



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

April 4, 2023

7:00 PM

PRESIDING: Alonzo L. Jones, Mayor

CITY COUNCIL MEMBERS:	James B. Buckner	Dr. Gary P. Miller, Vice Mayor
	L.G. "Larry" Campbell, Jr.	Sherman M. Saunders
	Bryant Hood	J. Lee Vogler, Jr.,
	Barry P. Mayo	Madison J. Whittle

STAFF:	Ken F. Larking, City Manager	W. Clarke Whitfield, Jr., City Attorney
	Earl B. Reynolds, Jr., Deputy City Manager	Susan M. DeMasi, City Clerk

The City Council is the City of Danville's legislative body and is composed of nine Council members. Council members are elected to serve a four year term of office and elects one of its own to serve as Mayor and presiding officer for a two year term.

Time and Place of Meeting

The public is invited and encouraged to attend and participate in the City Council meetings. The City Council meets in the City Hall, Fourth Floor, Council Chambers at 7:00 p.m. on the first and third Tuesday of each month. All meetings of the Council are open to the public.

Communications from Visitors

Communication from Visitors is an opportunity for citizens, who have signed up to speak, to address Council on matters not on the agenda. Citizens who desire to speak on agenda items will be heard when the agenda item is considered. Each speaker shall clearly state his or her name and address, and shall have three uninterrupted minutes. A representative of a group may have up to five uninterrupted minutes to make a presentation. The representative shall identify the group and a group may have no more than one spokesperson. Time will be kept using the electronic timer on the podium.

Guidelines for Public Hearings

For Public Hearings the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and address. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The presiding officer may limit or preclude comment which is repetitive, redundant, cumulative, or irrelevant to the subject of the public hearing. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

MEETING CALLED TO ORDER

ROLL CALL

INVOCATION - SHERMAN M. SAUNDERS

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS AND SPECIAL RECOGNITION

- A. Presentation by the Tunstall High School Beta Club

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine, have previously been discussed by City Council and/or introduced for First Reading. There will be no separate discussion on these items and they will be enacted by one motion. If discussion is desired by a Council Member or a citizen, the item(s) will be removed from the consent process and considered separately.

1. PUBLIC HEARING

- A. Consideration of Approval of Minutes from Regular Council Meeting held on March 7, 2023.
Council Letter Number CL - 432.
- B. Consideration of Amending Danville City Code regarding Elderly and Disabled Real Estate Tax Exemption.
Council Letter Number CL - 368.

An Ordinance Amending Article Iv, Entitled "Real Estate and Mobile Home Tax Exemption and Deferral for Certain Elderly and Disabled Persons," of Chapter 37, Entitled "Taxation," of the Danville City Code to Allow for Revisions to the Real Estate Exemption and Deferral Program.

FINAL ADOPTION

NEW BUSINESS

- A. Consideration of a Special Use Permit Application on Parcel 74895 on Little Creek Road.
Council Letter Number CL - 400.
1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ23-00039, filed by Robbie Terry, Requesting a Special Use Permit to Allow an Accessory Building Without a Primary Building at Parcel ID 74895 (Little Creek Rd) in Accordance with Article 3.C. Section C Item 23.
- B. Consideration of Amending Chapter 41 entitled "Zoning Ordinance" of the City of Danville to add "Heavy Equipment Sales, Rental, and Servicing (with Screened Service and Storage Areas)".
Council Letter Number CL - 401.
1. Public Hearing
 2. An Ordinance Amending Chapter 41 Entitled, "Zoning Ordinance" of the Code of the

City of Danville, Virginia, 1986, as Amended, More Specifically, to Amend Article 3M. Section C, to Add Item 30 "Heavy Equipment Sales, Rental, and Servicing (with Screened Service and Storage Areas)".

- C. Consideration of Special Use Permit Application to Allow Heavy Equipment Sales, Servicing, and Rentals at Parcel 77144 on South Boston Road.
Council Letter Number CL - 402.
1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ23-00035, filed by Krystal Milam, Requesting a Special Use Permit to Allow Heavy Equipment Sales, Rental and Servicing (with Screened Service and Storage Areas) at Parcel ID 77144 (South Boston Road), in Accordance with Article 3.M.C Item 30.
- D. Consideration of Amending Chapter 41 entitled "Zoning Ordinance" of the City of Danville, to Amend Article 3.O Section C Item 8 to Include "Heavy Equipment Rentals."
Council Letter Number CL - 403.
1. Public Hearing
 2. An Ordinance Amending Chapter 41 Entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as Amended, More Specifically, to Amend Article 3.O. Section C Item 8, to Include Heavy Equipment Rental.
- E. Consideration of Amending Chapter 41 entitled "Zoning Ordinance" of the City of Danville to Address Certificate of Occupancy and Fire Safety Plan Requirements.
Council Letter Number CL - 404.
1. Public Hearing
 2. An Ordinance Amending Chapter 41 Entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, As Amended, More Specifically, to Amend Article 2 Section Y, to Add Requirements for Certificate of Occupancy and Fire Safety Plans.
- F. Consideration of Amending Chapter 41 entitled "Zoning Ordinance" of the City of Danville to Update "Short-Term Rental, Entire Furnished Home" to Include "as Principal Use."
Council Letter Number CL - 405.
1. Public Hearing
 2. An Ordinance Amending Chapter 41 Entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, As Amended, More Specifically, to Amend Article 3.A Section C, Article 3.B Section C, Article 3.C Section C, Article 3.D Section C, Article 3.E Section C, Article 3.F Section C, Article 3.G Section C, Article 3.I Section B, Article 3.J Section B, Article 3.K Section B, Article 3.L Section B to Amend "Short-Term Rental, Entire Furnished Home" to Remove "Entire Furnished Home" and to Include "As Principal Use".
- G. Consideration of Amending Chapter 41 entitled "Zoning Ordinance" of the City of Danville to Amend Article 3.G Section F Item 2 to Include "Institutional Uses".
Council Letter Number CL - 406.
1. Public Hearing
 2. An Ordinance Amending Chapter 41 Entitled, "Zoning Ordinance" of the Code of the City

of Danville, Virginia, 1986, As Amended, More Specifically, to Amend Article 3.G. Section F Item 2, to Include Institutional Uses.

- H. Consideration of Amending Chapter 41 entitled "Zoning Ordinance" of the City of Danville to Amend Article 15 Section B to Amend the Definition of "Principal Building".

Council Letter Number CL - 407.

1. Public Hearing
2. An Ordinance Amending Chapter 41 Entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, As Amended, More Specifically, to Amend Article 15. Section B, to Amend the Definition of Principal Building.

- I. Consideration of the Release of Unused Gas Easements on South Boston Road and Kentuck Road.

Council Letter Number CL - 357.

1. Public Hearing
2. A Resolution Authorizing the Abandonment of an Unused City Utility Easement Across City Parcels #76416, #76417 and #78091 in Order to Facilitate Development Upon the Same Property.

- J. Consideration of Repealing and Reordaining Chapter 16 and Section 23-3 of the City Code to allow for Casino Gambling in the C-E Casino Entertainment District and to Allow for the Sale of Beer and Wine in a Licensed Casino Gaming Establishment.

Council Letter Number CL - 435.

An Ordinance Repealing and Reordaining in its Entirety Chapter 16, Entitled Gambling, of the Code of the City of Danville, Virginia, 1986, As Amended and Repealing and Reordaining Section 23-3 Entitled "Sale of Beer and Wine Between Midnight Saturday and 6:00 A.M. Sunday" of Chapter 23, Entitled Offenses Miscellaneous, of the Code of the City of Danville, Virginia 1986 As Amended.

COMMUNICATIONS FROM VISITORS

Communication from Visitors is an opportunity for citizens to address Council on matters not on the agenda. Citizens who desire to speak on matters not listed on the agenda or on matters which do not have a public hearing, will be heard at this time. Citizens who desire to speak on agenda items that have a public hearing will be heard when the agenda item is considered and the public hearing is opened.

COMMUNICATIONS FROM:

- A. City Manager
- B. Deputy City Manager
- C. City Attorney
- D. City Clerk
- E. Roll Call

ADJOURNMENT

Council Letter

City of Danville, Virginia



CL - 432

CONSENT AGENDA A.

City Council REGULAR MEETING

Meeting Date: April 4, 2023

Subject: Consideration of Approval of Minutes from Regular Council Meeting held on March 7, 2023.

From: Susan DeMasi, City Clerk

COUNCIL ACTION

Attachments

1. Meeting Minutes
-

March 7, 2023

The Regular March meeting of the Danville City Council was held on March 7, 2023, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Bryant Hood, Mayor Alonzo L. Jones, Vice Mayor Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (8). Barry Mayo was absent. (1)

Staff Members present were: City Manager Ken F. Larking, Deputy City Manager Earl B. Reynolds, Jr., City Attorney W. Clarke Whitfield, Jr., and City Clerk Susan M. DeMasi.

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member L.G. "Larry" Campbell Jr. gave the Invocation, followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Proclamation: National Public Defenders Day
Presented to: Joseph Schenk, Danville Public Defender

Mr. Schenk thanked Council and stated they were honored to do the work they do for the citizens of Danville. Mayor Jones thanked the public defenders for their work and asked Mr. Schenk to introduce the staff in attendance tonight. Mr. Schenk introduced Mitigation Specialist Melissa Tuck, Office Manager Michelle Thompson, and Attorneys Eric Sap and Ann Charles Morrow. Vice Mayor Miller stated his nephew was a public defender in Columbia, SC, and that as a lawyer he could get a much more lucrative paying job, but he loves his work. It was tough, but they were there to help the public.

CONSENT AGENDA

Mayor Jones opened the floor for a Public Hearing regarding budget items on the Consent Agenda. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 28, 2023. No one present desired to be heard and the Public Hearing was closed.

Council Member Vogler **moved** for adoption of the following Consent Agenda items:

Minutes from the Regular Council Meeting held on February 7, 2023. Draft copies of the minutes had been distributed prior to the meeting.

Amending the Fiscal Year 2023 Budget Appropriation Ordinance for the 2021 Assistance to Firefighters Grant

An Ordinance entitled, Ordinance No. 2023-02.05, Amending the Fiscal Year 2023 Budget Appropriation Ordinance to Provide for a Grant from the Department of Homeland Security in an Amount of \$97,447 and a Local Share in the Amount of \$9,745 for a Total Appropriation in the Amount of \$107,192 and Appropriating Same.

Amending the Fiscal Year 2023 Budget Appropriation Ordinance for the Fiscal Year 2023 Comprehensive Services Act Appropriation.

March 7, 2023

An Ordinance entitled, Ordinance No. 2023-02.06, Amending the Fiscal Year 2023 Budget Appropriation Ordinance by Appropriating Comprehensive Services Act Funds and Providing Local Matching Funds for a Total Amount of \$4,780,388 and Appropriating Same.

The Motion was **seconded** by Council Member Campbell and carried by the following vote:

VOTE: 8-0-1
AYE: Buckner, Campbell, Hood, Jones,
Miller, Saunders, Vogler, and Whittle (8)
NAY: None
ABSENT: Mayo (1)

Council Member Whittle inquired about the rule changes that went into effect at the last Council meeting regarding communications from visitors. The lady who lived on Bishop Avenue and the gentleman in the wheelchair would not have had time to come in by Friday before the meeting to register to speak. Council Member Saunders asked if this item should be pulled from the consent agenda for later discussion. Mayor Jones stated the item in question was not on the consent agenda, it was voted on and approved at the last meeting. City Attorney Clarke Whitfield confirmed it was a resolution voted on at the last meeting.

NEW BUSINESS

CONSIDERATION OF A SPECIAL USE PERMIT AT 501, 505, & 539 CRAGHEAD STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 501, 505 and 539 Craghead Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on February 21, 2023 and February 28, 2023. No one present desired to be heard and the Public Hearing was closed.

Council Member Buckner **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2023-02.01

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00003, FILED BY GARRETT SHIFFLETT, REQUESTING A SPECIAL USE PERMIT TO ALLOW MULTIFAMILY RESIDENTIAL DWELLINGS IN EXCESS OF THE MAXIMUM DENSITY AT 501, 505, & 539 CRAGHEAD STREET (PARCEL #21355) IN ACCORDANCE WITH ARTICLE 3.L.C ITEM 13.

The Motion was **seconded** by Council Member Vogler.

Council Member Buckner commended Mr. Shifflett and his partners for the work that was happening. The City had a housing study done, and housing was greatly needed; he applauded them for the work they were doing and the investment they were putting into the community. Council Member Vogler stated that he was excited about the project but wanted to know about parking, has that been factored in. City Manager Ken Larking stated that through the IDA, the City has purchased some property that could later be used as a parking facility. In the draft budget, which has not been presented yet, there was funding for design work to do a parking structure that would serve not only this project but other projects in that vicinity. Mr. Vogler asked if the plan was for wide open public parking, rented spaces, or was there another plan, and Mr. Larking stated typically if it was required for development, then the City would prefer to see some kind of lease arrangement where the City would lease a certain number of spaces for the developer; those

March 7, 2023

details have not been worked out. There would usually be more spaces available for general public parking as well. Council Member Whittle noted this was a fantastic project, and asked if the parking deck in one of the buildings could be used for parking; Mr. Larking stated that was up to the developer on how they wanted to utilize the buildings. Mr. Whittle stated that was up to Council if there was a parking issue. Mayor Jones stated Council could have a discussion with the developer at another time. Vice Mayor Miller stated he was 100% for the project but was also concerned about parking which was an issue Council should be proactive about.

The **Motion** was carried the following vote:

VOTE: 8-0-1
AYE: Buckner, Campbell, Hood, Jones, Miller,
Saunders, Vogler, and Whittle (8)
NAY: None
ABSENT: Mayo (1)

A RESOLUTION APPROVING AND AUTHORIZING THE COMPREHENSIVE AGREEMENT BETWEEN THE SCHOOL BOARD OF THE CITY OF DANVILLE AND BRANCH BUILDS, INC.

Council Member Vogler **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2023-03.01

A RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE VIRGINIA APPROVING AND AUTHORIZING THE COMPREHENSIVE AGREEMENT BETWEEN THE SCHOOL BOARD OF THE CITY OF DANVILLE AND BRANCH BUILDS, INC. TO PERFORM FINAL DESIGN AND CONSTRUCTION OF A NEW G.L.H. JOHNSON ELEMENTARY SCHOOL, IN ACCORDANCE WITH VIRGINIA CODE § 56-575.16(5).

The Motion was **seconded** by Council Member Miller and carried the following vote:

VOTE: 8-0-1
AYE: Buckner, Campbell, Hood, Jones, Miller,
Saunders, Vogler, and Whittle (8)
NAY: None
ABSENT: Mayo (1)

BUDGET AMENDMENT-CONSIDERATION OF AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE FOR APPROPRIATION OF OPIOID SETTLEMENT FUNDS

Upon **Motion** by Council Member Buckner and **second** by Council Member Vogler, an Ordinance entitled:

ORDINANCE NO. 2023-03.02

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES FROM THE NATIONAL OPIOIDS SETTLEMENT TRUST AND OPIOID ABATEMENT AUTHORITY IN THE AMOUNT OF \$1,087,500 AND APPROPRIATING THE SAME.

was presented by its **First Reading**, as required by City Charter, to lie over before final adoption.

March 7, 2023

Council Member Whittle stated that this was a bad deal; it was \$1,037,000 for lives that have been put to rest in the City of Danville from big pharma. As far as he was concerned, it was \$1M from 2022 to 2039, and stated he thought that the City fights, if they have to put it on a referendum that they use casino money, and they fight. Council Member Vogler asked the City Attorney how much was spent from the City to pursue this action, and Mr. Whitfield stated the only cost was staff time; no additional money was put into pursuing this action. Mr. Vogler noted he agreed that no price could be placed on the lives that have been lost but he yielded to the judgment of the attorneys of how likely the City could end up getting more than this, and how long it can be dragged out. There was never going to be an amount that satisfied everyone; this was a step in the right direction, and thanked Dr. Miller for pushing Council in this direction. Council Member Saunders asked if this was the same issue that the father and son attorneys were working on and if so who was paying them, and Mr. Whitfield stated that it was, and the settlement would be paying their fees.

BUDGET AMENDMENT- CONSIDERATION OF STATE AVIATION CAPITAL GRANT FUNDING

Upon **Motion** by Council Member Buckner and **second** by Council Member Whittle, an Ordinance entitled:

ORDINANCE NO. 2023-02.05

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR ADDITIONAL STATE AVIATION FUNDING IN THE AMOUNT OF \$260,409 WITH A LOCAL SHARE IN THE AMOUNT OF \$129,774 FOR A TOTAL AMOUNT OF \$390,183 AND APPROPRIATING SAME.

was presented by its **First Reading**, as required by City Charter, to lie over before final adoption.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Gary Uitto, 110 Ginger Drive, who thanked Council for listening to his idea for funding an immediate pay increase for firefighters. Mr. Uitto asked that Council suspend and delay the water park project at Martin Luther King Bridge and Memorial Drive to show the firefighters they are more important than this project.

COMMUNICATIONS

There were no communications from the City Manager, Deputy City Manager, City Attorney, or City Clerk.

Vice Mayor Miller stated that the opioid settlement was a multi-attorney, multistate lawsuit; a price cannot be put on life.

Council Member Saunders asked about the policy regarding communications from visitors. When the Consent Agenda was passed, the Minutes from the last meeting were included in that Consent Agenda. Council Member Whittle's point was to discuss that, and if that was the case then pull the minutes from the Consent Agenda. Mr. Whitfield explained that the minutes only reflect actions that have been taken by Council. That action was taken at the last meeting and not by passing the minutes, therefore, it would not need to be pulled. If Council would like to discuss the matter further, they have every right to do so. Mr. Saunders asked if there was more money to come from the opioid lawsuit, and Mr. Whitfield stated there were more suits to come; litigation could take years,

March 7, 2023

but may not take that long. Mr. Saunders thanked all of Council, City staff, and citizens; Danville was growing in a very positive way, and he was proud to be witnessing this progress.

