hall (S)  
Day care center (S)\*  
Farmers market (S)  
Flea market (S)  
Funeral service (S)  
Hotel/motel/motor lodge (S)  
Microbrewery  
Pawn shop (S)  
Payday loan establishment (S)  
Personal improvement service  
Personal service  
Restaurant, small  
Restaurant, fast food or drive-thru (S)\*  
Restaurant, general  
Restaurant, mobile per Sec. 86-520  
Retail sales  
Studio, fine arts

All other text in Sec. 86-427 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 86-382 (5) of the Code of the Town of Altavista, 1968, by adding restaurant, mobile.

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

1. That Section 86-382 (5) of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

**Sec. 86-382. Permitted uses.**

(5) *Commercial use types.*  
Business support services

Business/trade school  
Communication services  
Construction sales and services  
Equipment sales and rental  
Mini-storage\*  
Restaurant, mobile per Sec. 86-520

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 add a new Section 86-520 to the Code of the Town of Altavista, 1968, relating to restaurant, mobile.

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

1. That a new Section 86-520 be added to the Code of the Town of Altavista, 1968, as follows:

**Sec. 86-520. Restaurant, Mobile.**

(a) Mobile restaurants in the R-1 and R-2 Districts may operate only when sponsored for a specific event by a church or other non-profit organization holding an exemption letter from the Internal Revenue Service and with prior approval by Town Council. The mobile restaurant shall obtain a temporary mobile restaurant permit and provide evidence of such sponsorship including a description of the event and duration thereof. Mobile restaurants shall be subject to all the requirements of Subsections (b) and (c) below as they are applicable.

(b) Requirements for mobile restaurants.

(1) Mobile restaurants must obtain a mobile restaurant permit. The permit shall not be transferable to a new owner of the unit. The permit is valid for 12 months – January to December. The permit fee shall be as stated in the Town of Altavista Master List, Rate Fees and Charges. Initial recommended fee - \$50.00.

(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 always be displayed the restaurant is open for service.

(3) Mobile restaurants shall be required to collect and remit the Town of Altavista Meals Tax as provided in Town Code Sec. 70-41, *et seq.*

(c) General Standards.

- (1) A mobile restaurant may operate on private property but must obtain written permission from the property owner and provide when seeking a zoning 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. 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 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 on public property at any town sanctioned event, including, but not limited to the First Saturday Trade Lot, Uncle Billy's Day, TGIF, Annual Harvest Jubilee & Wine Festival, and AOT's Food Truck Rally.
- (15) The operation of the mobile restaurant or use of a generator may not be loud enough to be plainly audible at one hundred (100) feet from the mobile restaurant. Excessive complaints

about vehicle or generator noise will be grounds for the Zoning 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) 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 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.

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

Mr. Clements made a motion to recommend to TC approval of the amendments to Sections 86-32, 86-132, 86-192, 86-322, 86-352, 86-427, 86-382 and 86-520 regulating mobile restaurants. Mr. George seconded the motion. All members were in favor with none opposing.

Reasons for this recommendation are

1. Recognizes the rise of mobile restaurants in Altavista
2. Creates a fair playing field with brick & mortar restaurants
3. Creates consistency for all mobile restaurants
4. Fair and business friendly

The Public Hearing for the ordinance amendments that would permit horses within the Town limits was open at 5:25 PM.

There was no one to speak for or against this ordinance amendment. The Public Hearing was closed at 5:25 PM

Mr. Witt stated that amendments for allowing horses were introduced in previous meetings and because they involve changes to the Town's Zoning Ordinance, staff has scheduled a Public Hearing to consider these amendments.

Keeping horses fell under agriculture. Agriculture was not permitted in any zoning district so to make it an allowable use the sentence "keeping horses in compliance to Section 86-515.2" was added to the definition.

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" and by adding the definition of "restaurant, mobile".

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 and add the definition of restaurant, mobile 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.

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-1 and 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-1 and 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.

The first step was allowing it. In each of the zoning districts for that will be permitted will be R-1 and R-2 residential districts. It is listed as a residential use type so in Section 86-132 and 86-192 were corrected. And developmental guidelines were listed allowing horses in Section 86-515.2 but at the recommendation of staff. These are the minimum requirements for horses and even with the minimum requirements this will require a SUP by Town Council. So, anyone wanting to do this will have to go through the process and have it go through two Public Hearings, the PC can meet with them and staff would provide a copy of the plat and show what has been fenced in or proposed to be fenced in. It also allows neighbors to speak for or against it.

Mr. Woodson made a motion to recommend to Town Council amendments to Sections 86-32, 86-132, 86-192, and 86-515.2 regulating horses. A second was made by Mr. Clements. All members were in favor with none opposing.

Reasons for this recommendation are

1. The request was originated by a citizen request,
2. The recommendation legitimizes places in town that have horses, and
3. There are tracts of land in town that could support horses.

Mr. Witt gave his staff report.

The meeting was adjourned at 5:36 PM

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John Jordan, Chairman

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Dan Witt, Assistant Town Manager