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THE REGULAR MEETING OF THE PLANNING COMMISSION OF THE TOWN OF ALTAVISTA, VIRGINIA, WILL BE HELD IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING ON Monday, June 4, 2018 at 5:00 p.m.

AGENDA

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

Adjournment

The Altavista Planning Commission held a regularly scheduled meeting on Monday, April 2, 2018, in the Council Chambers at Town Hall.

Members Present	-	John Jordan, Chairman Marvin Clements Tim George
Not Present	-	Laney Thompson John Woodson
Also Present	-	Cheryl Dudley John Eller Dan Witt

The minutes from the February 5, 2018, meeting were reviewed and approved as presented.

Chairman Jordan asked Mr. Witt to address the Commissioners and explain the issues presented to them in their packets.

Mr. Witt stated that over the past several months, staff has received several complaints about the number of cats at certain locations in town. Most recently, a complaint was received about a property on 7th Street. The person who made the complaint stated that 12 or more cats were in her neighbor's yard, but that they were coming on her property and her porch. The concern was not only the number of cats but the evidence that they were using her yard as a litter box. She provided pictures of 3 trash bags of cat feces she picked up. Additionally, the cats are spraying urine to "mark" their area on her house, creating a foul odor, and the last concern is the cats are "trespassing" on her posted property.

Staff immediately called the animal warden who investigated the matter and called staff back to report the cats' owner had 26 rabies certificates and had personally paid to have most of the cats spayed or neutered. Therefore, there was no violation of the Campbell County animal code.

Mr. Witt stated that the Town Council had recently updated and adopted changes to the nuisance ordinance and it would allow him to approach the complaint as such. The owner of the cats would receive a violation notice based on the complaint and verification of the nuisance.

Sec. 18-1 of the Zoning Ordinance was discussed by Chairman Jordan who asked Mr. Witt if the Commissioners should consider adding a definition for a 'private kennel'. Mr. Eller responded by saying that it is not the idea of a kennel that is the problem, the issue is how many animals (cats) any one person can own. NOTE: By having a definition for a 'private kennel', the number of cats at any one residence would be limited to 4.

Chairman Jordan asked if there was a restriction on how many cats any one person can own. Mr. Witt responded that there is no limit on cats. But, Mr. Witt said if there is an excessive number of cats and the odor created is verified, it can be considered a public nuisance. To limit the number of cats, however, a definition for a private kennel could be added to the code and limit the number of cats to four (4) at any single location.

From a zoning perspective, Mr. Witt asked the Commissioners to consider limiting the number of animals, specifically cats, owned by any one person at one residence. Dogs are already limited to 4. Chairman Jordan asked Mr. Witt if adding the definition of a private kennel would help solve the problem and complaints. He answered, yes. Mr. Eller said that a definition would need to include which zoning district(s) the use would apply to and also the ones where it might be permitted with the issuance of a special use permit.

Doug Harris, resident, 1253 Lynch Road, Altavista, VA, asked to speak in reference to the kennel discussion. He stated that when he lived in Connecticut, they didn't have a restriction on the number of animals a person may own, but if they made a large mess and the owner didn't keep the property clean, the animals would be deemed to be a nuisance. He stated that he operated a shelter and had over 100 cats and they were all contained in his house. He stated he lived in a large house with a basement that had a concrete floor and that it was set up as a kennel. An enforcement agent would come around periodically and inspect the kennel. If it was not kept up to state standards, the agent would shut it down and confiscate the animals. There were no restrictions on the number of animals allowed though. He stated that he thought it would solve the problem the Commissioners were discussing if the current complaint were handled as a public nuisance. Mr. Harris stated he didn't think the matter needed to be made any more complicated than it already was by limiting the number of animals.

Mr. Eller agreed with Mr. Harris and said that the Commissioners should allow staff to enforce the language already contained in the ordinance. However, he said that if it becomes a bigger issue, then the Commissioners can add more language to what is already in place. Mr. Eller stated that if it is decided that there can only be a certain number of cats allowed, the current owner would be "grandfathered". The owner would not be allowed to have any additional cats but the ones currently could remain, unless they are determined to be a public nuisance and the remedy was to relocate the cats.

Mr. Witt gave his staff report on the zoning permits issued for the month of February & March.