Council Member Vogler recognized the firefighters in attendance and thanked them for being there, and thanked the other City employees. Danville Parks and Rec was offering T-ball, softball, and baseball signups now through March 17; citizens can call 434-799-5214 to get signed up. Mr. Vogler noted the traffic lights with the yellow backing have received positive feedback, and asked the City Manager if the City was pursuing funding to get more of those in the City. Mr. Larking stated he would contact Public Works and look into that. Mr. Vogler noted it was an exciting time for the region with economic development, and thought that manufacturing was coming back to this country in a big way. There was no better place for that than Danville and Pittsylvania County, with shovel ready sites plus a workforce pipeline. This was going to be a great time for Danville.

Council Member Whittle stated his understanding with the opioid settlement was, that was the only amount that the City would receive. Mr. Whitfield stated there were more lawsuits to come from other companies, and he anticipated the City receiving more money in the future from other settlements. Mr. Whittle noted the ribbon cutting at Plan Danville was an excellent event.

Council Member Buckner stated it was a wonderful opportunity for citizens and Council at the Plan Danville event; he strongly encouraged everyone to go and be a part of it. Plan Danville was a 20-year comprehensive plan conceived to bring changes to the City of Danville and a new quality of life to its residents. It was located at 206 N Union Street. Mr. Buckner encouraged everyone to stop by and see them, and they don't have to be a resident of Danville. There are amazing things on the horizon for Danville.

Council Member Hood congratulated the students at Park Avenue where he judged the science projects. It was phenomenal to see the students work in teams, break down the hypothesis, the projects, and come to their conclusions. The Danville Public Schools science department will be hosting a Science Symposium at Coates Recreation Center on March 24 at 10:00am.

Mayor Jones thanked the public defenders for the hard work they do every day and thanked them for being at the Council meeting. Mr. Lucas at Danville Public Schools has issued a challenge for the City to read one million books in 2023, and several Council Members and City staff have been reading in the schools. Willie Parker told the students to read as many books as they can, it was vital. Mayor Jones encouraged citizens to be involved in Plan Danville. People often ask what they can do, and this gives people an opportunity to express their voices. Thanks to everyone in chambers and viewing on River City TV tonight.

Meeting adjourned at 8:42pm.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL - 368

CONSENT AGENDA B.

City Council REGULAR MEETING

Meeting Date: April 4, 2023

Subject: City Code Change - Elderly and Disabled Real Estat

From: Michael Adkins, Chief Financial Officer

COUNCIL ACTION

An Ordinance Amending Article Iv, Entitled "Real Estate and Mobile Home Tax Exemption and Deferral for Certain Elderly and Disabled Persons," of Chapter 37, Entitled "Taxation," of the Danville City Code to Allow for Revisions to the Real Estate Exemption and Deferral Program.

FINAL ADOPTION

SUMMARY

This ordinance will change Danville City Code Sections 37-62 and 37-66 with regard to the City's Elderly and Disabled Real Estate Tax Exemption Program. The maximum allowed income will be increased from \$30,000 to \$35,000, allowing increased participation in the exemption program. In addition, the option for qualified applicants to defer real estate tax will be replaced with an exemption of tax.

BACKGROUND

Danville City Code Sections 37-62 and 37-66 provide for the exemption or deferral of real estate taxes for qualifying elderly or disabled citizens. Currently, those who are at least 65 years old and have household income of \$30,000 or less qualify for this program. An exemption of 100% of real estate taxes is granted to those with income of \$15,000 or less and 50% exemption to those with income between \$15,001 and \$30,000. The original income limit for this program was \$20,000 and had not been adjusted since its inception several decades ago. Beginning with fiscal year 2023, the income limit was increased to \$30,000 with the intention of considering additional increases in future fiscal years, depending upon the budgetary impact of the initial increase. The income increase from \$20,000 to \$30,000 resulted in the addition of 32 qualifying taxpayers, at a cost of less than \$17,000. Staff now suggests increasing the income limit from \$30,000 to \$35,000 and observing the budgetary impact over the next two to three years.

RECOMMENDATION

Staff recommends adoption of the attached ordinance to incorporate the suggested changes to the City's tax exemption program for the elderly and/or the permanently and totally disabled.

Attachments

1. Ordinance
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023-____.____

AN ORDINANCE AMENDING ARTICLE IV, ENTITLED "REAL ESTATE AND MOBILE HOME TAX EXEMPTION AND DEFERRAL FOR CERTAIN ELDERLY AND DISABLED PERSONS," OF CHAPTER 37, ENTITLED "TAXATION," OF THE DANVILLE CITY CODE TO ALLOW FOR REVISIONS TO THE REAL ESTATE EXEMPTION AND DEFERRAL PROGRAM.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that Article IV, entitled "Real Estate and Mobile Home Tax Exemption and Deferral for Certain Elderly and Disabled Persons," of Chapter 37, entitled "Taxation," of the Code of the City of Danville, Virginia 1986 as amended, be, and the same is hereby, amended and reordained to read as follows:

Chapter 37. TAXATION

Article IV. Real Estate and Mobile Home Tax Exemption and Deferral for Certain Elderly and Disabled Persons

Sec. 37-62. General restrictions, conditions and qualifications.

- (a) The exemption and deferral provided by this article shall be subject to the following restrictions, conditions and qualifications:
- (1) That the title to the property for which such exemption and/or deferral is claimed must, on the thirtieth day of June immediately preceding the tax year for which the exemption and/or deferral is claimed, be owned or partially owned by the person or persons claiming the exemption and/or deferral.
 - (2) That the property for which the exemption and/or deferral is claimed must be occupied as the sole dwelling of the person or persons claiming the exemption and/or deferral.
 - (3) That the person or persons, claiming the exemption and/or deferral must, on the thirtieth day of June immediately preceding the tax year for which the exemption and/or deferral is claimed, be sixty-five (65) years of age or older, or be permanently and totally disabled.
 - (4) That the total income during the calendar year immediately preceding the tax year for which the exemption and/or deferral is claimed, from all sources of the owners of the dwelling living therein and of the owners' relative living in the dwelling for which tax relief as set forth under this article is claimed does not exceed thirty-five

thousand dollars (\$305,000.00); provided that the first four thousand dollars (\$4,000.00) of income of such relative, other than a spouse, who is living in the dwelling shall not be included in such total income. An owner who is permanently and totally disabled shall deduct an additional seven thousand five hundred dollars (\$7,500.00) from their total income for a total of ~~thirty~~ ~~forty-two~~ ~~seven~~ thousand five hundred dollars (\$4237,500.00).

- (5) That the combined financial worth, including equitable interests of all owners of the dwelling for which the exemption is claimed, and of the spouse of each such owner, does not exceed fifty thousand dollars (\$50,000.00) as of the thirty-first day of December next preceding the tax year for which the exemption and/or deferral is claimed excluding:
 - a. The value of the dwelling and the land, not exceeding one (1) acre, upon which it is situated.
 - b. The value of furnishings, including furniture, household appliances and other items typically used in a home.
- (6) That a dwelling jointly owned by a husband and wife may qualify if either spouse is over sixty-five (65) years of age or is permanently and totally disabled.
- (b) The fact that persons who are otherwise qualified for the exemption and/or deferral provided for in this article are residing in hospitals, nursing homes, convalescent homes or other facilities for physical or mental care for extended periods of time shall not be construed to mean that the property for which the tax exemption and/or deferral is claimed does not continue to be the sole dwelling of such persons during such extended periods of other residence, so long as such property is not used by or leased to others for consideration.

Sec. 37-66. Amount of exemption and/or deferral.

- (a) The tax exemption and/or deferral determined by the total income of those applicants who meet the combined financial worth standard of fifty thousand dollars (\$50,000.00) or less shall be determined as shown on the following schedule:

	Combined Financial Worth
Total Income	50,000 or less
0— 15 17,0500	100% exemption
15 17,0501— 35 0,000	50% exemption

The maximum annual exemption and/or deferral on any one (1) property shall be seven hundred dollars (\$700.00).

- (b) Such exemption and/or deferral shall be determined and credited only to the tax liability of the person or persons claiming and otherwise qualified for the exemption and/or deferral and for only the property and tax year for which the exemption and/or deferral is claimed and any deferral shall continue to constitute a lien on the dwelling.

AND BE IT FURTHER ORDAINED, that all other provisions and Sections of said Article,

Chapter and Code be, and the same are hereby, continued in full force and effect unless and until the same are hereafter amended or repealed.

APPROVED:

Mayor

ATTEST:

Clerk

Approved as to Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL - 400

NEW BUSINESS A.

City Council REGULAR MEETING

Meeting Date: April 4, 2023

Subject: Consideration of a Special Use Permit Application on Parcel 74895 on Little Creek Road.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PZ23-00039, filed by Robbie Terry, Requesting a Special Use Permit to Allow an Accessory Building Without a Primary Building at Parcel ID 74895 (Little Creek Rd) in Accordance with Article 3.C. Section C Item 23.

SUMMARY

Special Use Permit Application PZ23-00039 filed by Robbie Terry requests a special use permit to allow an accessory building without a primary building on Parcel 74895 on Little Creek Road according to Article 3.C. Section C. Item 23 of the Danville Zoning Ordinance.

BACKGROUND

The applicant and owner of Parcel ID 74895, owns the adjacent parcel at 325 Little Creek Road where they reside. A metal storage building was placed on the vacant parcel without a permit or zoning clearance. A violation letter was sent to the applicant on January 27, 2023 stating that the structure was in violation of Article 2 Section P Item 1:

Accessory uses are permitted in any zoning district, but only in connection with, incidental to, and on the same lot with, a principal structure which is in use and permitted in such district.

The applicant requested a Special Use Permit in accordance with Article 3.C. Section C Item 23 for the building to remain in its current location on the otherwise vacant lot. A building permit and zoning clearance will be necessary once a Special Use Permit is obtained.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit in accordance with Article 3.C. Section C Item 23 to allow an accessory building without a principal building on Parcel ID 74895 with the condition that the building may not be used for commercial purposes.

Attachments

1. Ordinance
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00039, FILED BY ROBBIE TERRY, REQUESTING A SPECIAL USE PERMIT TO ALLOW AN ACCESSORY BUILDING WITHOUT A PRIMARY BUILDING AT PARCEL ID 74895 (LITTLE CREEK RD) IN ACCORDANCE WITH ARTICLE 3.C., SECTION C ITEM 23.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ23-00039, filed by Robbie Terry requesting a Special Use Permit to an accessory building without a primary building at Parcel ID 74895 (Little Creek Rd) in accordance with Article 3.C, Section C, Item 23, with the condition that the building may not be used for commercial purposes, be, and the same is hereby, received; and

BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ23-00039, filed by Robbie Terry requesting a Special Use Permit to an accessory building without a primary building at Parcel ID 74895 (Little Creek Rd) in accordance with Article 3.C, Section C, Item 23, is hereby approved with the condition that the building may not be used for commercial purposes.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:

CITY ATTORNEY



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

MEMORANDUM

DATE: MARCH 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00039

REQUEST

Special Use Permit Application PZ23-00039 filed by Robbie Terry requesting special use permit to allow accessory building without a primary building on the parcel at Parcel 74895 on Little Creek Road according to Article 3.C. Section C. Item 23 of the Danville Zoning Ordinance.

RECOMMENDATION

At their March 13, 2023 meeting, Planning Commission voted 6-0 to recommend approval of Special Use Permit Application PZ23-00039 with the condition that the storage building may not be used for commercial purposes.

RESPONSES

Fifteen (15) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Four (4) responses were received. All unopposed.

COMMENTS

No comments provided.

Mr. Steve Petrick, Chair



City Planning Commission

STAFF REPORT

DATE: March 13, 2023
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: SPECIAL USE PERMIT APPLICATION – PARCEL 74895

Special Use Permit Application PZ23-00039 filed by Robbie Terry requesting special use permit to allow accessory building without a principal building being located on the parcel at Parcel 74895 according to Article 3.C. Section C Item 23 of the Danville Zoning Ordinance.

BACKGROUND

The subject property is owned by the same owner as the adjacent property at which the applicant resides. A metal storage building was placed on the subject property without a permit. The applicant received a zoning violation letter on January 27, 2023 for violation of Article 2 Section P Item 1:

Accessory uses are permitted in any zoning district, but only in connection with, incidental to, and on the same lot with, a principal structure which is in use and permitted in such district. Walls and fences are regulated separately in the following section.

The special use permit will allow the applicant to keep the metal storage building on the lot.

STAFF ANALYSIS AND RECOMMENDATION

The subject storage building was constructed without a zoning clearance nor building permit. The structure is used for private storage. A zoning clearance and building permit are necessary for the building to remain in its current location.

The Planning Division recommends that the Planning Commission approve Special Use Permit Application PZ23-00039 for City Council approval with the condition that the storage building may not be used for commercial purposes.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

- Recommend continuation to a future meeting.
- Recommend approval as submitted.
- Recommend approval with conditions determined by staff.
- Recommend approval with conditions determined by the Planning Commission.
- Recommend denial.

ATTACHMENTS

- ✓ Application
- ✓ Zoning Map
- ✓ Property Ownership Map
- ✓ Future Land Use Map



CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

Article 6. Section D. Application Requirements for Special Use Permit.

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee of \$360.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
3. The application shall include the following information:
 - a. A preliminary site plan in accordance with the Site Plan Regulations.
 - b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - c. A written statement of proposed project compatibility with the following:
 - (1.) The Comprehensive Plan.
 - (2.) The applicable zoning district.
 - (3.) The surrounding properties.
 - (4.) Current and future neighborhood conditions.
 - (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - (6.) Adequate public facilities.
 - d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
 - (1.) The architectural elevations and floor plans of proposed building(s).
 - (2.) Traffic impact analysis.
 - (3.) Fiscal impact analysis.
 - (4.) Parking and site circulation analysis.
 - (5.) Photographs of property and surrounding area.
 - (6.) Environmental impact statement.

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ23-00039 PC Meeting Date: 3/13/23
Date Received: 2/10/23 Received By: Jones
Parcel ID: 74914 Address: 325 Little Creek Rd
Existing Zoning S-R Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 325 Little Creek Rd, Danville VA 24540

Applicant: Robbie Terry

Applicant's Address: 325 Little Creek Rd

Applicant's Phone Number: (434) 713-8316

Applicant's E-mail: robbieterry01@gmail.com

Describe Proposed Request: I move in with my mom
needed some where to store my stuff.
There was a building there before
this one. I didn't know if I was breaking
any laws. I do keep the land very
neat. Thank You.


Applicant Signature 2-10-23
date


Property Owner Signature 2-10-23
(if not applicant) date

SPECIAL USE PERMIT DATA SHEET PZ23-00039

PUBLIC HEARING DATE: MARCH 13, 2023
PLANNING COMMISSION AT 3:00 PM

LOCATION OF PROPERTY: LITTLE CREEK ROAD (PARCEL ID 74895)