The meeting adjourned at 5:43 PM

John Jordan, Chairman

Dan Witt, Assistant Town Manager

*RESOLUTION IN RECOGNITION OF
LANEY THOMPSON*

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

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

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

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

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

Adopted this 12th day of June 2018

Michael Mattox, Mayor
Town Council, Town of Altavista

John Jordan, Chairman
Altavista Planning Commission

PLANNING COMMISSION AGENDA FORM

Agenda Item and Number: Ordinance Update and/or Correction: 9-2
(Public Hearings, New Business, Old Business, Staff Report, Permit Related, Citizen request)

Subject Title: Restaurant, Mobile (Food Truck Ordinance) | **Meeting Date:** June 4, 2018

Action Needed: Please review the draft ordinance along with those of the other municipalities.
(N/A: Information only) Authorize staff to conduct a public hearing if appropriate.

Subject Overview

In the past several years there has been an influx in the requests for food trucks in most localities. These range from hot dog stands, to pizza, doughnuts, coffee shops, etc. When the Town's code was updated in 2011 these businesses were not popular and therefore, not a concern and so our code did not address them.

Currently, these businesses are considered itinerate vendors but are not permitted by-right or with the issuance of a SUP in any zoning district. Staff has permitted them within the commercial districts, but there are no guidelines or developmental standards that regulates this use.

Staff reached out to other municipalities within Region 2000 and requested examples as to how their ordinances regulate these mobile restaurants. Interestingly, Bedford County has initiated and is working on the same process as the Town of Altavista. Based on the local ordinance samples staff received, along with other research, staff has drafted an ordinance for the Commissioners to review and consider. Attached are both a draft of the town ordinance along with copies from other localities.

Staff Recommendations, if applicable

Staff recommends that once the draft ordinance is reviewed, tweaked and the language is agreed upon, that the Commissioners schedule a public hearing.

Suggested / Required Action or Suggested Motion(s)

A consensus that the draft language is satisfactory plus any direction to staff to advertise for a public hearing would be suggested.

Town of Altavista

Draft Food Truck Ordinance (Restaurant, Mobile)

Definition: Amend Sec. 86-32 – Use Types

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

Zoning Districts Permitted –

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

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

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

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

Use and Design Standards:

ADD: Section 86-520. Restaurant, Mobile

(a) Authorization

- (1) Mobile restaurants must obtain a zoning permit. The zoning permit shall not be transferable to a new owner of the unit. The permit is valid for 12 months – January to December to match Business License – BPOL.
- (2) Mobile restaurants must maintain a valid business license issued by the Town and a valid health permit issued by the Virginia Department of Health. These must be displayed at all times the restaurant is open for service.

(b) General Standards

- (1) A Mobile Restaurant may operate on private property but must obtain written permission from the property owner and provide when seeking a zoning permit.
- (2) No items shall be sold other than food and non-alcoholic beverages and items incidental to food and its consumption.
- (3) No music shall be played that is audible outside of the vehicle.
- (4) Mobile restaurant vehicles must park in locations or areas as approved in the Mobile Restaurant permit, and shall not block i) the main entry drive aisles or affect

- pedestrian or vehicular circulation overall, (ii) other access to loading areas, or (iii) emergency access and fire lanes. The Mobile Restaurant must also be positioned at least fifteen (15) feet away from fire hydrants, driveway entrances, alleys and handicapped parking spaces.
- (5) A Mobile Restaurant may operate between 7:00am and 9:00pm. The vehicle and all accessory structures shall be removed each day. No Mobile Restaurant shall operate past 9:00pm. A Mobile Restaurant and all materials associated with the business shall be removed from the location by 9:30pm each day.
 - (6) No outdoor seating shall be permitted.
 - (7) No signs may be displayed except those permanently affixed to the vehicle. No signs intended to move with air / wind shall be allowed (such as streamers, sails or wings or feather flags).
 - (8) Trash receptacles shall be provided by and at the Mobile Restaurant and all trash, refuse, or recyclables generated by the use shall be properly disposed of in them. Trash, refuse or recyclables must be removed with the mobile unit and may not be placed in any public receptacle or public trash can on a street or public dumpster.
 - (9) No liquid wastes shall be discharged from the Mobile Restaurant.
 - (10) No Mobile Restaurant shall locate within 50 feet of the entrance to a business that sells food for consumption (determined by measuring from the edge of the Mobile Restaurant to the main public entrance of the restaurant) unless permission of the restaurant owner is provided in writing. This standard shall not apply when an established, active restaurant is closed or outside its normal operating hours or when the Mobile Restaurant is part of a town sanctioned event.
 - (11) No Mobile Restaurant shall locate within 50 feet of a single family or multi-family residential structure (determined by measuring from the edge of the Mobile Restaurant to the edge of the structure).
 - (12) Mobile Restaurant vehicles may be otherwise limited by the Town depending on the location or other details of the Mobile Restaurant permit application.
 - (13) A Mobile Restaurant may operate at the First Saturday Trade Lot with permission from the manager of the event but not at other times.
 - (14) The operation of the Mobile Restaurant or use of a generator should not be loud enough to be plainly audible at a distance of one hundred (100) feet away. Excessive complaints about vehicle or generator noise will be grounds for the Administrator to require that the Mobile Restaurant Vendor change location on the site, to move to another property or the permit may be revoked at that location.

(15) A Mobile Restaurant permit may be revoked by the Zoning Administrator at any time, due to the failure of the property owner or operator of the Mobile Restaurant permit to observe all requirements for the operation of Mobile Restaurants. Notice of revocation shall be made in writing to address of record for Mobile Restaurant permit holder. Any person aggrieved by such notice may appeal the revocation to the Board of Zoning Appeals.

City of Lynchburg

35.2-72.27 Mobile Food Vehicles

All mobile vehicles providing retail sales of food (food trucks, food trailers or food carts) shall comply with the regulations of this section. These regulations do not apply to "meals on wheels" program vehicles, ice cream trucks or food home delivery services.

(a) Districts Where Allowed

1. Mobile food trucks and trailers for retail sales of food shall be limited to the B-3, B-4, B-5, IN-2, I-1, and I-2 districts.
2. Mobile food carts for retail sales of food shall be limited to the B-1, B-3, B-4, B-5, IN-1 and IN-2 districts. Food carts shall not be self-propelled or exceed four (4) feet in width by ten (10) feet in length or eight (8) feet in height.

(b) Location Criteria

1. Food trucks, trailers and carts shall be located a minimum distance of fifteen (15) feet from the edge of any driveway, utility box or vaults, handicapped ramp, building entrance, exit or emergency access/exit, emergency call box or fire hydrant.
2. Food trucks, trailers and carts shall not be located within any area of the lot or parcel that impedes, endangers, or interferes with pedestrian or vehicular traffic.
3. Food trucks, trailers and carts shall not occupy any parking spaces required to fulfill the minimum requirements of the principal use, unless the principal use's hours of operation do not coincide with those of the food truck business. Nor shall any retail sales - food truck occupy parking spaces that may be leased to another business and used to fulfill its minimum parking requirements.
4. Food trucks, trailers and carts shall not occupy or limit access to any handicap accessible parking space.

(c) Mobile Food Vehicle Operations

1. No freestanding signage or audio amplification shall be permitted as part of the mobile food vehicle operations.
2. No mobile food vehicle operations shall make or cause to be made any unreasonable or excessive noise in violation of City's Code.
3. No mobile food vehicle shall use flashing or moving lights as part of its operation.
4. Outside of business hours, the vehicle shall not be stored on the site of its operations.
5. When open for business, the food truck, trailer or cart operator, or his or her designee, must be present at all times, except in cases of an emergency.
6. The food truck, trailer or cart vendor is responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles are not to be used for this purpose.

Vendors shall remove all waste and trash from their approved location at the end of each day or as needed to maintain the health and safety of the public. The vendor shall keep all areas of the permitted lot free and clean of grease, trash, paper, cups, cans or other materials associated with the vending operation. No liquid waste or grease is to be disposed in tree pits, storm drains or onto the sidewalks, streets, or other public space. Under no circumstances shall grease be released or disposed of in the City's sanitary sewer system.

7. All equipment required for the operation shall be contained within, attached to or within twenty (20) feet of the food truck, trailer or cart. All food preparation, storage, and sales-distribution shall be in compliance with all applicable City, State and Federal Health Department sanitary regulations.