PRESENT ZONE: S-R SUBURBAN RESIDENTIAL

PROPOSED ZONE: NO CHANGE

ACTION REQUESTED: SPECIAL USE PERMIT FOR ACCESSORY BUILDING WITHOUT
PRIMARY BUILDING

PRESENT USE OF PROPERTY: STORAGE BUILDING ON PROPERTY

PROPOSED USE OF PROPERTY: NO CHANGE

FUTURE LAND USE DESIGNATION: LOW DENSITY RESIDENTIAL

PROPERTY OWNER (S): IM REAL ESTATE HOLDINGS LLC

NAME OF APPLICANT (S): LOIS TERRY

PROPERTY BORDERED BY: RESIDENTIAL

ACREAGE: 0.6045 ACRES TOTAL

CHARACTER OF VICINITY: RESIDENTIAL

INGRESS AND EGRESS: LITTLE CREEK ROAD

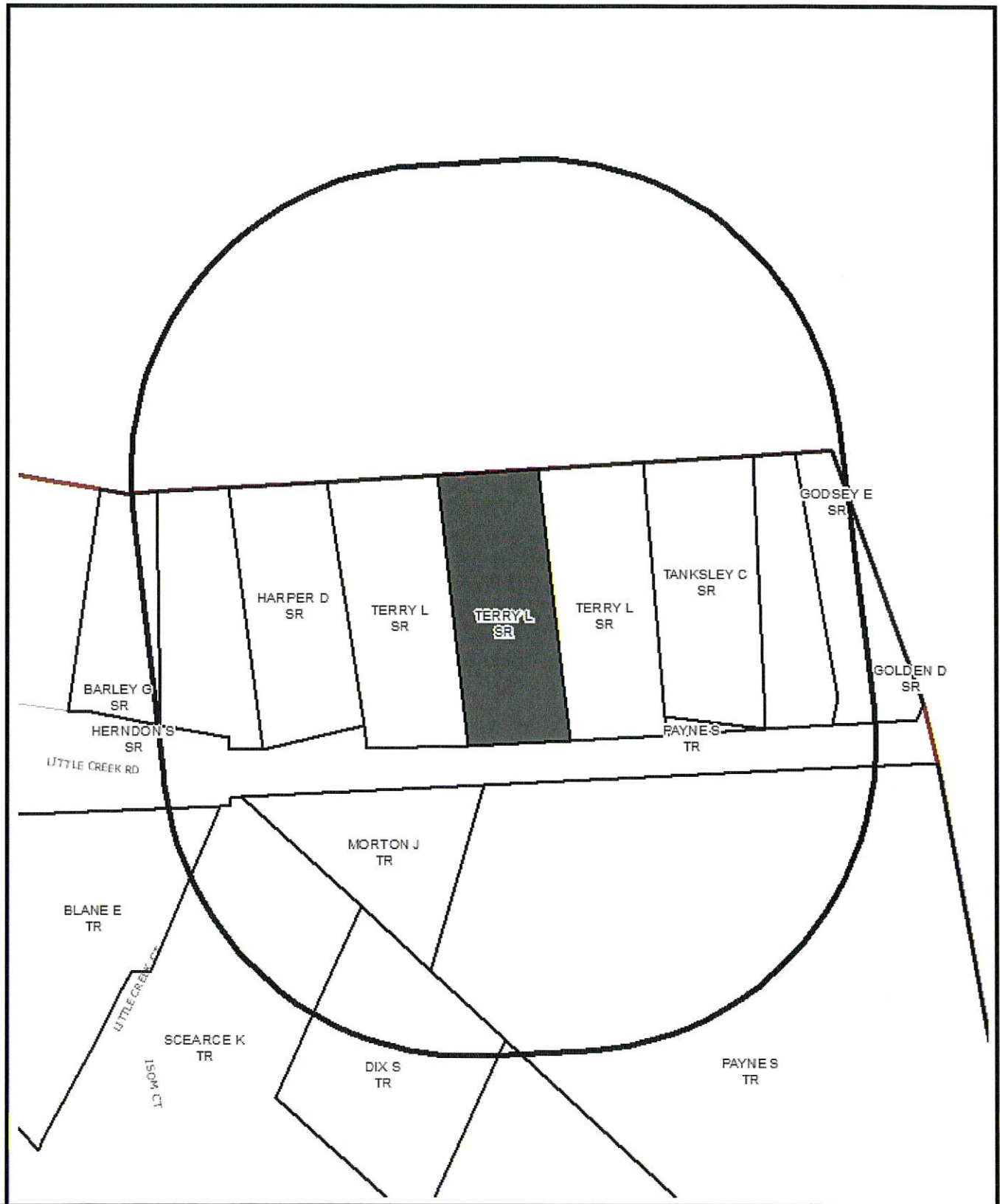
TRAFFIC VOLUME: LOW



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
2/15/2023

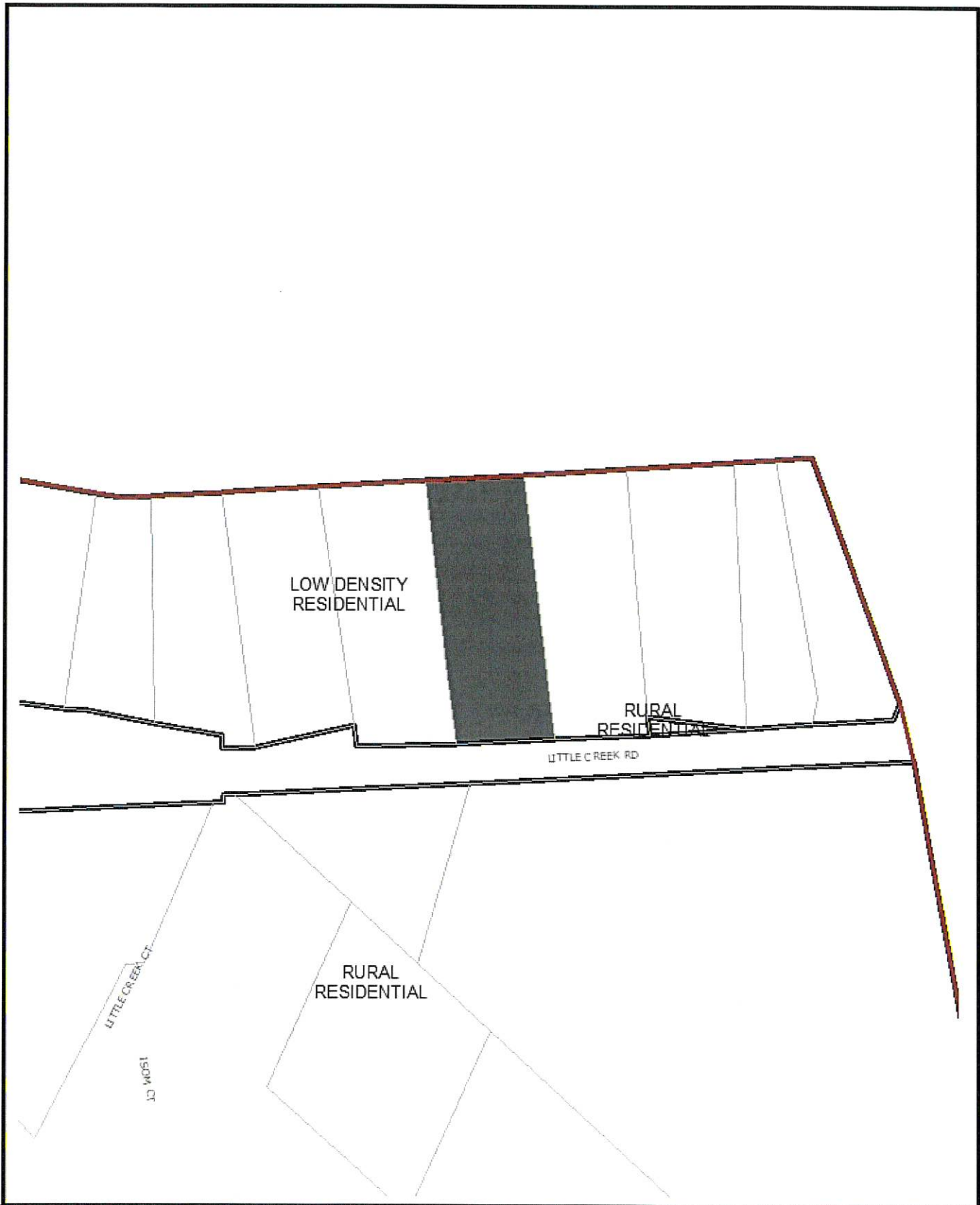
Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
2/15/2023

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
2/15/2023

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

MEMORANDUM

DATE: MARCH 13, 2023

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS

REQUEST: *Special Use Permit Application PZ23-00039 filed by Robbie Terry requesting special use permit to allow accessory building without a primary building on the parcel at Parcel 74895 on Little Creek Road according to Article 3.C. Section C. Item 23 of the Danville Zoning Ordinance.*

RESPONSES:

Fifteen (15) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Four (4) responses were received, four (4) were unopposed.

COMMENTS:

Council Letter

City of Danville, Virginia



CL - 401

NEW BUSINESS B.

City Council REGULAR MEETING

Meeting Date: April 4, 2023

Subject: Consideration of Amending Chapter 41 entitled "Zoning Ordinance" of the City of Danville to add "Heavy equipment sales, rental, and servicing (with screened service and storage areas)".

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Amending Chapter 41 Entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as Amended, More Specifically, to Amend Article 3M. Section C, to Add Item 30 "Heavy Equipment Sales, Rental, and Servicing (with Screened Service and Storage Areas)".

SUMMARY

Code Amendment Request PZ23-00034 is to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended, specifically to amend Article 3.M Section C Item 30, to add "Heavy equipment sales, rental, and servicing (with screened service and storage areas)".

BACKGROUND

The applicant has requested a Code Amendment to allow heavy equipment sales, rental and servicing (with screened service and storage areas) in the HR-C, Highway Retail Commercial District with a Special Use Permit. Permitting heavy equipment sales, rental and servicing (with screened service and storage areas) by Special Use Permit allows each application to be reviewed on a case-by-case basis to determine its appropriateness by location.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance amending Article 3M Section C, to add Item 30 " Heavy equipment sales, rental, and servicing (with screened service and storage areas).

Attachments

1. Ordinance
 2. Planning Backup
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023 ____.

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED, "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 3M. SECTION C, TO ADD ITEM 30 "HEAVY EQUIPMENT SALES, RENTAL, AND SERVICING (WITH SCREENED SERVICE AND STORAGE AREAS)".

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the report of the City Planning Commission recommending approval of an amendment to Chapter 41 entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, specifically, to amend Article 3M, Section C, Item 30 to add Heavy equipment sales, rental, and servicing (with screened service and storage areas), be, and the same is hereby, received; and

BE IT FURTHER ORDAINED, by the Council in consideration of said report and the public hearing this day held by Council, specifically, to amend Article 3M, Section C, Item 30 to add Heavy equipment sales, rental, and servicing (with screened service and storage areas), of Chapter 41 entitled, entitled "Zoning Ordinance", of the Code of the City of Danville, Virginia, 1986, as amended, be and the same is hereby, amended and reordained to read as follows:

CHAPTER 41: ZONING ORDINANCE

ARTICLE 3.M: - HR-C, Highway Retail Commercial

C. - Uses Permitted by Special Use Permit.

30. Heavy equipment sales, rental, and servicing (with screened service and storage areas)

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

MEMORANDUM

DATE: MARCH 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: CODE AMENDMENT APPLICATION PZ23-00034

REQUEST

Code Amendment Request PZ23-00034 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically amend Article 3.M Section C Item 30, to add "Heavy equipment sales, rental, and servicing (with screened service and storage areas)".

RECOMMENDATION

At their March 13, 2023 meeting, Planning Commission voted 6-0 to recommend approval of Code Amendment PZ23-00034.

 RB

Mr. Steve Petrick, Chair



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

STAFF REPORT

DATE: March 13, 2023
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: CODE AMENDMENT APPLICATION – ARTICLE 3.M SECTION C

Code Amendment Request PZ23-00034 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically amend Article 3.M Section C Item 30, to add "Heavy equipment sales, rental, and servicing (with screened service and storage areas)".

BACKGROUND

Staff received a request to create a new location for Milam Rentals. Heavy equipment rentals are currently not allowed by right or by special use permit in the Highway Retail Commercial district. Therefore, the applicant has proposed a code amendment.

STAFF ANALYSIS AND RECOMMENDATION

Permitting heavy equipment sales, servicing, and rentals by special use permit will allow the Commission to review each application on a case-by-case basis, allowing for approvals when it deems them appropriate.

Staff recommends the following amendment to Article 3.M Section C of Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Language proposed to be added is in italics.

ARTICLE 3.M: - HR-C, Highway Retail Commercial

C. - Uses Permitted by Special Use Permit.

30. Heavy equipment sale, rental, and servicing (with screened service and storage areas)

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

- Recommend continuation to a future meeting.
- Recommend approval as submitted.
- Recommend approval with conditions determined by the Planning Commission.
- Recommend denial.

ATTACHMENTS

- ✓ Application
- ✓ Zoning Map
- ✓ Property Ownership Map
- ✓ Future Land Use Map

Council Letter

City of Danville, Virginia



CL - 402

NEW BUSINESS C.

City Council REGULAR MEETING

Meeting Date: April 4, 2023

Subject: Consideration of Special Use Permit Application to allow heavy equipment sales, servicing, and rentals at Parcel 77144 on South Boston Road.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PZ23-00035, filed by Krystal Milam, Requesting a Special Use Permit to Allow Heavy Equipment Sales, Rental and Servicing (with Screened Service and Storage Areas) at Parcel ID 77144 (South Boston Road), in Accordance with Article 3.M.C Item 30.

SUMMARY

Special Use Permit Application PZ23-00035 was filed by Krystal Milam for Milam Rentals, LLC requesting a special use permit to allow heavy equipment sales, rental, and servicing at Parcel 77144 on South Boston Road in accordance with Article 3.M. Section C Item 30 of the Danville Zoning Ordinance.

BACKGROUND

The subject property, Parcel ID #77144 South Boston Road, is 2.55 acres of undeveloped land zoned HR-C, Highway Retail Commercial. The applicant proposes to relocate Milam Rentals to this location. The proposed development is in character with the 2030 Comprehensive Land Use Plan which identifies the area as Regional Commercial.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit in accordance with Article 3.M. Section C Item 30 to allow a heavy equipment sale, rental and service establishment (with screened service and storage areas) with the condition that the rear yard be fenced and screened and that Crystal Lane shall not be used as ingress/egress to the property at Parcel ID #77144 South Boston Road.

Attachments

1. Ordinance
 2. Planning Back Up
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00035, FILED BY KRYSTAL MILAM, REQUESTING A SPECIAL USE PERMIT TO ALLOW HEAVY EQUIPMENT SALES, RENTAL AND SERVICING (WITH SCREENED SERVICE AND STORAGE AREAS) AT PARCEL ID 77144 (SOUTH BOSTON ROAD), IN ACCORDANCE WITH ARTICLE 3.M.C ITEM 30.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ23-00035, filed by Krystal Milam requesting a Special Use Permit to allow heavy equipment sales, rental and servicing (with screened service and storage areas) at Parcel ID 77144 (South Boston Rd) in accordance with Article 3.M.C Item 30, with the conditions that the rear yard be fenced and screened and that Crystal Lane shall not be used as ingress/egress, be and the same is hereby received; and

BE IT FURTHER ORDAINED, that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ23-00035, filed by Krystal Milam requesting a Special Use Permit to allow heavy equipment sales, rental and servicing (with screened service and storage areas) at Parcel ID 77144 (South Boston Rd) in accordance with Article 3.M.C Item 30, with the conditions that the rear yard be fenced and screened and that Crystal Lane shall not be used as ingress/egress, is hereby approved.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:

City Attorney



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

MEMORANDUM

DATE: MARCH 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00035

REQUEST

Special Use Permit Application PZ23-00035 filed by Krystal Milam for Milam Rentals, LLC requesting special use permit to allow heavy equipment sales, servicing, and rentals at Parcel 77144 on South Boston Road according to Article 3.M. Section C Item 30 of the Danville Zoning Ordinance.

RECOMMENDATION

At their March 13, 2023 meeting, Planning Commission voted 6-0 to recommend approval of Special Use Permit Application PZ23-00035 with the conditions that storage in the rear yard be fenced and screened and that Crystal Lane may not be used to access the property.

RESPONSES

Twenty (20) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Eight (8) responses were received. Five (5) were unopposed. Three (3) were opposed.

COMMENTS

Excited to see business growth in our area! Zackary Compton

Business would be too close to my property as I (we) have small children at play in the area. Would there be a privacy fence put up in this case? Please answer this question concerning a privacy fence if business is approved. Thank you. Vernon Bradshaw

Mr. Steve Petrick, Chair



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

STAFF REPORT

DATE: March 13, 2023
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: SPECIAL USE PERMIT APPLICATION – PARCEL 77144

Special Use Permit Application PZ23-00035 filed by Krystal Milam for Milam Rentals, LLC requesting special use permit to allow heavy equipment sales, servicing, and rentals at Parcel 77144 on South Boston Road according to Article 3.M. Section C Item 30 of the Danville Zoning Ordinance.

BACKGROUND

The subject property is 2.55 acres of undeveloped property on South Boston Road. The property is bordered by auto sales to the east and residential to the north, south, and west, however the surrounding zoning districts are commercial and industrial.

STAFF ANALYSIS AND RECOMMENDATION

The applicant proposes to open a new location for Milam Rentals, leasing heavy equipment and miscellaneous items. The property is adequately served by utilities. The proposed development is in character with the 2030 Comprehensive Land Use Plan which identifies the area as Regional Commercial.

Staff recommends that any equipment stored in the rear yard be stored within screened fencing and also that applicant refrains from using Crystal Lane for egress and ingress to the subject property.

The Planning Division recommends that the Planning Commission approve Special Use Permit Application PZ23-00035 for City Council approval with the conditions that storage in the rear yard be screened and that Crystal Lane may not be used to access the property.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

- Recommend continuation to a future meeting.
- Recommend approval as submitted.
- Recommend approval with conditions determined by staff.
- Recommend approval with conditions determined by the Planning Commission.
- Recommend denial.

ATTACHMENTS

- ✓ Application
- ✓ Zoning Map
- ✓ Property Ownership Map
- ✓ Future Land Use Map

1068



City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

Article 6. Section D. Application Requirements for Special Use Permit.

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee of \$360.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
3. The application shall include the following information:
 - a. A preliminary site plan in accordance with the Site Plan Regulations.
 - b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - c. A written statement of proposed project compatibility with the following:
 - (1.) The Comprehensive Plan.
 - (2.) The applicable zoning district.
 - (3.) The surrounding properties.
 - (4.) Current and future neighborhood conditions.
 - (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - (6.) Adequate public facilities.
 - d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
 - (1.) The architectural elevations and floor plans of proposed building(s).
 - (2.) Traffic impact analysis.
 - (3.) Fiscal impact analysis.
 - (4.) Parking and site circulation analysis.
 - (5.) Photographs of property and surrounding area.
 - (6.) Environmental impact statement.