(d) Authorization

1. A City business license shall be obtained by the vendor prior to operations of a mobile food vehicle and shall be renewed annually.
2. The application shall include a sketch showing the footprint of the mobile food vehicle and all related dining or food service appurtenances.
3. Application approval does not grant or entitle the exclusive use of a location to the mobile food vehicle applicant.
4. The business license application shall include authorization from the property owner for any lot or parcel proposed to accommodate a mobile food vehicle.
5. Prior to issuance of the business license, the vendor shall provide evidence of all necessary permits authorizing the preparation and sales of food within the City of Lynchburg.
6. If at any time evidence is provided that the lot or parcel is being used other than in compliance with these regulations, the property owner may be cited for violation of this zoning ordinance.
7. Copies of the business license and all applicable permits shall be kept in the food truck, trailer or cart at all times.

Zoning Changes Proposed- Town of Buchanan, VA

The Town Council and Planning Commission will hold a joint Public Hearing on **Monday, March 5, 2018 at 7:00pm** to receive comments on a proposed zoning ordinance change related to Mobile Restaurants (Food Trucks).

The proposed text is as follows:

RESTAURANT, MOBILE: A readily movable wheeled cart, trailer, or vehicle designed and equipped for the preparing, serving, and/or selling of food and operated at temporary locations. This definition shall include food trucks, food trailers, and food carts and shall not apply to ice cream trucks.

Zoning Districts Permitted – Commercial, Trade, Office, Manufacturing (not Ag, Residential or Public districts)

Use and Design Standards:

Restaurant, mobile. The following additional requirements apply to sales from a Mobile Restaurant operating on private property, except when operating in conjunction with temporary, special events permitted under applicable sections of the Town Code:

1. Mobile restaurants must obtain a Town Mobile Restaurant zoning permit. The zoning permit shall not be transferable to a new owner of the unit. [permit application will say it is valid for 12 months – January to December to match Business License – BPOL]
2. Mobile restaurants must maintain a valid business license issued by the Town and a valid health permit issued by the Virginia Department of Health. These must be displayed at all times the restaurant is open for service.
3. A Mobile Restaurant may operate on private property with written permission from the owner.
4. No items shall be sold other than food and beverages.
5. No music shall be played that is audible outside of the vehicle.

6. Mobile restaurant vehicles must park in locations or areas as approved in the Mobile Restaurant permit, and shall not block i) the main entry drive aisles or affect pedestrian or vehicular circulation overall, (ii) other access to loading areas, or (iii) emergency access and fire lanes. The Mobile Restaurant must also be positioned at least fifteen (15) feet away from fire hydrants, any fire department connection (FDC), driveway entrances, alleys and handicapped parking spaces.
7. A Mobile Restaurant may operate between 7:00am and 9:00pm. The vehicle and all accessory structures shall be removed each day. No Mobile Restaurant shall operate past 9:00pm. A Mobile Restaurant and all materials associated with the business shall be removed from the location by 9:30pm each day.
8. A Mobile Restaurant shall locate not more than two (2) days per calendar week at any one location within the town (maximum of 2 days at one site). For the purposes of this standard, a calendar week shall start on a Sunday and end on a Saturday.
9. No outdoor seating shall be permitted.
10. No signs may be displayed except those permanently affixed to the vehicle. No signs intended to move with air / wind shall be allowed (such as streamers, sails or wings or feather flags).
11. Trash receptacles shall be provided by and at the Mobile Restaurant and all trash, refuse, or recyclables generated by the use shall be properly disposed of in them. Trash, refuse or recyclables must be removed with the mobile unit and may not be placed in any public receptacle or public trash can on a street or public dumpster.
12. No liquid wastes shall be discharged from the Mobile Restaurant.
13. No Mobile Restaurant shall locate within 50 feet of the entrance to a business that sells food for consumption (determined by measuring from the edge of the Mobile Restaurant to the main public entrance of the restaurant) unless permission of the restaurant owner is provided in writing. This standard shall not apply when an established, active restaurant is closed or outside its normal operating hours.
14. No Mobile Restaurant shall locate within 50 feet of a single family or multi-family residential structure (determined by measuring from the edge of the Mobile Restaurant to the edge of the structure).
15. Mobile Restaurant vehicles may be otherwise limited by the Town depending on the location or other details of the Mobile Restaurant permit application.

16. A Mobile Restaurant may operate at any farmer's market held on public or private property, if the food truck vendor is legally parked at the farmer's market and has received written permission from the farmer's market manager and displays such written permission upon request.
17. The operation of the Mobile Restaurant or use of a generator should not be loud enough to be plainly audible at a distance of one hundred (100) feet away. Excessive complaints about vehicle or generator noise will be grounds for the Administrator to require that the Mobile Restaurant Vendor change location on the site, to move to another property or the permit may be revoked at that location.
18. The requirements of this section shall not apply to Mobile Restaurant Vendors at catered events (events where the food is not sold through individual sales but provided to a group pursuant to a catering contract with a single payer).
19. A Mobile Restaurant permit may be revoked by the Zoning Administrator at any time, due to the failure of the property owner or operator of the Mobile Restaurant permit to observe all requirements for the operation of Mobile Restaurants. Notice of revocation shall be made in writing to address of record for Mobile Restaurant permit holder. Any person aggrieved by such notice may appeal the revocation to the Board of Zoning Appeals.

MOBILE RESTAURANTS / FOOD TRUCKS
Zoning Compliance Requirements / Supplemental Application
Town of Rocky Mount, Virginia

Mobile food unit ('food truck') owners who (1) intend to operate as stand –alone sellers of food and non-alcoholic beverages, (2) are not associated with one -time or short-term events and (3) cannot or wish not to abide by the Town of Rocky Mount peddler's license code requirements may apply for a ZONING COMPLIANCE PERMIT from the Town of Rocky Mount.

RULES AND REQUIREMENTS FOR APPLICATION APPROVAL

As they relate to zoning requirements and definitions, food trucks are interpreted by Town to be mobile brick-and-mortar restaurants and must possess a valid food permit (issued annually by the Virginia Department of Health) before receiving a Zoning Compliance Permit from the Town of Rocky Mount.

- Food trucks are limited to five pre-determined locations at which they may operate. Below, please list the owners' names and the physical addresses where your food truck will be located (up to five); attach written permission from each property owner to the Zoning Compliance application (540-483-0907):
 - Property #1: ADDRESS: _____ OWNER: _____
 - Property #2: ADDRESS: _____ OWNER: _____
 - Property #3: ADDRESS: _____ OWNER: _____
 - Property #4: ADDRESS: _____ OWNER: _____
 - Property #5: ADDRESS: _____ OWNER: _____

 - Anticipated days and hours of operation: _____
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- Please attach a sketch of each site, including an approximation of the placement of the truck in relation to the lot/street, parking, routes for ingress and egress, and any other anticipated features.
- Please provide proof of: (1) a Town business license and (2) a valid food permit from the Virginia Health Department stating that the mobile food unit meets all applicable standards.
- Food Trucks which are operating independently are only permitted in zoning districts where restaurants are allowed uses by right (C2, CBD, and GB).
- Zoning Compliance Permits for food trucks are good for one year from the date of issuance, unless otherwise indicated by the Zoning Administrator. A Zoning Compliance Permit may be revoked by the zoning administrator at any time, due to the failure of the permit holder to comply with all requirements listed herein.

- A 100-ft buffer must be maintained between a Mobile Food Unit and any residential use.
- A 100-ft buffer must be maintained between a Mobile Food Unit and all brick-and-mortar restaurants.
- No customer seating is permitted (without zoning administrator approval); if space is available, one (1) covered table is permitted to provide condiments to patrons.
- Amplified music is forbidden outside of truck.
- Off premises signage is forbidden; signage must be permanently affixed to food unit.
- Food trucks must properly dispose of all trash, refuse, compost and garbage.
- Trucks may not be the primary or principal use at a lot; they may only be considered an accessory use.
- Food trucks may only remain in one location for up to 8 consecutive hours.
- Food trucks may not sell any items other than food and non-alcoholic beverages and items incidental to food and its consumption.
- No liquid wastes may be discharged from the mobile food unit.
- The Town of Rocky Mount reserves the right to revoke this Zoning Compliance Permit at any time due to noncompliance with any of the above requirements or other code violations or issues which may arise.