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ23-00035 PC Meeting Date: March 13, 2023
 Date Received: 2/10/23 Received By: Burton
 Parcel ID: 77144 Address: South Boston Rd.
 Existing Zoning: HR-C Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): Parcel ID# 77144
Applicant: Krystal Milam / milam Rental, LLC.
Applicant's Address: 5190 S. Boston Hwy Sutherland.
Applicant's Phone Number: 434.334.2884 03:4594
Applicant's E-mail: Krystal@milamequipment
sales.com

Describe Proposed Request:

open milam Rental, LLC. renting
equipment + misc items
(Build Building- Including
office + shop)

Krystal Milam
Applicant Signature date
2.7.23

[Signature] 2/8/2023
Property Owner Signature date
(if not applicant)

SPECIAL USE PERMIT DATA SHEET PZ23-00035

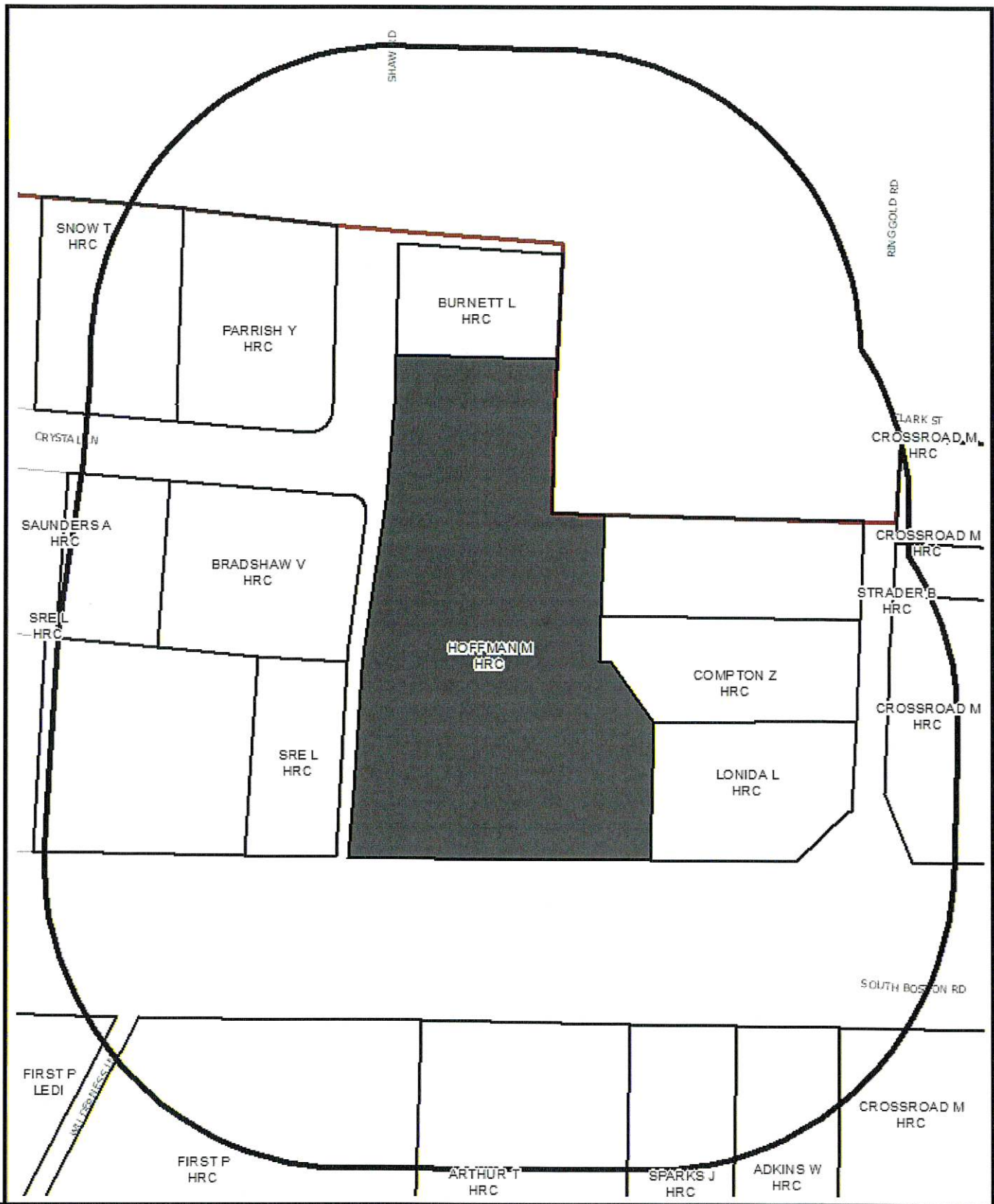
PUBLIC HEARING DATE:	MARCH 13, 2023 PLANNING COMMISSION AT 3:00 PM
LOCATION OF PROPERTY:	SOUTH BOSTON RD (PARCEL ID 77144)
PRESENT ZONE:	HR-C HIGHWAY RETAIL COMMERCIAL DISTRICT
PROPOSED ZONE:	NO CHANGE
ACTION REQUESTED:	SPECIAL USE PERMIT FOR HEAVY EQUIPMENT SALES, SERVICING, AND RENTALS
PRESENT USE OF PROPERTY:	NOT DEVELOPED
PROPOSED USE OF PROPERTY:	COMMERCIAL USE
FUTURE LAND USE DESIGNATION:	REGIONAL COMMERCIAL
PROPERTY OWNER (S):	IM REAL ESTATE HOLDINGS LLC
NAME OF APPLICANT (S):	MAXIMILIAN S HOFFMAN
PROPERTY BORDERED BY:	MIXED USE
ACREAGE:	1.9 ACRES TOTAL
CHARACTER OF VICINITY:	MIXED USE
INGRESS AND EGRESS:	SOUTH BOSTON ROAD
TRAFFIC VOLUME:	HIGH



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
2/16/2023

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
2/16/2023

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

MEMORANDUM

DATE: MARCH 13, 2023

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS

REQUEST: *Special Use Permit Application PZ23-00035 filed by Krystal Milam for Milam Rentals, LLC requesting special use permit to allow heavy equipment sales, servicing, and rentals at Parcel 77144 on South Boston Road according to Article 3.M. Section C Item 30 of the Danville Zoning Ordinance.*

RESPONSES:

Twenty (20) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Eight (8) responses were received. Five (5) were unopposed. Three (3) were opposed.

COMMENTS:

Excited to see business growth in our area!

Zachary Compton

Business would be too close to my property as I (we) have small children at play in the area. Would there be a privacy fence put up in this case? Please answer this question concerning a privacy fence if business is approved. Thank you .

Vernon Bradshaw

Council Letter City of Danville, Virginia



CL - 403

NEW BUSINESS D.

City Council REGULAR MEETING

Meeting Date: April 4, 2023

Subject: Consideration of Amending Chapter 41 entitled "Zoning Ordinance" of the City of Danville, to amend Article 3.O Section C Item 8 to include "heavy equipment rentals."

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Amending Chapter 41 Entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as Amended, More Specifically, to Amend Article 3.O. Section C Item 8, to Include Heavy Equipment Rental.

SUMMARY

Code Amendment Request PZ23-00043 is to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended, specifically to amend Article 3.O Section C Item 8 to include "heavy equipment rentals."

BACKGROUND

Heavy equipment rental is a use allowed by right in the M-I Industrial Manufacturing District and by Special Use Permit in the HR-C, Highway Retail Commercial District. Adding "rental" to heavy equipment sales and servicing within the LED-I, Light Economic Development District places the item in agreement with standards within the M-I and HR-C zoning districts.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance amending Article 3O Section C Item 8 to include "heavy equipment rentals".

Attachments

1. Ordinance
 2. Planning Back Up
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023 ____.

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED, "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 3.O, SECTION C ,ITEM 8 TO INCLUDE HEAVY EQUIPMENT RENTAL.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the report of the City Planning Commission recommending approval of an amendment to Chapter 41 entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, specifically, to amend Article 3.O, Section C, Item 8 to include rental, be, and the same is hereby, received; and

BE IT FURTHER ORDAINED, by the Council in consideration of said report and the public hearing this day held by Council, specifically, to amend Article 3.O, Section C, Item 8, to include rental, of Chapter 41 entitled, entitled "Zoning Ordinance", of the Code of the City of Danville, Virginia, 1986, as amended, be and the same is hereby, amended and reordained to read as follows:

CHAPTER 41: ZONING ORDINANCE

ARTICLE 3.O: - LED-I, Light Economic Development District

C. - Uses Permitted by Special Use Permit.

8. Heavy equipment sale, rental, and servicing (with screened service and storage areas)

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

MEMORANDUM

DATE: MARCH 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: CODE AMENDMENT APPLICATION PZ23-00043

REQUEST

Code Amendment Request PZ23-00043 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically amend Article 3.0 Section C Item 8 to include "heavy equipment rentals."

RECOMMENDATION

At their March 13, 2023 meeting, Planning Commission voted 6-0 to recommend approval of Code Amendment PZ23-00034.

Mr. Steve Petrick, Chair



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

STAFF REPORT

DATE: March 13, 2023
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: CODE AMENDMENT APPLICATION – ARTICLE 3.M SECTION C

Code Amendment Request PZ23-00043 to amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Specifically amend Article 3.O Section C Item 8 to include “heavy equipment rentals.”

BACKGROUND

Heavy equipment sale and service are a use allowed by special use permit. The proposed change will allow “rental” in addition to sale and service.

STAFF ANALYSIS AND RECOMMENDATION

Currently, heavy equipment rental is a use allowed by right in the M-I Industrial Manufacturing district and by special use permit in the HR-C Highway Retail Commercial district. Adding “rental” to heavy equipment sale and servicing will place the item in line with standards in other districts that also allow the subject item.

Staff recommends the following amendment to Article 3.O Section C of Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Language proposed to be added is in italics.

ARTICLE 3.O: - LED-I, Light Economic Development District

C. - Uses Permitted by Special Use Permit.

8. Heavy equipment sale, *rental*, and servicing (with screened service and storage areas)

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

- Recommend continuation to a future meeting.
- Recommend approval as submitted.
- Recommend approval with conditions determined by the Planning Commission.
- Recommend denial.

Council Letter City of Danville, Virginia



CL - 404

NEW BUSINESS E.

City Council REGULAR MEETING

Meeting Date: April 4, 2023

Subject: Consideration of Amending Chapter 41 entitled "Zoning Ordinance" of the City of Danville to Address Certificate of Occupancy and Fire Safety Plan Requirements.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Amending Chapter 41 Entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, As Amended, More Specifically, to Amend Article 2 Section Y, to Add Requirements for Certificate of Occupancy and Fire Safety Plans.

SUMMARY

Code Amendment Request PZ23-00044 is to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended, specifically to amend Article 2 Section Y to address Certificate of Occupancy and Fire Safety Plan Requirements.

BACKGROUND

It has come to Staff's attention that there is a need for additional regulations to ensure the quality and safety of short-term rentals within the City of Danville. To address these concerns, staff proposes items 2i through 2k be added to Article 2 Section Y to address Certificate of Occupancy and fire safety plan requirements.

Y. - Short-Term Rentals.

1. Short-term rental approval.
 - a. Short-term rentals must obtain a business license clearance from the Zoning Administrator and register with the Commissioner of Revenue prior to operating or advertising the property for short-term rental.
 - b. A short-term owner/operator must apply for and receive a business license clearance prior to registering with the Commissioner of Revenue.
 - c. The short-term rental must register with the Commissioner of Revenue to collect and remit the City's transient lodging tax and other applicable fees as specified in Chapter 37 entitled "Taxation."

2. Short-term rental standards.

A short-term rental may only provide short-term occupancy services for compensation for guests including lodging, packaged food and beverages, and other incidental items typically found within a residence. The short-term rental must not prepare food or beverages, provide event services, or provide unrelated services for compensation.

b. Short-term rentals are permissible accessory uses to permitted dwellings in the SR-R, T-R, S-R, NT-R, OT-R, A-R, MHP-R, TO-C, CB-C, and TW-C zoning districts.

c. If the owner of a short-term rental does not live within 60 50 miles of the City, they must designate a responsible local agent to contact in case of emergencies when they apply for the Business License Clearance.

d. Short-term rentals must comply with applicable provisions of the Virginia Uniform Statewide Building Code (Danville City Code sections 9-81 through 9-88). Including a Certificate of Occupancy for each unit

e. If a short-term rental is within a City Rental Housing Inspection ~~Division~~ District, then the property must register as a rental property and maintain a certificate of compliance (City Code sections 9-204 through 9-207).

f. The minimum short-term rental contract rental period is 18 hours.

g. Short-term rentals are allowed the same signage as their associated dwellings under Article 10.

h. Short-term rental parking must be on the associated property or on street immediately adjacent to it unless the short-term rental is in the CB-C or TW-C zoning districts.

i. Units must have a working multi-purpose fire extinguisher, interconnected smoke detectors and carbon monoxide detectors (when required for a fireplace or gas service).

j. Units must have an emergency exit plan posted inside the door to each sleeping room showing the exit pathway from the sleeping room to the nearest exit from the dwelling.

k. Events and activities, including luncheons, banquets, parties, weddings, meetings, fund-raising, commercial or advertising activities, and any other gathering of persons other than the authorized lodgers, whether for direct or indirect compensation, are prohibited in association with any short-term lodging.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance amending Article 2 Section Y to address Certificate of Occupancy and fire safety plan requirements.

Attachments

1. Ordinance
 2. Planning Back Up
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023 _____._____

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED, "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 2, SECTION Y, TO ADD REQUIREMENTS FOR CERTIFICATE OF OCCUPANCY AND FIRE SAFETY PLANS.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the report of the City Planning Commission recommending approval of an amendment to Chapter 41 entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, specifically, to amend Article 2., Section Y to add requirements for a Certificate of Occupancy and Fire Safety Plans, be, and the same is hereby, received; and

BE IT FURTHER ORDAINED, by the Council in consideration of said report and the public hearing this day held by Council, specifically, to amend Article 2., Section Y, to add requirements for a Certificate of Occupancy and Fire Safety Plans, of Chapter 41 entitled "Zoning Ordinance", of the Code of the City of Danville, Virginia, 1986, as amended, be and the same is hereby, amended and reordained to read as follows:

CHAPTER 41: ZONING ORDINANCE

ARTICLE 2: GENERAL REGULATIONS

Section Y: Short-Term Rentals.

1. Short-term rental approval.

a. Short-term rentals must obtain a business license clearance from the Zoning Administrator and register with the Commissioner of Revenue prior to operating or advertising the property for short-term rental.

b. A short-term owner/operator must apply for ~~and~~ receive a business license clearance prior to registering with the Commissioner of Revenue.

c. The short-term rental must register with the Commissioner of Revenue to collect and remit the City's transient lodging tax and other applicable fees as specified in Chapter 37 entitled "Taxation."

2. Short-term rental standards.

- a. A short-term rental may only provide short-term occupancy services for compensation for guests including lodging, packaged food and beverages, and other incidental items typically found within a residence. The short-term rental must not prepare food or beverages, provide event services, or provide unrelated services for compensation.
- b. Short-term rentals are permissible accessory uses to permitted dwellings in the SR-R, T-R, S-R, NT-R, OT-R, A-R, MHP-R, TO-C, CB-C, and TW-C zoning districts.
- c. If the owner of a short-term rental does not live within ~~60~~ 50 miles of the City, they must designate a responsible local agent to contact in case of emergencies when they apply for the Business License Clearance.
- d. Short-term rentals must comply with applicable provisions of the Virginia Uniform Statewide Building Code (Danville City Code sections 9-81 through 9-88). Including a Certificate of Occupancy for each unit
- e. If a short-term rental is within a City Rental Housing Inspection ~~Division~~ District, then the property must register as a rental property and maintain a certificate of compliance (City Code sections 9-204 through 9-207).
- f. The minimum short-term rental contract rental period is 18 hours.
- g. Short-term rentals are allowed the same signage as their associated dwellings under Article 10.
- h. Short-term rental parking must be on the associated property or on street immediately adjacent to it unless the short-term rental is in the CB-C or TW-C zoning districts.
- i. Units must have a working multi-purpose fire extinguisher, interconnected smoke detectors and carbon monoxide detectors (when required for a fireplace or gas service).
- j. Units must have an emergency exit plan posted inside the door to each sleeping room showing the exit pathway from the sleeping room to the nearest exit from the dwelling.
- k. Events and activities, including luncheons, banquets, parties, weddings, meetings, fund raising, commercial or advertising activities, and any other gathering of persons other than the authorized lodgers, whether for direct or indirect compensation, are prohibited in association with any short-term lodging.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

MEMORANDUM

DATE: MARCH 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: CODE AMENDMENT APPLICATION PZ23-00044

REQUEST

Code Amendment Request PZ23-00044 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically amend Article 2 Section Y Items 1 and 2 to address Certificate of Occupancy and fire safety plan requirements.

RECOMMENDATION

At their March 13, 2023 meeting, Planning Commission voted 6-0 to recommend approval of Code Amendment PZ23-00044.

Mr. Steve Petrick, Chair



City Planning Commission

STAFF REPORT

DATE: March 13, 2023
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: CODE AMENDMENT APPLICATION – Article 2 Section Y

Code Amendment Request PZ23-00044 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically amend Article 2 Section Y to address Certificate of Occupancy and fire safety plan requirements.

BACKGROUND Staff has become aware of the need for additional regulations to ensure the quality and safety of short-term rentals within the City of Danville. To address these concerns, staff proposes items 2i through 2k be added to Article 2 Section Y to address Certificate of Occupancy and fire safety plan requirements.

STAFF ANALYSIS AND RECOMMENDATION

Y. - Short-Term Rentals.

1. Short-term rental approval.

- a. Short-term rentals must obtain a business license clearance from the Zoning Administrator and register with the Commissioner of Revenue prior to operating or advertising the property for short-term rental.
- b. A short-term owner/operator must apply for *and* receive a business license clearance prior to registering with the Commissioner of Revenue.
- c. The short-term rental must register with the Commissioner of Revenue to collect and remit the City's transient lodging tax and other applicable fees as specified in Chapter 37 entitled "Taxation."

2. Short-term rental standards.

A short-term rental may only provide short-term occupancy services for compensation for guests including lodging, packaged food and beverages, and other incidental items typically found within a residence. The short-term rental must not prepare food or beverages, provide event services, or provide unrelated services for compensation.

- b. Short-term rentals are permissible accessory uses to permitted dwellings in the SR-R, T-R, S-R, NT-R, OT-R, A-R, MHP-R, TO-C, CB-C, and TW-C zoning districts.
- c. If the owner of a short-term rental does not live within ~~60~~ 50 miles of the City, they must designate a responsible local agent to contact in case of emergencies when they apply for the Business License Clearance.
- d. Short-term rentals must comply with applicable provisions of the Virginia Uniform Statewide Building Code (Danville City Code sections 9-81 through 9-88). *Including a Certificate of Occupancy for each unit*
- e. If a short-term rental is within a City Rental Housing Inspection ~~Division-District~~, then the property must register as a rental property and maintain a certificate of compliance (City Code sections 9-204 through 9-207).

- f. The minimum short-term rental contract rental period is 18 hours.
- g. Short-term rentals are allowed the same signage as their associated dwellings under Article 10.
- h. Short-term rental parking must be on the associated property or on street immediately adjacent to it unless the short-term rental is in the CB-C or TW-C zoning districts.
- i. Units must have a working multi-purpose fire extinguisher, interconnected smoke detectors and carbon monoxide detectors (when required for a fireplace or gas service).*
- j. Units must have an emergency exit plan posted inside the door to each sleeping room showing the exit pathway from the sleeping room to the nearest exit from the dwelling.*
- k. Events and activities, including luncheons, banquets, parties, weddings, meetings, fund raising, commercial or advertising activities, and any other gathering of persons other than the authorized lodgers, whether for direct or indirect compensation, are prohibited in association with any short-term lodging.*

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

- Recommend continuation to a future meeting.
- Recommend approval as submitted.
- Recommend approval with conditions determined by the Planning Commission.
- Recommend denial.

Council Letter

City of Danville, Virginia



CL - 405

NEW BUSINESS F.

City Council REGULAR MEETING

Meeting Date: April 4, 2023

Subject: Consideration of Amending Chapter 41 entitled "Zoning Ordinance" of the City of Danville to Update "Short-term rental, entire furnished home" to include "as principal use."

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Amending Chapter 41 Entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, As Amended, More Specifically, to Amend Article 3.A Section C, Article 3.B Section C, Article 3.C Section C, Article 3.D Section C, Article 3.E Section C, Article 3.F Section C, Article 3.G Section C, Article 3.I Section B, Article 3.J Section B, Article 3.K Section B, Article 3.L Section B to Amend "Short-Term Rental, Entire Furnished Home" to Remove "Entire Furnished Home" and to Include "As Principal Use".

SUMMARY

Code Amendment Request PZ23-00045 is to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended, specifically, to amend Article 3.A Section C, Article 3.B Section C, Article 3.C Section C, Article 3.D Section C, Article 3.E Section C, Article 3.F Section C, Article 3.G Section C, Article 3.I Section B, Article 3.J Section B, Article 3.K Section B, Article 3.L Section B to update "Short-term rental, entire furnished home" to include "as principal use."

BACKGROUND

Review of the Short-Term Rental regulations revealed that Article 2 Section Y "Short Term Rentals" identifies short-term rentals as an accessory use, meaning, the percentage of use of the property as a short-term rental may not exceed 49%. To allow short term rental as its principal use, the Zoning Code must be amended.

Review also revealed that Article 3.J Section B Item 15 allows short-term rental, entire furnished home as a use by right. However, residential is not allowed within the N-C zoning classification, therefore staff recommends removing this item.

Within various zoning classifications, "Short-term rental, entire furnished home" is listed as a use allowed by Special Use Permit. To clarify this use and allow property owners to provide short-term rentals as a principal use, Staff recommends that the Code be amended to read "Short-term rental, as principal use". This Code Amendment will clarify the intent of the Code as it relates to short-term rentals.

Proposed changes are noted in Exhibit A.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance amending Article 3.A Section C, Article 3.B Section C, Article 3.C Section C, Article 3.D Section C, Article 3.E Section C, Article 3.F Section C, Article 3.G Section C, Article 3.I Section B, Article 3.K Section B, Article 3.L Section B to update “Short-term rental, entire furnished home” to include “as principal use and removing Article 3J Section B Item 15.

Attachments

1. Ordinance
 2. Planning Back Up
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023 _____._____

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED, "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 3. A, SECTION C, ARTICLE 3.B, SECTION C, ARTICLE 3.C, SECTION C, ARTICLE 3.D; SECTION C, ARTICLE 3.E, SECTION C, ARTICLE 3.F, SECTION C, ARTICLE 3.G, SECTION C, ARTICLE 3.I, SECTION B, ARTICLE 3.J, SECTION B, ARTICLE 3.K, SECTION B, ARTICLE 3.L, SECTION B TO AMEND "SHORT-TERM RENTAL, ENTIRE FURNISHED HOME" TO REMOVE "ENTIRE FURNISHED HOME" AND TO INCLUDE "AS PRINCIPAL USE".

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the report of the City Planning Commission recommending approval of an amendment to Chapter 41 entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, specifically, to amend Article 3.A, Section C, Article 3.B, Section C, Article 3.C, Section C, Article 3.D, Section C, Article 3.E, Section C, Article 3.F, Section C, Article 3.G, Section C, Article 3.I, Section B, Article 3.J, Section B, Article 3.K, Section B, Article 3.L, Section B to amend "Short-term rental, entire furnished home" to remove "entire furnished home" and include "as principal use", be, and the same is hereby, received; and

BE IT FURTHER ORDAINED, by the Council in consideration of said report and the public hearing this day held by Council, specifically, to amend Article 3.A, Section C, Article 3.B, Section C, Article 3.C, Section C, Article 3.D, Section C, Article 3.E, Section C, Article 3.F, Section C, Article 3.G, Section C, Article 3.I, Section B, Article 3.J, Section B, Article 3.K, Section B, Article 3.L, Section B to amend "Short-term rental, entire furnished home" to remove "entire furnished home" and include "as principal use",, of Chapter 41 entitled "Zoning Ordinance", of the Code of the City of Danville, Virginia, 1986, as amended, be and the same is hereby, amended and reordained to read as follows:

CHAPTER 41: ZONING ORDINANCE

ARTICLE 3.A: SR-R, Sandy River Residential

Section C. – Uses Permitted by Special Use Permit

25. Short-term rental, ~~entire furnished home~~ as principal use

ARTICLE 3.B: T-R, Threshold Residential

Section C. – Uses Permitted by Special Use Permit

25. Short-term rental, ~~entire furnished home~~ as principal use

ARTICLE 3.C: S-R, Suburban Residential

Section C. – Uses Permitted by Special Use Permit

29. Short-term rental, ~~entire furnished home~~ as principal use

ARTICLE 3.D: NT-R, Neo-Traditional

Section C. – Uses Permitted by Special Use Permit

18. Short-term rental, ~~entire furnished home~~ as principal use

ARTICLE 3.E: OT-R, Old Town Residential

Section C. – Uses Permitted by Special Use Permit

29. Short-term rental, ~~entire furnished home~~ as principal use

ARTICLE 3.F: A_R, Attached Residential

Section C. – Uses Permitted by Special Use Permit

22. Short-term rental, ~~entire furnished home~~ as principal use

ARTICLE 3.G: M-R, Multifamily Residential

Section C. – Uses Permitted by Special Use Permit

26. Short-term rental, ~~entire furnished home~~ as principal use

ARTICLE 3.I: TO-C, Transitional Office Commercial

Section B. - Permitted Uses

19. Short-term rental, ~~entire furnished home~~ as principal use

ARTICLE 3.J: N-C, Neighborhood Commercial

Section B. - Permitted Uses

~~15. Short-term rental, entire furnished home~~

ARTICLE 3.K: CB-C Central Business District

Section B. - Permitted Uses

30. Short-term rental, ~~entire furnished home~~ as principal use

ARTICLE 3.L: TW-C Tobacco Warehouse District

Section B. - Permitted Uses

43. Short-term rental, ~~entire furnished home~~ as principal use

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

MEMORANDUM

DATE: MARCH 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: CODE AMENDMENT APPLICATION PZ23-00045

REQUEST

Code Amendment Request PZ23-00045 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 3.A Section C, Article 3.B Section C, Article 3.C Section C, Article 3.D Section C, Article 3.E Section C, Article 3.F Section C, Article 3.G Section C to update "Short-term rental, entire furnished home" to include "as principal use."

RECOMMENDATION

At their March 13, 2023 meeting, Planning Commission voted 6-0 to recommend approval of Code Amendment PZ23-00045.

Mr. Steve Petrick, Chair



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

STAFF REPORT

DATE: March 13, 2023
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: **CODE AMENDMENT APPLICATION – Article 3.A Section C, Article 3.B Section C, Article 3.C Section C, Article 3.D Section C, Article 3.E Section C, Article 3.F Section C, Article 3.G Section C, Article 3.I Section B, Article 3.J Section B, Article 3.K Section B, and Article 3.L Section B**

Code Amendment Request PZ23-00045 to amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Specifically, amend Article 3.A Section C, Article 3.B Section C, Article 3.C Section C, Article 3.D Section C, Article 3.E Section C, Article 3.F Section C, Article 3.G Section C, Article 3.I Section B, Article 3.J Section B, Article 3.K Section B, Article 3.L Section B to update “Short-term rental, entire furnished home” to include “as principal use.”

BACKGROUND

Review of the Short-Term Rental regulations revealed that Article 2 Section Y “Short Term Rentals” identifies short term rentals as an accessory use. Meaning, the percentage of use of the property as a short-term rental may not exceed 49%. To allow short term rental as its principal use, the Zoning Code must be amended.

Review also revealed that Article 3.J Section B Item 15 allows short-term rental, entire furnished home as a use by right. However, residential is not allowed within the N-C zoning classification therefore staff recommends removing this item.

STAFF ANALYSIS AND RECOMMENDATION

Within various zoning classifications “Short-term rental, entire furnished home” is listed as a use allowed by Special Use Permit. To clarify this use and allow property owners to provide short term rentals as a principal use, Staff recommends that the Code be amended to read “Short-term rental, as a principal use”. This Code Amendment will clarify the intent of the Code as it relates to short term rentals.

The Planning Division recommends that the Planning Commission approve Code Amendment Application PZ23-00045 for City Council approval.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

- Recommend continuation to a future meeting.
- Recommend approval as submitted.
- Recommend approval with conditions determined by the Planning Commission.
- Recommend denial.

ATTACHMENTS

✓ Exhibit A

Exhibit A

Article 3.A SR-R, Sandy River Residential

Section C. – Uses Permitted by Special Use Permit

25. Short-term rental, ~~entire furnished home~~ as principal use

Article 3.B T-R, Threshold Residential

Section C. – Uses Permitted by Special Use Permit

25. Short-term rental, ~~entire furnished home~~ as principal use

Article 3.C S-R, Suburban Residential

Section C. – Uses Permitted by Special Use Permit

29. Short-term rental, ~~entire furnished home~~ as principal use

Article 3.D NT-R, Neo-Traditional

Section C. – Uses Permitted by Special Use Permit

18. Short-term rental, ~~entire furnished home~~ as principal use

Article 3.E OT-R, Old Town Residential

Section C. – Uses Permitted by Special Use Permit

29. Short-term rental, ~~entire furnished home~~ as principal use

Article 3.F A_R, Attached Residential

Section C. – Uses Permitted by Special Use Permit

22. Short-term rental, ~~entire furnished home~~ as principal use

Article 3.G M-R, Multifamily Residential

Section C. – Uses Permitted by Special Use Permit

26. Short-term rental, ~~entire furnished home~~ as principal use

Article 3.I TO-C, Transitional Office Commercial

Section B. - Permitted Uses

19. Short-term rental, ~~entire furnished home~~ as principal use

Article 3.J N-C, Neighborhood Commercial

Section B. - Permitted Uses

15. ~~Short-term rental, entire furnished home~~

Article 3.K

Section B. - Permitted Uses

30. Short-term rental, ~~entire furnished home~~ as principal use

Article 3.L Section B

Section B. - Permitted Uses

43. Short-term rental, ~~entire furnished home~~ as principal use

Council Letter City of Danville, Virginia



CL - 406

NEW BUSINESS G.

City Council REGULAR MEETING

Meeting Date: April 4, 2023

Subject: Consideration of Amending Chapter 41 entitled "Zoning Ordinance" of the City of Danville to Amend Article 3.G Section F Item 2 to include "Institutional Uses".

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Amending Chapter 41 Entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, As Amended, More Specifically, to Amend Article 3.G. Section F Item 2, to Include Institutional Uses.

SUMMARY

Code Amendment Request PZ23-00047 is to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended, specifically, to amend Article 3.G Section F Item 2 to include "institutional uses".

BACKGROUND

Institutional uses are permitted by right in the M-R Multifamily Residential zoning classification, however, the regulations for yard requirements are not addressed in the Zoning Code for these uses.

Staff recommends the following amendment to Article 3.G Section F of Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended.

Article 3G - Multifamily Residential

F. Bulk Regulations

2. Minimum yard requirements for multifamily dwellings *and institutional uses*

RECOMMENDATION

It is recommended that City Council adopt an Ordinance amending Article 3G Section F Item 2, to include institutional uses.

Attachments

1. Ordinance
 2. Planning Back Up
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023 _____._____

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED, "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 3.G., SECTION F, ITEM 2, TO INCLUDE INSTITUTIONAL USES.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the report of the City Planning Commission recommending approval of an amendment to Chapter 41 entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, specifically, to amend Article 3.G., Section F, Item 2 to include Institutional Uses, be, and the same is hereby, received; and

BE IT FURTHER ORDAINED, by the Council in consideration of said report and the public hearing this day held by Council, specifically, to amend Article 3.G., Section F, Item 2, to include Institutional Uses, of Chapter 41 entitled "Zoning Ordinance", of the Code of the City of Danville, Virginia, 1986, as amended, be, and the same is hereby, amended and reordained to read as follows:

CHAPTER 41: ZONING ORDINANCE

ARTICLE 3.G - M-R MULTIFAMILY RESIDENTIAL

F. - Bulk Regulations.

2. Minimum yard requirements for multifamily dwellings **and institutional uses:**

- A. Front yard: 30 feet, for any yard fronting a public right-of-way.
10 feet, for any yard fronting a private travelway and/or parking bay, provided that the minimum yard depth be measured from the building to either (1) the back of vehicular pavement curbing or (2) the back of sidewalk if located between building and vehicular pavement curbing, whichever is closer.
- B. Street side yard: 30 feet.
Interior side yard: 15 feet.
- C. Rear yard: 30 feet.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

MEMORANDUM

DATE: MARCH 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: CODE AMENDMENT APPLICATION PZ23-00047

REQUEST

Code Amendment Request PZ23-00047 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 3.G Section F Item 2 to include "institutional uses".

RECOMMENDATION

At their March 13, 2023 meeting, Planning Commission voted 6-0 to recommend approval of Code Amendment PZ23-00047.

Mr. Steve Petrick, Chair



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

STAFF REPORT

DATE: March 13, 2023
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: CODE AMENDMENT APPLICATION – Article 3.G Section F Item 2

Code Amendment Request PZ23-00047 to amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Specifically, amend Article 3.G Section F Item 2 to include “institutional uses”.

BACKGROUND

Institutional uses are permitted in the M-R Multifamily Residential zoning classification. However, the regulations for yard requirements are not addressed in the zoning code for these uses.

STAFF ANALYSIS AND RECOMMENDATION

Staff recommends the following amendment to Article 3.G Section F of Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Language proposed to be added is in italics.

ARTICLE 3.G - M-R MULTIFAMILY RESIDENTIAL **F. - Bulk Regulations.**

2. Minimum yard requirements for multifamily dwellings *and institutional uses*:
 - A. Front yard: 30 feet, for any yard fronting a public right-of-way.
10 feet, for any yard fronting a private travelway and/or parking bay, provided that the minimum yard depth be measured from the building to either (1) the back of vehicular pavement curbing or (2) the back of sidewalk if located between building and vehicular pavement curbing, whichever is closer.
 - B. Street side yard: 30 feet.
Interior side yard: 15 feet.
 - C. Rear yard: 30 feet.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

- Recommend continuation to a future meeting.
- Recommend approval as submitted.
- Recommend approval with conditions determined by the Planning Commission.
- Recommend denial.

Council Letter

City of Danville, Virginia



CL - 407

NEW BUSINESS H.

City Council REGULAR MEETING

Meeting Date: April 4, 2023

Subject: Consideration of Amending Chapter 41 entitled "Zoning Ordinance" of the City of Danville to Amend Article 15 Section B to Amend the Definition of "Principal Building".

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Amending Chapter 41 Entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, As Amended, More Specifically, to Amend Article 15. Section B, to Amend the Definition of Principal Building.

SUMMARY

Code Amendment Request PZ23-00048 is to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended, specifically, to amend Article 15 Section B to amend the definition of "principal building".

BACKGROUND

Upon research and review of Chapter 41 entitled "Zoning Ordinance", staff discovered the definition of "principal building" in Article 15 Section B contains an incorrect spelling.

It is recommended that the following Code Amendment be made:

Article 15 - Definitions

B. - Definitions

Principal building. A building in which is conducted the ~~principle~~ *principal* use of the lot on which it is located.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance amending Article 15 Section B, to amend the definition of principal building.

Attachments

1. Ordinance
 2. Planning Back Up
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023 ____.

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED, "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 15. SECTION B, TO AMEND THE DEFINITION OF PRINCIPAL BUILDING.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the report of the City Planning Commission recommending approval of an amendment to Chapter 41 entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, specifically, to amend Article 15, Section B to amend the definition of principal building, be, and the same is hereby, received; and

BE IT FURTHER ORDAINED, by the Council in consideration of said report and the public hearing this day held by Council, specifically, to amend Article 15 Section B, to amend the definition of principal building, of Chapter 41 entitled "Zoning Ordinance", of the Code of the City of Danville, Virginia, 1986, as amended, be, and the same is hereby, amended and reordained to read as follows:

CHAPTER 41: ZONING ORDINANCE

ARTICLE 15. – DEFINITIONS

B. - Definitions.

Principal building. A building in which is conducted the ~~principle~~ **principal** use of the lot on which it is located.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

MEMORANDUM

DATE: MARCH 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: CODE AMENDMENT APPLICATION PZ23-00048

REQUEST

Code Amendment Request PZ23-00048 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 15 Section B to include a definition for "principal building".

RECOMMENDATION

At their March 13, 2023 meeting, Planning Commission voted 6-0 to recommend approval of Code Amendment PZ23-00048.

Mr. Steve Petrick, Chair



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

STAFF REPORT

DATE: March 13, 2023
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: CODE AMENDMENT APPLICATION – Article 15 Section B

Code Amendment Request PZ23-00048 to amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Specifically, amend Article 15 Section B to amend the definition of “principal building”.

BACKGROUND

STAFF ANALYSIS AND RECOMMENDATION

Staff recommends the following amendment to Article 15 Section B of Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Language proposed to be added is in italics.

ARTICLE 15. – DEFINITIONS

B. - Definitions.

Principal building. A building in which is conducted the ~~principle~~ *principal* use of the lot on which it is located.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

- Recommend continuation to a future meeting.
- Recommend approval as submitted.
- Recommend approval with conditions determined by the Planning Commission.
- Recommend denial.

ATTACHMENTS

- ✓ Application
- ✓ Zoning Map
- ✓ Property Ownership Map
- ✓ Future Land Use Map

Council Letter

City of Danville, Virginia



CL - 357

NEW BUSINESS I.

City Council REGULAR MEETING

Meeting Date: April 4, 2023

Subject: Consideration of the Release of Unused Gas Easements on South Boston Road and Kentuck Road.

From: Jason Grey, Director of Utilities

COUNCIL ACTION

1. Public Hearing
2. A Resolution Authorizing the Abandonment of an Unused City Utility Easement Across City Parcels #76416, #76417 and #78091 in Order to Facilitate Development Upon the Same Property.