PLANNING COMMISSION AGENDA FORM

Agenda Item and Number: Ordinance update and/or correction: 9-3
(Public Hearings, New Business, Old Business, Staff Report, Permit Related, Citizen request)

Subject Title: Livestock (Horses)

Meeting Date: June 6, 2018

Action Needed: For discussion and consideration
(N/A: Information only)

Subject Overview

Councilman George was contacted by the owners of the property located at 1407 Lynch Road about the possibility of having horses at this location. The house sits on a .43 acre parcel but they also own the adjacent 7.69 acre parcel and both are zoned R-2, Medium-Density Residential. The larger parcel contains a horse barn and riding ring, however, there have been no horses on the property for more than two years so any grandfathered use has expired. You may recall that Commissioner Thompson brought this up for discussion when the property was listed for sale a few years back, but no action was taken at that time.

Keeping a horse would be considered an "agricultural use" which is currently not permitted in any zoning district.

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

ARTICLE II. - LIVESTOCK

Sec. 18-41. - Where kept; conditions; nuisances.

- (a) It shall be unlawful for any owner or custodian of any hog to keep such hog impounded in any enclosure or pen within 500 feet of the residence of any other person or closer than 200 feet to any street, road or alley.
- (b) It shall be unlawful for any owner or custodian of any domestic farm animal other than hogs to keep such animal stabled or penned within 300 feet of the residence of any other person. However, such animals may be permitted to graze no closer than 100 feet from the residence of any other person. The town manager may place such conditions upon such grazing as he or she

deems necessary to prevent the creation of a nuisance and/or disturbance to the reasonable peace and comfort of neighboring residents.

- (c) At such time as any enclosure in which swine or other domestic farm animals are kept may become filthy or offensive, such enclosure shall be deemed a nuisance, and the owner shall be required to forthwith abate such nuisance under the procedures contained in article II of chapter 34 of this Code.
- (d) Violation of any of the provisions of this section or of any condition placed upon grazing of animals by the town manager shall constitute a class 4 misdemeanor, and each day of continuing violation shall constitute a separate offense.

(Code 1968, § 12-1)

State Law reference— Keeping animals and fowl, Code of Virginia, § 3.1-796.94:1; nuisances, Code of Virginia, § 15.2-1115.

Sec. 86-32. - Use types.

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

DIVISION 2. - R-1 (LOW-DENSITY RESIDENTIAL) DISTRICT & R-2

Sec. 86-132. - Permitted uses.

- 1) *Agricultural use types.*

(None)

Staff inquired with the City of Lynchburg as to how they regulated horses and they allow horses within all zoning districts and base it solely on acreage.

City of Lynchburg

For 3 or more horses you need at least 10 acres. For 1-2 horses you need at least 2 acres and the stable needs to be at least 200 ft. from the property line in both cases.

The only other instance where a horse may be permitted in the City is if it is under a 151 lbs. (mini-horse), which we have a few of them around. If you haven't seen them, they're kind of like large dogs. In this instance you need a minimum lot size of 15,000 sq.ft.

I attached a section of the code from Rocky Mount, VA related to this matter.