SUMMARY

City Staff is seeking approval to release an unused gas utility easement affecting four (4) Properties in the City near South Boston Road to help facilitate development on the Properties.

BACKGROUND

The City holds an unused utility easement for gas service that currently affects three (3) properties in the City, identified as Parcel #76416, 1461 South Boston Road, Parcel #76417, 1431 South Boston Road, and Parcel #78091, 100 Kentuck Road. City Staff have determined that the City has no current or future need for the easement and it appears to be surplus to the needs of the City. City Staff wishes to vacate the easement to assist the owners with the anticipated development of a Starbucks on the affected properties.

RECOMMENDATION

City staff recommends proceeding with vacating the easement to enable the development of the Property.

Attachments

1. Resolution
 2. Map
 3. Easement vacation exhibit
 4. Deed - Parcel 76416
 5. Deed - Parcels 76417 and 78091
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023-_____._____

A RESOLUTION AUTHORIZING THE ABANDONMENT OF AN UNUSED CITY UTILITY EASEMENT ACROSS CITY PARCELS #76416, #76417 AND #78091 IN ORDER TO FACILITATE DEVELOPMENT UPON THE SAME PROPERTY.

WHEREAS, the City of Danville holds an unused gas easement upon four (4) Parcels of real property located in the City of Danville, Virginia identified as Parcel #76416, #76417 and #78091 (the "Property"); and

WHEREAS, the City has no future plans to install, maintain, or utilize the existing easements on the Property; and

WHEREAS, the owners of the Property wish for the City to vacate and abandon its unused easements upon the Property to help the with the development property.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that pursuant to Sections 15.2-1800 and 15.2-1813 of the Code of Virginia 1950, as amended, and in consideration of the public hearing this day held by Council, that the City hereby permanently vacates, abandons, and releases the easements across the above-referenced Property and all rights and interests therein, said easements identified in the attached Schedule "A"; and

BE IT FURTHER RESOLVED that the City Manager, Kenneth F. Larking, be, and he is hereby, authorized to execute on behalf of the City any and all documents as may be necessary to effect such abandonment of the easement.

APPROVED:

Mayor

ATTEST:

Clerk

Approved as to
Form and Legal Sufficiency:

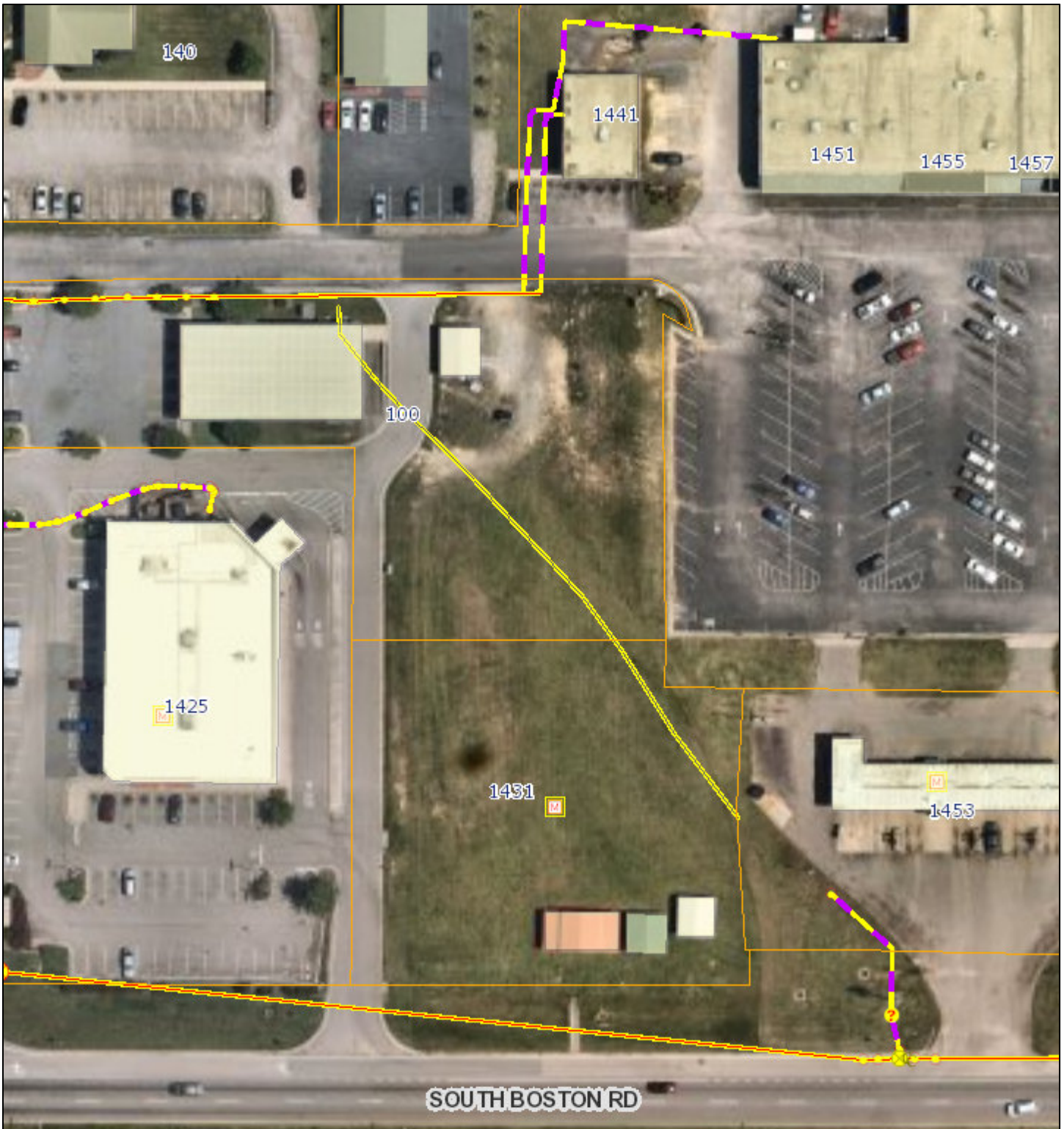
City Attorney

Schedule "A"

A permanent easement and right-of-way for gas facilities, consisting of the perpetual right to install, erect, operate, and maintain gas lines and facilities upon, over, and underneath, located in the City of Danville, Virginia upon the Property presently designated as City Parcel #76416, #76417 and #78091 and presently owned by Core Cain Creek, LLC and William K. Sterner and Patricia C. Sterner, said easement (i) having been granted by that certain Deed of Easement for Gas Main dated September 1, 1988, recorded November 16, 1988, in Deed Book 794, Page 130 and that certain Deed of Easement for Gas Main dated November 9, 1988, recorded November 16, 1988, in Deed Book 794, Page 134 and (ii) identified as "Abandoned Gas Service and Easement" on a map entitled Cane Creek Shopping Center Water and Gas Easements, dated May 18, 2007, recorded in the Clerk's Office of the Circuit Court of Danville County, Virginia as part of Instrument #07-2904, at page 55.

Any other easements, rights of way, or restrictive covenants now of record, or affecting said property, or arising from the above reference recorded documents to the extent that such easement has not been expressly released herein remain unaltered.

ArcGIS Web Map



2/7/2023, 2:55:16 PM

1:1,128

Railroads

- Active Track
- Abandoned Track
- Parks

City Parcels

- Non-Exempt

Exempt

City Boundary

House Numbers

Street Names

National Hydrography Dataset

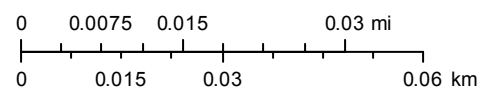
ArtificialPath

Connector

Stream/River

Emergency Gas Valves

- YES



NearMap

07-2904
INSTRUMENT NO.
CITY OF DANVILLE, VA

PG0052 JUN 12 5
DEED OF EASEMENT
COMMONWEALTH OF VIRGINIA
CITY OF DANVILLE

This instrument prepared by: Danville Utilities, Water & Gas Division

Project: Cane Creek Shopping Center, Tax Parcels: 78091, 76421, 76417 City of Danville.

THIS DEED of easement a, made and entered into this 24th day of May, 2007, by and between William K. Sterner and Patricia C. Sterner herein referred to as "Grantor"; and the CITY OF DANVILLE, VIRGINIA, P.O. Box 3300, Danville, Virginia 24543, a municipal corporation chartered under the laws of the Commonwealth of Virginia, herein referred to as "Grantee":

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00) cash in hand paid by Grantee to Grantor, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Grantor, Grantor does hereby give, grant, bargain, sell and convey in perpetuity unto Grantee, its licensees, agents, successors and assigns, subject to the limitations and reservations herein stated, two easements as shown on Danville Utilities, Water & Gas Division drawing number R-2-672 for the purpose of laying, constructing, inspecting, maintaining, operating, altering, replacing, repairing, abandoning and removing pipelines and other appurtenant facilities, all of which shall remain the property of Grantee, for the transmission/distribution of water and natural gas and all by-products thereof or any liquids, gases, or substances which can be transported through a pipeline over, under, across, and upon the real property hereinafter described as follows:

Parcel Numbers: 76416, 76417 and 78091.

Easement One shall be 10' wide, centered along 2" gas main, from VDOT right-of-way on Kentuck Road at the ingress/regress to the shopping center, 195.25' more or less, and joining the partially overlapping the existing 20' easement book 794, page 130.

Easement Two begins at the southwestern most property line, extending 100' eastward along present VDOT right-of-way on South Boston Road, turning due north to connect to former property - VDOT right-of way per agreement 07-1298, then westward along former VDOT right-of-way on South Boston Road, connecting with VDOT right-of-way on Kentuck Road, then southward along VDOT right-of-way to the southwestern most property line.

The easement and right of way granted herein for the specific location hereinbefore described is in addition to any easement or right of way now in existence or which may be acquired in the future.

Grantor reserves the right to use and enjoy said real property except as may be necessary for the purposes herein granted, provided Grantor shall not locate any trees, rockeries, retaining walls, etc., nor construct or permit to be constructed any building or structure on, over, or within the easement and right of way without first obtaining the

written permission of Grantee. At the conclusion of Grantee's operations, Grantee will clean up the right of way in a workmanlike manner and restore the premises as nearly as practicable to the same condition as it was before construction.

The pipelines running within the right of way shall be constructed and maintained at all times by Grantee at its sole cost and expense. Grantee shall be solely responsible for any damages, costs, or other expenses arising from the laying, constructing, inspecting, maintaining, operating, altering, replacing, repairing, abandoning and removing the pipelines.

The failure of Grantee to exercise any rights herein conveyed in any single instance shall not be considered a waiver of such right or rights and shall not bar Grantee from exercising such right or rights, or if necessary, seeking any appropriate remedy in conjunction with such right or rights.

Grantor warrants that it is seized of good and marketable title to the property subject to this easement and right of way and has the full power and authority to enter into and execute this Deed of Easement.

This easement and right of way shall run with the land and shall be binding upon the Grantor and Grantee, as well as their heirs, executors, administrators, successors and assigns.

In addition, according to **Danville Utilities, Water & Gas Division drawing number R-2-672**, the two shaded portions, representing where gas facilities have been abandoned, and the return of the easement to original condition, as obtained by Deed of Easement dated November 9, 1988 between C.R. Pointer, Thomas D. Winstead, Lacy Winstead, Grantors and the City of Danville Grantee, Agreement of April 28, 1988 between Cain Creek Shopping Center and Associates and JTWM Development, Deed of Easement dated August, 16, 1988 between Cain Creek Shopping Center Associates, Grantor and City of Danville Grantee, Deed of Easement dated August 11, 1988 between Cain Creek Development Company and City of Danville, and Deed of Easement dated September 1, 1988 between Cain Creek Shopping Center Associates and City of Danville, is hereby abandoned.

Any non-shaded portions of easement s are hereby retained.

WITNESS the following signature(s) and seal(s).

William K. [Signature] (SEAL) _____ (SEAL)
(Name), Grantor (Name), Grantor

Christina C. [Signature] (SEAL) _____ (SEAL)
(Name), Grantor (Name), Grantor

_____(Name), Grantor (SEAL) _____(Name), Grantor (SEAL)

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Danville, to wit:

The foregoing instrument was acknowledged before me this 24th day of May 20 07, by William and Patricia Sterner.

Stacy A. Namis
Notary Public

My Commission expires 30th day of April, 20 08.

PG0055 JUN 126

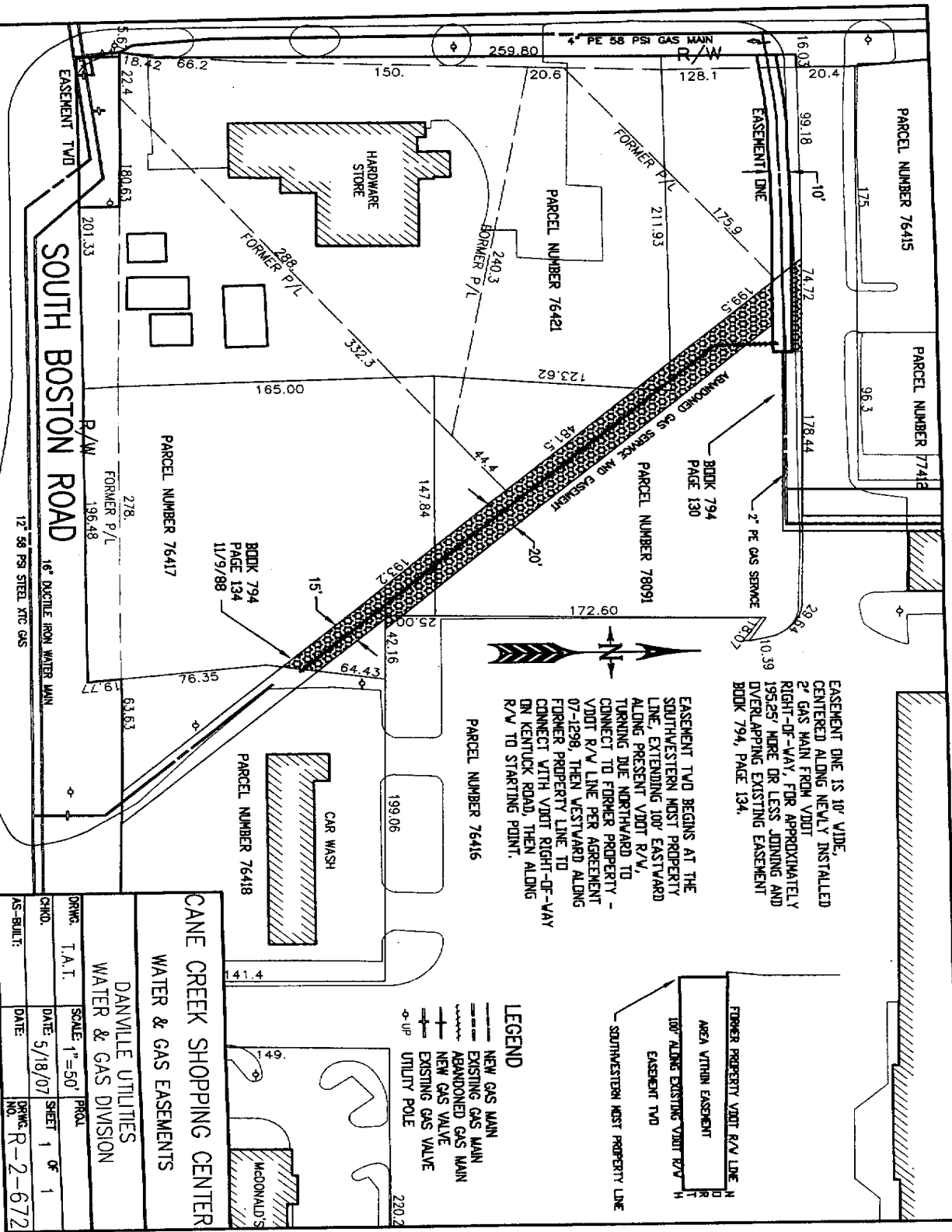
State Tax	039
City Tax	214
Transfer	212
Grantor Tax	60000 442 5.00
DPE	036
OPF	035
Clerk	301
VSLF	145
TFF	106
Total	\$ 22.00

VIRGINIA: CLERK'S OFFICE OF THE CIRCUIT COURT OF CITY OF DANVILLE

The foregoing instrument with acknowledgement was admitted to record on June 12 2007, at

TESTE: GERALD A. GIBSON, CLERK

Given/Attested for: *[Signature]*



CANE CREEK SHOPPING CENTER	
WATER & GAS EASEMENTS	
DANVILLE UTILITIES	
WATER & GAS DIVISION	
DRWG. T.A.T.	SCALE: 1"=50'
CHNO.	DATE: 5/18/07
AS-BUILT:	DATE: _____
DRWG. NO. R-2-672	

- LEGEND**
- NEW GAS MAIN
 - EXISTING GAS MAIN
 - ABANDONED GAS MAIN
 - NEW GAS VALVE
 - EXISTING GAS VALVE
 - UTILITY POLE

THIS **DEED OF VACATION** made this the ____ day of _____,
2023, by and between the **CITY OF DANVILLE, VIRGINIA a municipal corporation
of the Commonwealth of Virginia, GRANTOR, and CAIN CREEK SHOPPING
CENTER ASSOCIATES, a Virginia stock corporation, and CORE CAIN CREEK,
LLC, a Virginia limited liability company, GRANTEES,**

W I T N E S S E T H:

WHEREAS, Grantor holds a certain easement across a certain parcel of real
property located in the City of Danville, Virginia, identified as 1461 South Boston Road,
Parcel #76416 (the "Property"), such easement identified as "Abandoned Gas Service and
Easement" on a map entitled Cane Creek Shopping Center Water and Gas Easements,
dated May 18, 2007, recorded in the Clerk's Office of the Circuit Court of Danville County,
Virginia as part of Instrument #07-2904, at page 55 (the "Easement"); and

WHEREAS, Grantor no longer has any intended need for the Easement and desires
to vacate the Easement in order to assist in the productive development of the Property;
and

WHEREAS, Grantee is the owner of the Property and is desiring that the City
vacate the Easement in order to facilitate development on the Property;

NOW THEREFORE, in consideration of the mutual promises contained herein and
other good and valuable consideration, the receipt and sufficiency of which is hereby

acknowledged, the Grantor does hereby vacate, release, and quitclaim unto Grantee the Easement.

Any other easements, rights of way, or restrictive covenants now of record or affecting said property remain unaltered.

This conveyance having been authorized by the City Council of the City of Danville, Virginia by Ordinance No. 2023-_____, adopted on _____, 2023, pursuant to a public hearing held in accordance with Va. Code § 15.2-1800.

(Remainder of page intentionally left blank)

WITNESS the following signatures and seals:

**THE CITY OF DANVILLE, VIRGINIA,
a municipal corporation of the
Commonwealth of Virginia**

BY: _____
KENNETH F. LARKING
City Manager

STATE OF VIRGINIA
CITY OF DANVILLE, to-wit:

The foregoing Deed was acknowledged before me this the ____ day of _____, 202__, by **Kenneth F. Larking**, acting in his capacity as **City Manager**, on behalf of the City of Danville, Virginia.

BY: _____
NOTARY PUBLIC

My commission expires: _____

Notary registration number: _____

APPROVED AS TO FORM:

BY: _____
C. RYAN DODSON
Assistant City Attorney
VS# 90680

THIS **DEED OF VACATION** made this the ____ day of _____,
2023, by and between the **CITY OF DANVILLE, VIRGINIA a municipal corporation
of the Commonwealth of Virginia, GRANTOR, and WILLIAM K. STERNER and
PATRICIA C. STERNER, GRANTEES,**

W I T N E S S E T H:

WHEREAS, Grantor holds a certain easement across two (2) certain parcels of real property located in the City of Danville, Virginia, identified as 1431 South Boston Road, Parcel #76417 and 100 Kentuck Road, Parcel #78091 (the "Property"), such easement identified as "Abandoned Gas Service and Easement" on a map entitled Cane Creek Shopping Center Water and Gas Easements, dated May 18, 2007, recorded in the Clerk's Office of the Circuit Court of Danville County, Virginia as part of Instrument #07-2904, at page 55 (the "Easement"); and

WHEREAS, Grantor no longer has any intended need for the Easement and desires to vacate the Easement in order to assist in the productive development of the Property; and

WHEREAS, Grantee is the owner of the Property and is desiring that the City vacate the Easement in order to facilitate development on the Property;

NOW THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby

acknowledged, the Grantor does hereby vacate, release, and quitclaim unto Grantee the Easement.

Any other easements, rights of way, or restrictive covenants now of record or affecting said property remain unaltered.

This conveyance having been authorized by the City Council of the City of Danville, Virginia by Ordinance No. 2023-_____, adopted on _____, 2023, pursuant to a public hearing held in accordance with Va. Code § 15.2-1800.

(Remainder of page intentionally left blank)

WITNESS the following signatures and seals:

**THE CITY OF DANVILLE, VIRGINIA,
a municipal corporation of the
Commonwealth of Virginia**

BY: _____
KENNETH F. LARKING
City Manager

STATE OF VIRGINIA
CITY OF DANVILLE, to-wit:

The foregoing Deed was acknowledged before me this the ____ day of _____, 202__, by **Kenneth F. Larking**, acting in his capacity as **City Manager**, on behalf of the City of Danville, Virginia.

BY: _____
NOTARY PUBLIC

My commission expires: _____

Notary registration number: _____

APPROVED AS TO FORM:

BY: _____
C. RYAN DODSON
Assistant City Attorney
VS# 90680

Council Letter

City of Danville, Virginia



CL - 435

NEW BUSINESS J.

City Council REGULAR MEETING

Meeting Date: April 4, 2023

Subject: Consideration of Repealing and Reordaining Chapter 16 and Section 23-3 of the City Code to allow for Casino Gambling in the C-E Casino Entertainment District and to Allow for the Sale of Beer and Wine in a Licensed Casino Gaming Establishment.

From: W. Clarke Whitfield Jr., City Attorney

COUNCIL ACTION

An Ordinance Repealing and Reordaining in its Entirety Chapter 16, Entitled Gambling, of the Code of the City of Danville, Virginia, 1986, As Amended and Repealing and Reordaining Section 23-3 Entitled "Sale of Beer and Wine Between Midnight Saturday and 6:00 A.M. Sunday" of Chapter 23, Entitled Offenses Miscellaneous, of the Code of the City of Danville, Virginia 1986 As Amended.

SUMMARY

In order for Caesars Virginia, LLC to operate in the City, Chapter 16 of the City Code needs to be repealed and reordained to allow casino gambling in the City of Danville in compliance with the Virginia law, and to allow the sale of beer and wine between midnight on Saturday and 6:00 a.m. Sunday by a licensed casino gaming establishment possessing a Virginia ABC license permitting it to do so in compliance with the Virginia law.

BACKGROUND

The Virginia General Assembly has approved the authorization to operate a casino in the City of Danville. The City Council reviewed a number of excellent proposals and the proposal put forward by Caesars Virginia, LLC and Caesars Entertainment (hereinafter "Caesars") was judged to be in the best interests of the City of Danville and its citizens. Caesars Virginia, LLC will be opening a temporary casino at 1100 West Main Street in the near future.

RECOMMENDATION

It is recommended that the City Council adopt the accompanying ordinance approving and authorizing casino gambling in the City of Danville and the sale of beer and wine between midnight on Saturday and 6:00 a.m. Sunday in compliance with the Virginia law in order for Caesars Virginia, LLC to operate in the City.

Attachments

1. Ordinance
 2. Danville City Code - Chapter 16
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. - _____._____

AN ORDINANCE REPEALING AND REORDAINING IN ITS ENTIRETY CHAPTER 16, ENTITLED GAMBLING, OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED AND AN REPEALING AND REORDAINING SECTION 23-3 ENTITLED "SALE OF BEER AND WINE BETWEEN MIDNIGHT SATURDAY AND 6:00 A.M. SUNDAY" OF CHAPTER 23, ENTITLED OFFENSES MISCELLANEOUS, OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA 1986 AS AMENDED.

WHEREAS, the current Chapter 16, entitled "Gambling", of the Code of the City of Danville, Virginia, needs to be repealed; and

WHEREAS, the current language of Chapter 16, entitled "Gambling", of the Code of the City of Danville, Virginia, needs to be preplaced and reordained in order to conform with Virginia law and to allow casino gambling in the city of Danville; and

WHEREAS, Section 23-3 Entitled "Sale of Beer and Wine Between Midnight Saturday and 6:00 A.M. Sunday" of Chapter 23, Entitled Offenses Miscellaneous, needs to be repealed; and,

WHEREAS, the current language of Section 23-3 Entitled "Sale of Beer and Wine Between Midnight Saturday and 6:00 A.M. Sunday" of Chapter 23, Entitled Offenses Miscellaneous, needs to be preplaced and reordained in order to conform with Virginia law.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that Chapter 16, entitled "Gambling", as amended, be, and the same is hereby, repealed; and

BE IT FURTHER ORDAINED, by the Council of the City of Danville, Virginia, that Chapter 16, entitled "Gambling" is hereby, replaced and reordained as attached hereto, and made apart hereof as if fully set out herein; and

BE IT FURTHER ORDAINED, by the Council of the City of Danville, Virginia, that the current Section 23-3 entitled "Sale of Beer and Wine Between Midnight Saturday and 6:00 A.M. Sunday" of Chapter 23, Entitled Offenses Miscellaneous, of the Code of the City of Danville, Virginia, 1986, as amended, be, and the same is hereby, repealed; and

BE IT FINALLY ORDAINED, that Section 23-3 entitled "Sale of Beer and Wine Between Midnight Saturday and 6:00 A.M. Sunday" of Chapter 23, Entitled Offenses Miscellaneous, of the Code of the City of Danville, Virginia, 1986, as amended, be, and the same is hereby, replaced and reordained as attached hereto, and made apart hereof as if fully set out herein.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Chapter 16 - GAMBLING

DIVISION I. GENERALLY

Sec. 16-1. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings ascribed to them in this section:

Amateur sports. Any sports or athletic event that is not professional sports, college sports, Virginia college sports, or youth sports. *Amateur sports* includes but is not limited to domestic, international, and Olympic sports or athletic events. *Amateur sports* does not include charitable gaming, fantasy contests, or horse racing.

Amusement device. A game that is activated by a coin, token, or other object of consideration or value that does not provide the opportunity to enter into a sweepstakes, lottery, or other illegal gambling event or receive any form of consideration or value, except for an appropriate award. *Amusement device* does not include any device that is designed or adapted to cause or enable a person to cause the release of free games or portions of games when designated as a potential reward for use of the device and shall not contain any meter or other measurement designed to record the number of free games or portions of games that are rewarded. *Amusement device* does not include any device designed or adapted to enable a person using the device to increase the chances of winning games or portions of games by paying more than is ordinarily required to play.

Appropriate award. A noncash, merchandise prize the value of which does not exceed the cost of playing the amusement device or the total aggregate cost of playing multiple amusement devices, that is not and does not include an alcoholic beverage, that is not eligible for repurchase, and that is not exchangeable for cash or cash equivalents.

Bingo. A specific game of chance played with individual cards having randomly numbered squares ranging from 1 to 75, State-approved electronic devices that display facsimiles of bingo cards and are used for the purpose of marking and monitoring players' cards as numbers are called, or State-approved cards, in which prizes are awarded on the basis of designated numbers on such cards conforming to a predetermined pattern of numbers selected at random.

Casino gaming establishment. The premises, including but not limited to the entire property located at the address of the licensed casino, upon which lawful casino gaming is authorized and licensed under Virginia law. A casino gaming establishment does not include a riverboat or similar establishment.

Casino Gaming. Baccarat, blackjack, twenty-one, poker, craps, dice, slot machines, roulette wheels, Klondike tables, punchboards, faro layouts, numbers tickets, push cards, jar tickets, pull tabs, sports betting, and any other activity that is authorized by the Virginia Lottery Board as a wagering game or device. *Casino Gaming* includes but is not limited to on-premises mobile casino gaming. Casino Gaming shall only be allowed in the C-E Casino Entertainment District pursuant to Chapter 41 Article 3 V of the Zoning Ordinance of the City of Danville. Virginia.

Charitable gaming or charitable games. Those raffles, Texas Hold'em poker tournaments, and games of chance explicitly authorized by Virginia law. Unless otherwise specified, *charitable gaming* includes electronic gaming authorized by Virginia law.

College sports. An athletic event in which at least one (1) participant is a team from a public or private institution of higher education, regardless of where such institution is located, and that does not include a team from a Virginia public or private institution of higher education.

Duck Race. A lottery in which the prize is won by a random contest in which the winning name or preassigned number of one (1) or more persons purchasing chances is determined by a race involving inanimate objects floating on a body of water.

Fantasy contest. Any online fantasy or simulated game or contest with an entry fee in which the value of all prizes and awards offered to winning participants is established and made known

to the participants in advance of the contest, all winning outcomes reflect the relative knowledge and skill of the participants and shall be determined by accumulated statistical results of the performance of individuals, including athletes in the case of sports events, and no winning outcome is based on the score, point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event.

Gambling device. A gambling device includes:

- (1) Any device, machine, paraphernalia, equipment, or other thing, including books, records, and other papers, which are actually used in an illegal gambling operation or activity;
- (2) Any machine, apparatus, implement, instrument, contrivance, board, or other thing, or electronic or video versions thereof, including but not limited to those dependent upon the insertion of a coin or other object for their operation, which operates, either completely automatically or with the aid of some physical act by the player or operator, in such a manner that, depending upon elements of chance, it may eject something of value or determine the prize or other thing of value to which the player is entitled; provided, however, that the return to the user of nothing more than additional chances or the right to use such machine is not deemed something of value; and provided further, that machines that only sell, or entitle the user to, items of merchandise of equivalent value that may differ from each other in composition, size, shape, or color, shall not be deemed gambling devices; and
- (3) Any skill game.

Such devices are no less gambling devices if they indicate beforehand the definite result of one or more operations, but not all the operations, nor are they any less a gambling device because, apart from their use or adaptability as such, they may also sell or deliver something of value on a basis other than chance.

Gaming Floor. The area or part of a casino gaming establishment upon which casino gaming is conducted.

Historical horse racing. A form of horse racing that creates pari-mutuel pools from wagers placed on previously conducted horse races and is hosted at a racetrack of a satellite facility licensed by the Virginia Racing Commission.

Horse racing. A competition on a set course involving a race between horses on which pari-mutuel wagering is permitted and includes historical horse racing.

Illegal gambling. The making, placing or receipt of any bet or wager in the territorial limits of the City of money or other consideration or thing of value, made in exchange for a chance to win a prize, stake, or other consideration or thing of value, dependent upon the result of any game, contest, or any other event the outcome of which is uncertain or a matter of chance, whether such game, contest, or event occurs or is to occur inside or outside the territorial limits of the City. For the purposes of this Chapter and notwithstanding any provision in this section to the contrary, the making, placing, or receipt of any bet or wager of money or other consideration or thing of value shall include the purchase of a product, Internet access, or other thing made in exchange for a chance to win a prize, stake, or other consideration or thing of value by means of the operation of a gambling device as described in this Chapter, regardless of whether the chance to win such, prize, stake, or other consideration or thing of value may be offered in the absence of a purchase. *Illegal gambling* also means the playing or offering for play of any skill game. For the purposes of this Chapter, activities conducted at a licensed casino gaming establishment pursuant to and in accordance with Virginia and City law shall not constitute illegal gambling.

Instant bingo, pull tabs, or seal cards. Specific games of chance played by the random selection of one (1) or more individually prepacked cards with winners being determined by the preprinted or predetermined appearance of concealed letters, numbers, or symbols that must be exposed by the player to determine wins and losses and may include the use of a seal card that conceals one or more numbers or symbols that have been designated in advance as prize winners. Such cards may be dispensed by mechanical equipment.

Network bingo. A specific bingo game in which pari-mutuel play is permitted.

Operator. Any person, firm, or association of persons, who conducts, finances, manages, supervises, directs, or owns all or part of an illegal gambling enterprise, activity, or operation.

On-premises mobile casino gaming means casino gaming offered by a casino gaming operator at a casino gaming establishment using a computer network of both federal and nonfederal interoperable packet-switched data networks through which the casino gaming operator may offer casino gaming to individuals who have established an on-premises mobile casino gaming account with the casino gaming operator and who are physically present on the premises of the casino gaming establishment, as authorized by Virginia law.

Pari-mutuel wagering. The system of wagering on horseraces in which those who wager on horses that finish in the positions for which wagers are taken share in the total amounts wagered, plus any amounts provided by an unlimited licensee, less deductions required or permitted by law, and includes pari-mutuel wagering on historical horseracing and simulcast horseracing originating within the Commonwealth or from any other jurisdiction.

Professional Sports. An athletic event involving at least two (2) competing individuals who receive compensation, in excess of their expenses, for participating in such event, and specifically excluding any athletes or teams competing on behalf of a college or university located within the Commonwealth.

Proposition bet. A bet on an individual action, statistic, occurrence, or non-occurrence to be determined during an athletic event and includes any such action, statistic, occurrence, or non-occurrence that does not directly affect the final outcome of the athletic event to which it relates.

Raffle. A lottery in which the prize is won by a random drawing of the name or prearranged number of one (1) or more persons purchasing chances or a duck race.

Satellite Facility. All areas of the property, at which simulcast horseracing is received for the purposes of pari-mutuel wagering.

Simulcast horse racing. The simultaneous transmission of the audio or video portion, or both, of horse races from a licensed horse racetrack or satellite facility to another licensed horse racetrack or satellite facility, regardless of state of licensure, whether such races originate within the City or any other jurisdiction, by satellite communication devices, television cables, telephone lines, or any other means for the purposes of conducting pari-mutuel wagering.

Skill. Knowledge, dexterity, or any other ability or expertise of a natural person.

Skill Game. An electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating the device to receive cash or cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash or cash equivalents whether the payoff is made automatically from the device or manually. *Skill game* includes but is not limited to a device that contains a meter or measurement device that records the number of free games or portions of games that are rewarded and a device designed or adapted to enable a person using the device to increase the chance of winning free games or portions of free games by paying more than the amount that is ordinarily required to play the game. *Skill game* does not include amusement devices, provided the prize won or distributed to a player by the amusement device is a noncash, merchandise prize or a voucher, billet, ticket, token, or electronic credit redeemable only for an appropriate award.

An appropriate award shall only be redeemable on the premises where the amusement device is located.

Sports betting. Placing wagers on professional sports, college sports, amateur sports, sporting events, or any other event approved by Virginia law, and any portion thereof, and includes placing wagers related to the individual performance statistics of athletes in such sports and events. *Sports betting* includes any system or method of wagering approved by Virginia law, including single-game bets, teaser bets, parlays, over-under, moneyline, pools, exchange wagering, in-game wagering, in-play bets, proposition bets, and straight bets. *Sports betting* does not include participating in any charitable gaming, lottery game, wagering on horse racing, or participating in fantasy contests as authorized by Virginia law respectively. *Sports betting* does not include placing a wager on a college sports event in which a Virginia public or private institution of higher education is a participant, unless such wager is permitted in accordance with and pursuant to Virginia law.

Sports event or sporting event. Professional sports, college sports, amateur sports, and any athletic event, motor race event, electronic sports event, competitive video game event, or any other event approved by Virginia law.

Texas Hold'em poker game. A variation of poker in which players receive two (2) cards facedown that may be used individually, five (5) cards shown face up are shared among all players in the game, players combine any number of their individual cards with the shared cards to make the highest five-card hand to win the value wagered during the game, and the ranking of hands and the rules of the game are governed by the official rules of the Poker Tournament Directors Association.

Texas Hold'em poker tournament. An organized competition of players who pay a fixed fee for entry into the competition and for a certain amount of poker chips for use in the competition; who may be allowed to pay an additional fee, during set preannounced times of the competition, to receive additional poker chips for use in the competition; who may be seated at one (1) or more tables simultaneously playing Texas Hold'em poker games; who upon running out of poker chips are eliminated from the competition; and a pre-set number of whom are awarded prizes of value according to how long such players remain in the competition.