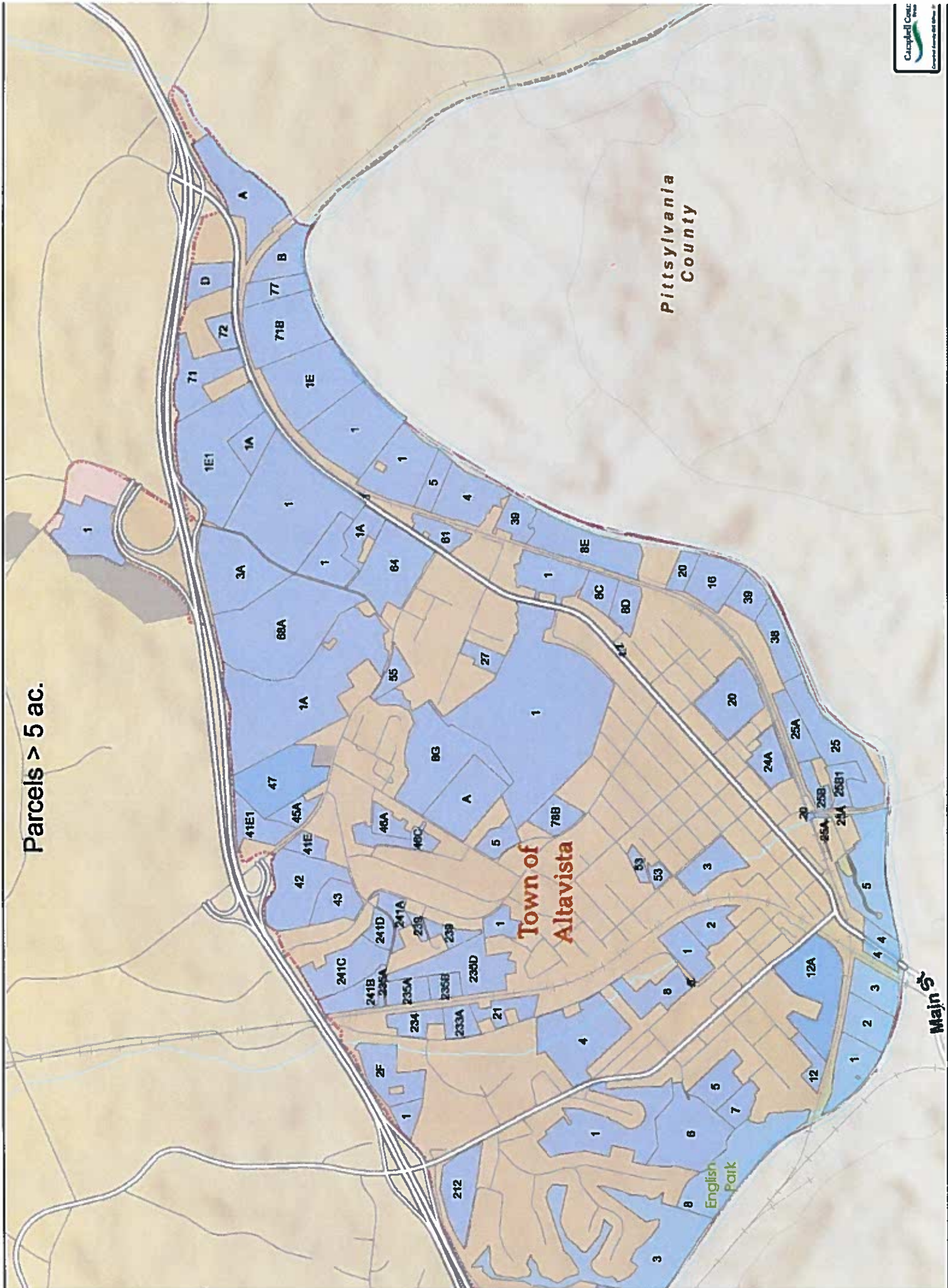
Staff Recommendations, if applicable

While staff believes the location on Lynch Road may be appropriate for a horse(s) and that a minimum of 5 acres is needed to have a horse(s), even this opens up a lot of possibilities within the Town. Staff recommends careful consideration at this time.

Suggested / Required Action or Suggested Motion(s)

None suggested at this time.

Parcels > 5 ac.



Pittsylvania
County

Town of
Altavista

Main St

English
Park

TOWN OF ROCKY MOUNT, VA

ARTICLE II. - LIVESTOCK

FOOTNOTE(S):

⁰⁰**Cross reference**— Buildings and building regulations, ch. 14; streets and sidewalks, ch. 54; zoning, app. A; subdivisions, app. B.

Sec. 10-31. - Cow stables and other facilities for keeping livestock generally.

- (a) All cow stables and other facilities for keeping livestock in the town shall be under the supervision of the law enforcement of the town. Such cow stables and other facilities for keeping livestock shall be kept in a clean and sanitary condition for the protection of health and shall be so kept as not to give rise to objectionable odors upon any street or upon any premises owned or occupied by any person other than the person maintaining such cow stable and other facilities for keeping livestock.
- (b) The law enforcement of the town may make rules and regulations as to the keeping of cow stables and other facilities for keeping livestock. It shall be unlawful for any person to fail, neglect or refuse to comply with such rules and regulations.

(Code 1979, § 4-5)

Sec. 10-32. - Location restricted.

It shall be unlawful for any person to keep or maintain within the town any livestock within 500 feet of any residence or commercial building of another located within the town, provided that if the keeping of such livestock within the town, regardless of the distance such livestock are kept from the residence or commercial building of another, becomes a nuisance or health hazard, the owner of such livestock shall, immediately upon notification by the authorities, abate and remove such nuisance or health hazard.

(Code 1979, § 4-6)

Sec. 10-33. - Allowing livestock to stray.