Wager means any bet of money or other consideration or thing of value, made in exchange for a chance to win a prize, stake, or other consideration or thing of value, dependent upon the result of any game, contest, or any other event the outcome of which is uncertain or a matter of chance.

Youth sports. An athletic event involving a majority of participants under age eighteen (18) or in which at least one (1) participant is a team from a public or private elementary, middle, or secondary school, regardless of where such school is located. However, if an athletic event meets the definition of college sports or professional sports, such event shall not be considered youth sports regardless of the age of the participants. An international athletic event organized by the International Olympic Committee shall not constitute youth sports, regardless of the age of the participants.

State Law reference— Similar provisions, Code of Virginia, § 18.2-325; § 58.1-4030; § 59.1-365.

Sec. 16-2. - Illegal gambling generally.

- (a) Except as otherwise provided in this chapter, any person who illegally gambles shall be guilty of a Class 3 misdemeanor.
- (b) If an association or pool of persons illegally gamble, each person therein shall be guilty of illegal gambling. However, if any person makes, places, or receives any bet or wager of money or other thing of value on a horse race in the City, whether the race is inside or

outside the limits of the City at any place or through any means other than at a racetrack, satellite facility, or through advance deposit account wagering as licensed by the Virginia Racing Commission, such person shall be guilty of a Class 1 misdemeanor.

- (c) No retail establishment in this Commonwealth shall use any game, contest, lottery, or other scheme or device, whereby a person may receive gifts, prizes, or gratuities as determined by chance for the purpose of promoting, furthering, or advertising the sale of any product having both a federal and State excise tax placed upon it, and the fact that no purchase is required in order to participate in such game, contest, lottery, or scheme shall not exclude such game, contest, lottery, or scheme from the provisions of this section.
- (d) In any prosecution under this chapter, no consideration shall be deemed to have passed or been given because of any person's attendance upon the premises of another; his execution, mailing, or delivery of an entry blank; his answering of questions, verbally or in writing; his witnessing of a demonstration or other proceeding; or any one (1) or more thereof, where no charge is made to, paid by, or any purchase required of him in connection therewith.

Cross reference— Penalty for Class 3 misdemeanor, § 1-11.

State Law reference— Similar provisions, Code of Virginia, § 18.2-332; § 18.2-326.

Sec. 16-3. - Winning by fraud prohibited.

If any person, while gambling, cheats or by fraudulent means, wins or acquires for himself or another money or any other valuable thing, he shall be fined not less than five (5) nor more than ten (10) times the value of such winnings. This penalty shall be in addition to any other penalty imposed under this chapter.

State Law reference— Similar provisions, Code of Virginia, § 18.2-327.

Sec. 16-4. – Touting Prohibited.

It shall be a Class 1 misdemeanor for any person, who knowingly and designedly by false representation attempts to, or does persuade, procure, or cause another person to wager on a horse in a race to be run, and upon which money is wagered within the City, and who asks or demands compensation as a reward for information of purported information given in such case.

State Law reference— Similar provisions, Code of Virginia, § 59.1-403.

Sec. 16-5. - Permitting gambling to continue in one's premises.

If the owner, lessee, tenant, occupant, or other person in control of any place or conveyance knows, or reasonably should know, that it is being used for illegal gambling, and permits such gambling to continue without having notified a law-enforcement officer of the presence of such illegal gambling activity, he shall be guilty of a Class 1 misdemeanor.

Cross reference— Penalty for Class 1 misdemeanor, § 1-11.

State Law reference— Similar provisions, Code of Virginia, § 18.2-329.

Sec. 16-6. - Aiding or abetting operation of illegal gambling activity.

Any person, other than those persons specified in other sections of this chapter, who knowingly aids, abets, or assists in the operation of an illegal gambling enterprise, activity or operation shall be guilty of a Class 1 misdemeanor.

Cross reference— Penalty for Class 1 misdemeanor, § 1-11.

State Law reference— Similar provisions, Code of Virginia, § 18.2-330.

Sec. 16-7 - Manufacture, sale, possession, etc., of gambling devices.

It shall be unlawful for any person to manufacture, sell, transport, rent, give away, place, or possess any gambling device, or conduct or negotiate any transaction affecting or designed to affect ownership, custody, or use of any gambling device, believing or having reason to believe that the same is to be used in the advancement of any illegal gambling activity. A violation of any provision of this section shall constitute a Class 1 misdemeanor.

Cross reference— Penalty for Class 1 misdemeanor, § 1-11.

State Law reference— Similar provisions, Code of Virginia, § 18.2-331.

Sec. 16-8. - Civil Enforcement against illegal gambling conduct.

- (a) All money, gambling devices, office equipment, and other personal property used in connection with an illegal gambling enterprise or activity, and all money, stakes, and things of value received or proposed to be received by a winner in any illegal gambling transaction, which are lawfully seized by any police officer of the City or which shall lawfully come into his custody, shall be forfeited to the City by order of the court in which a conviction under this chapter is obtained. Such court shall order all money so forfeited to be paid over to the City and, by order, shall make such disposition of other property so forfeited as the court deems proper, including award of such property to any agency of the City or charitable organization for lawful purposes, or in case of the sale thereof, the proceeds therefrom to be paid over to the City. Such forfeiture shall not extinguish the rights of any person without knowledge of the illegal use of such property who is the lawful owner or who has a lien on the same which has been perfected in the manner provided by law.
- (b) Whenever any person shall be engaged in committing, or in permitting to be committed, or shall be about to commit, or permit, any act prohibited by any one or more of the sections in this chapter, the attorney for the Commonwealth of the City may institute and maintain a civil suit in the appropriate court to enjoin and restrain such person from committing, or permitting, such prohibited act or acts. The procedure in any such suit shall be the same as the procedure in other suits for injunctions, except that no bond shall be required upon the granting of either a temporary or permanent injunction therein.
- (c) In addition to any other penalty provided by law, any person who conducts, finances, manages, supervises, directs, sells, or owns a gambling device that is located in an unregulated location is subject to a civil penalty of up to \$25,000 for each gambling device located in such unregulated location. The City Attorney may cause a civil action to be brought in the name of the City to immediately enjoin the operation of a gambling device in violation of this chapter and to request an attachment against all such devices and any money within such devices pursuant, and to recover the civil penalty of up to \$25,000 per device. In any action brought under this section, the City Attorney may recover reasonable expenses incurred in investigating and preparing the case, and attorney fees. Any civil penalties assessed under this section shall be paid into the general fund of the City.

State Law reference— Similar provisions, Code of Virginia, § 18.2-336; § 18.2-339; § 18.2-331.1.

Sec. 16-9. - Exceptions from chapter.

- (a) Nothing in this chapter shall be construed to prevent any contest of speed or skill between men, animals, fowl, or vehicles, where participants may receive prizes or different percentages of a purse, stake, or premium dependent upon whether they win or lose or dependent upon their position or score at the end of such contest, as permitted by Virginia law. Any participant who, for the purpose of competing for any such purse, stake, or premium offered in any such contest, knowingly and fraudulently enters any contestant, other than the contestant purported to be entered, or knowingly and fraudulently enters a contestant in a class in which he or it does not belong, shall be guilty of a Class 3 misdemeanor.
- (b) Nothing in this chapter shall be construed to make it illegal to participate in a game of chance conducted in a private residence, provided such private residence is not commonly used for such games of chance and there is no operator, as defined in section 16-1.
- (c) Nothing in this chapter shall apply to any bingo game, instant bingo, network bingo, raffle, duck race, or Texas Hold'em poker tournament conducted solely by organizations as defined in §18.2-340.16 of the Code of Virginia which have received a permit as set forth in §18.2-340.25 of the Code of Virginia, or which are exempt from the permit requirement under § 18.2-340.23 of the Code of Virginia.
- (d) Nothing in this chapter shall apply to any lottery conducted by the Commonwealth of Virginia pursuant to Chapter 40 of Title 58.1 of the Code of Virginia.
- (e) Nothing in this chapter shall apply to any fantasy contest or related activities conducted pursuant to Chapter 51 of Title 59.1 of the Code of Virginia. The award of any prize money for any fantasy contest shall not be deemed to be part of any gaming contract.
- (f) Nothing in this chapter shall apply to any betting on professional sports or related activities conducted pursuant to Chapter 40 of Title 58.1 of the Code of Virginia.
- (g) Nothing in this chapter shall apply to any participation in any race meeting or pari-mutuel wagering conducted in accordance with Chapter 29 of Title 59.1 of the Code of Virginia.
- (h) Nothing in this chapter shall apply to any bet, wager, or casino gaming permitted by Chapter 41 of Title 58.1 of the Code of Virginia or to any contract, conduct, or transaction arising from conduct lawful thereunder.
- (i) Nothing in this chapter shall apply to any amusement device, provided the prize won or distributed to a player by the amusement device is a noncash, merchandise prize or a voucher, billet, ticket, token, or electronic credit redeemable only for an appropriate award. An appropriate award shall only be redeemable on the premises where the amusement device is located.

State Law reference— Similar provisions, Code of Virginia, §§ 18.2-333 - 334.6.

Sec. 16-10. – Age Limitations.

- (a) No person shall wager or conduct any wagering on the outcome of a race pursuant to this chapter or participate in any casino gaming unless such person is twenty-one (21) years of age or older. No person shall accept any wager from a person younger than twenty-one (21) years of age. No person shall be admitted onto the gaming floor of a casino gaming establishment or into a satellite facility if such person is under twenty-one (21) years of age unless such person is an employee of the casino gaming establishment or satellite facility and

is traversing the gaming floor while on duty. A violation of this section shall constitute a Class 1 misdemeanor.

- (b) No person shall knowingly accept or redeem a sports bet by, or knowingly offer to accept or redeem a sports bet on behalf of, a person under twenty-one (21) years of age. Any person convicted of violating this section is guilty of a Class 1 misdemeanor.
- (c) No lottery ticket or share authorized by the Commonwealth of Virginia shall be sold to or redeemed from any person under eighteen (18) years of age. Any person who knowingly sells or offers to sell or redeem a lottery ticket or share to or from any person under eighteen (18) years of age is guilty of a Class 1 misdemeanor.
- (d) No lottery ticket or share authorized by the Commonwealth of Virginia shall be given as a gift or otherwise to any person under eighteen (18) years of age. Any person who knowingly gives a lottery ticket or share to any person under the age of eighteen years is guilty of a Class 3 misdemeanor.

State Law reference— Similar provisions, Code of Virginia, § 58.1-4015; § 58.1-4016; § 58.1-4040; § 59.1-403.

Sec. 16-11. – Events on which betting is prohibited; penalty.

- (a) No person shall place or accept a bet on youth sports.
- (b) No person shall place or accept a proposition bet on college sports.
- (c) No person shall place or accept a bet on Virginia college sports unless such wager is permitted in accordance with and pursuant to Virginia law.
- (d) No person shall offer or take any bets in violation of this chapter.
- (e) The prohibitions in this section shall be limited to the single game or match in which a youth sports or Virginia college sports team is a participant. The prohibitions shall not be construed to prohibit betting on other games in a tournament or multigame event in which a youth sports or Virginia college sports team participates, so long as such other games do not have a participant that is a youth sports or Virginia college sports team, unless such wager is permitted in accordance with and pursuant to Virginia law..
- (f) Any person convicted of violating this section is guilty of a Class 1 misdemeanor.

State Law reference— Similar provisions, Code of Virginia, § 58.1-4039.

Sec. 16-12. – Persons prohibited from sports betting; penalty.

No person who is prohibited from sports betting pursuant to § 58.1-4041 of the Code of Virginia shall place any prohibited wager. Any person convicted of violating this section is guilty of a Class 1 misdemeanor.

State Law reference— Similar provisions, Code of Virginia, § 58.1-4041.

Sec. 16-13. – Prohibited lottery ticket sales; penalty.

No person shall sell a lottery ticket or share at any price or at any location other than that fixed by rules and regulations of the Commonwealth of Virginia. No person other than a licensed lottery sales agent or his employee shall sell lottery tickets or shares, except that nothing in this section shall be construed to prevent any person from giving lottery tickets or shares to another person over the age of eighteen (18) years as a gift. No person shall operate a ticket courier service in the City. Any person convicted of violating this section is guilty of a Class 1 misdemeanor.

State Law reference— Similar provisions, Code of Virginia, § 58.1-4014.

Sec. 16-14. – Defrauding amusement devices and other coin boxes; penalty.

- (a) Any person who shall operate, cause to be operated, or attempt to operate or cause to be operated any amusement device, coin box telephone, parking meter, vending machine, or other machine that operates on the coin-in-the-slot principle, whether of like kind or not, designed only to receive lawful coin of the United States of America, by means of a slug, or any false, counterfeit, mutilated, sweated, or foreign coin, or by any means, method, trick or device whatsoever, not authorized by the owner, lessee, or licensee of device or machine; or who shall obtain or receive games, services, privileges, merchandise, or any other service or property from any such amusement device, coin box telephone, parking meter, vending machine, juke box, or other machines, designed only to receive lawful coin of the United States of America, without depositing in or surrendering to such device or machine lawful coin of the United States of America to the amount required therefor by the owner, lessee, or licensee of such device or machine, shall be guilty of a Class 3 misdemeanor.
- (b) Any person who, with intent to cheat or defraud the owner, lessee, licensee, or other person entitled to the contents of any such amusement device, coin box telephone, parking meter, vending machine, juke box, or other machine operated on the coin-in-the-slot principle, designed only to receive lawful coin of the United States of America, in connection with the use of any such device or machine, or who, knowing or having reason to believe that the same is intended for such unlawful use, shall manufacture, sell, offer to sell, advertise for sale or give away any slug, device, or substance whatsoever, intended or calculated to be placed or deposited in any such device or machine, shall be guilty of a Class 3 misdemeanor.
- (c) The manufacture, sale, offer for sale, advertisement for sale, giving away, or possession of any such slug, device, or substance whatsoever, intended or calculated to be placed or deposited in any such amusement device, coin box telephone, parking meter, vending machine, juke box, or other machine that operates on the coin-in-the-slot principle, shall be prima facie evidence of intent to cheat or defraud within the meaning of this section.

State Law reference— Similar provisions, Code of Virginia, § 18.2-179; 18.2-180.

Sec. 16-14 – 16-20. – Reserved.

DIVISION II. CASINO GAMING ESTABLISHMENTS

Sec. 16-21. - Administration.

- (a) The City Manager, and any law enforcement officer shall have the authority to enforce the provisions of this division.
- (b) Any law enforcement officer may enter the gaming floor of any casino gaming establishment during lawful business hours, or at the request of an officer or employee of the Virginia Lottery Board (VLB) to investigate a suspected violation of this division or of any other law.
- (c) Any person violating any provision of this chapter shall be guilty of a Class 3 misdemeanor, unless otherwise specified herein.

Sec. 16-22. – State license required.

- (a) Any person seeking to own or operate a casino gaming establishment in the City shall, before applying for an annual business license, secure a license or permit to operate as a casino gaming establishment from the Virginia Lottery Board. The Commissioner of Revenue shall not issue a business license to any applicant who does not have a license or permit from the VLB.

- (b) If at any time VLB revokes or suspends the license or permit of any casino gaming establishment in the City, such revocation or suspension shall also operate as a revocation or suspension of the City license to engage in such business.
- (c) Each casino gaming establishment in the City shall prominently display its VLB license or permit in accordance with State law.

Sec. 16-23. – Prohibited conduct by casino gaming establishments.

- (a) It shall be unlawful for any casino gaming establishment to conduct or permit any wager, use any gaming equipment, device, or supplies customarily used in conducting licensed gaming, or use any token, chip, electronic card, or other form of payment, except as permitted by Va. Code §58.1-4122 or this code.
- (b) It shall be unlawful for any casino gaming establishment to permit a person younger than twenty-one (21) years of age to place any wager or operate any gaming equipment, devices, or supplies, sold or leased by a supplier licensed by the VLB.
- (c) Any casino gaming establishment must offer and honor an opt-out policy for compulsive and problem gamblers to prevent their placing of any wagers or use of any gaming equipment, devices, or supplies sold or leased by a supplier licensed by the VLB. It shall be unlawful for any casino to refuse to or fail to offer and honor any such policy.
- (d) It shall be unlawful for any casino gaming establishment to operate or permit to be operated on its premises any financial services business unless such financial services are conducted by a business whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration. Automatic teller machines shall not constitute a financial services business.

Sec. 16-24. – Security.

Any casino gaming establishment must have a written security plan at all times while in operation and shall provide a copy to the Police Chief prior to commencing operation and promptly following each time the plan is amended or revised.

Sec. 16-25 – 16-30. – Reserved.

OTHER PROPOSED CODE CHANGE

~~Sec. 23-3. Sale of beer and wine between midnight Saturday and 6:00 a.m. Sunday.~~

- ~~(a) The sale of beer and wine is hereby prohibited within the City and within one (1) mile of the corporate limits thereof between the hours of 12:00 midnight on Saturday and 6:00 a.m. on Sunday; provided, however, that when daylight saving time is in effect, such sale of beer and wine shall not be made between the hours of 1:00 a.m. and 7:00 a.m. on Sunday. Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.~~
- ~~(b) The provisions of this section shall not affect the sale of beer and wine on passenger trains while operating through the City in interstate commerce.~~

Sec. 23-3. - Sale of beer and wine between midnight Saturday and 6:00 a.m. Sunday.

It shall be unlawful and a Class 1 misdemeanor for any person to sell beer or wine within the City and within one (1) mile of the territorial limits thereof between the hours of 12:00 midnight

on Saturday and 6:00 a.m. on Sunday. The provisions of this section shall not affect the sale of beer and wine on passenger trains while operating through the City in interstate commerce **or by a licensed casino gaming establishment possessing a Virginia ABC license permitting it to do so.**

Code 1962, § 17-9; Ord. No. 99-03.08, 3-2-99; Ord. No. 2010-01.05, 1-5-10)

Cross reference(s)—Penalty for Class 1 misdemeanor, § 1-11.

State law reference(s)—Authority for above section, Code of Virginia, § 4.1-129.