It shall be unlawful for any person to allow or permit any livestock of any description to stray to public property or private premises of another. All livestock shall be sufficiently housed or fenced up by the owner or person exercising control over such livestock so as to prevent such livestock from straying.

(Code 1979, § 4-7)

Secs. 10-34—10-50. - Reserved.

ARTICLE III. - PIGS AND HOGS

Sec. 10-51. - Piggens and other facilities for keeping hogs generally.

- (a) All piggens and other facilities for keeping hogs in the town shall be under the supervision of the law enforcement of the town. Such piggens and other facilities for keeping hogs shall be kept in a clean and sanitary condition for the protection of health and shall be so kept as not to give rise to

objectionable odors upon any street or upon any premises owned or occupied by any person other than the person maintaining such pigpen and other facilities for keeping hogs.

- (b) The law enforcement of the town may make rules and regulations as to the keeping of pigpens and other facilities for keeping hogs. It shall be unlawful for any person to fail, neglect or refuse to comply with such rules and regulations.

(Code 1979, § 4-8)

Sec. 10-52. - Where hogs or swine may be kept.

It shall be unlawful for any person to keep or maintain within the town any hogs or swine within 500 feet of any residence or commercial building of another located within the town; provided, that if the keeping of such hogs or swine within the town, regardless of the distance such hogs or swine are kept from the residence or commercial building of another, becomes a nuisance or health hazard the owner of such hogs or swine shall, immediately upon notification by the town authorities, abate and remove such nuisance or health hazard.

(Code 1979, § 4-9)

ARTICLE 24. - RESIDENTIAL, AGRICULTURAL, DISTRICT RA

Statement of Intent

This district is comprised of certain quiet, low-density areas where each residential unit is located on one acre or more of land. This zone is not considered to be a main district within the zoning ordinance. This area also contains certain open areas where similar residential, agricultural development appears likely to occur. The regulations of this district are designed to stabilize and protect the basic characteristics of the district, to promote and encourage a suitable environment for family life where there are children and to prohibit all intensive commercial activities. To these ends, development is limited to relatively [low] concentration and permitted uses are limited to basically to dwellings providing homes for residents plus certain additional uses related to agricultural uses on larger tracts of land. Certain additional uses such as schools, churches, parks, playgrounds, agricultural businesses, veterinary clinics, kennels, tree nurseries, tree farms and certain public utilities are likely to be present to serve residents of this district.

24-1-11. Agricultural operations primarily engaged in the production of crops including vegetables, fruits and similar crops including the sale of site grown crops on the premises.

24-1-12. Agricultural operations primarily engaged in the raising of live stock including cattle, swine, sheep, goats, poultry, fish or other similar livestock provided the minimum lot area shall be five acres and no farm buildings intended to shelter such animals shall be located closer than 300 feet to the property line of an adjoining property.

PLANNING COMMISSION AGENDA FORM

Agenda Item and Number: #11

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

Subject Title: Staff Report- Permits

Meeting Date: June 4, 2018

Action Needed: N/A

(N/A: Information only)

Subject Overview

Permits issued for April & May 2018:

DATE	PERMIT #	APPLICANT NAME & ADDRESS	REASON FOR PERMIT
2-Apr	16-18	Trent Poteat, Danville VA	Internal Renovations, 105 Clarion Rd, New Business
4-Apr	17-18	Cascio & Sons Const. Madison Heights VA	Addition above the garage at 1912 Tabby Lane
4-Apr	18-18	Calvin Watson	Construct new building at 1212 Main St. - new business
5-Apr	19-18	Robert Pate, 306 13th Street	Keeping of Chickens
13-Apr	20-18	Charity & Terry Lambert, 611 7th St.	Internet Retail Business at this location
24-Apr	21-18	Wendy Simpson, 1004 Bedford Avenue	Replace front stoop and back deck on the house
4-May	22-18	Victoria Lovelace, 610 Board St.	Home occupation: Alterations, clothing, online sales
14-May	23-18	Bob Cox Timberlake Rd, Lynchburg	1290 Main Street- New Business Joe Beans
14-May	24-18	David Wilson- 1012 7th Street	Home Occupation: Office for transport company
16-May	25-18	John Funk- Forest VA	Inside renovations to 701 5th Street- Altavista Office Park
22-May	26-18	Flip West, Lynch Station	Doctors Office renovations- 1051 Main Street

Suggested / Required Action or Suggested Motion(s)

None required