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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, April 2, 2018 at 5:00 p.m.

AGENDA

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

Adjournment

Dan Witt

Assistant Town Manager

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

Members present - John Jordan, Chairman
Marvin Clements
Tim George
Laney Thompson
John Woodson
Also present - Cheryl Dudley
Dan Witt

The Commissioners held their annual election of officers. Mrs. Thompson nominated Mr. Jordan to serve as Chairman with a second by Mr. Clements. All members were in favor with none opposing. Mrs. Thompson nominated Mr. Woodson to serve as Vice-Chairman with a second by Mr. George. All members were in favor with none opposing.

The agenda was reviewed and approved as presented. Mr. George made a motion to accept the agenda with a second by Mrs. Thompson. All members were in favor with none opposing.

The minutes from the meeting held on Monday, December 4, 2017 were reviewed and approved as amended. A motion was made by Mr. Woodson to accept the minutes as amended with a second by Mr. George. All members were in favor with none opposing.

There were no citizens to address the PC.

The Commissioners reviewed the Draft Master Plan for the Parks and Trails. This was an informational item provided by staff.

Mr. Witt gave his staff report.

The meeting was adjourned at 5:46PM

John Jordan, Chairman

Dan Witt, Assistant Town Manager

PLANNING COMMISSION AGENDA FORM

Agenda Item and Number: New Business # 9

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

Subject Title: Nuisance Animals & Zoning

Meeting Date: April 2, 2018

Action Needed: None at this point but possible future recommendation to Town Council

(N/A: Information only)

Subject Overview

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 complaining was complaining about the 12+ cats she counted in her neighbor's back yard. The concern was not only the number but the suspicion that they were using her back yard as a litter box, as evidence to the 3 trash bags of cat feces she picked up, the cats spaying urine to 'mark' their area on her house, the foul odor, the smell of the cat feces and urine and lastly the cats 'trespassing'.

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

Attached I have included relevant code sections related to animals, zoning, & nuisance. Additionally, I've included a code section from the City of Danville, specifically related to Cats.

Town Code

See attached

Staff Recommendations, if applicable

Staff recommends adding a definition to the zoning ordinance for:

Kennel, private means the boarding, breeding, keeping, grooming or training of a combined five or more dogs, cats, or hybrids as household pets for personal reasons.

NOTE: Kennels are only permitted in the C2 Commercial zoning district but this definition limits residential districts to 4 pets. The question the PC may want to consider is whether it's a 'combined' total as staff has recommended or an 'each' total.

Staff recommends the consideration of the Danville Code, especially, (c) (3), (4), & (5).

Suggested / Required Action or Suggested Motion(s)

None at this time.

ANIMALS

Sec. 18-1. - Definitions.

Kennel means my establishment in which five or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

ZONING

Sec. 86-32. - Use types.

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

Sec. 86-515. - Kennel, commercial.

(a) *General standards:*

- (1) Each commercial kennel shall install and operate a kennel silencer.
- (2) Animal waste shall be disposed of in a manner acceptable to the health department.
- (3) Crematoria or land burial of animals in association with a commercial kennel shall be prohibited.
- (4) All outdoor runs, training areas and pens associated with a commercial kennel shall be set back a minimum of 100 feet from any property line.

(Ord. of 10-11-2011(3), § 2)

Sec. 86-352. - Permitted uses.

The following uses are permitted by right or by special use permit in the C-2 general business district, subject to all other applicable requirements contained in this chapter. An (S) indicates a special use permit is required. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in article IV, use and design standards:

(5) *Commercial use types.*

Kennel, commercial (S)*

ec. 34-31. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means every dog or other animal or fowl owned within the boundaries of the town.

Own and *owner* mean any person having a right of property in an animal and any person who keeps or harbors an animal or has it in his or her care, or who acts as its custodian, and any person who permits an animal to remain on or about any premises occupied by him or her.

Public nuisance means:

- (1) Every activity or condition that endangers life or health, obstructs the reasonable and comfortable use of property, gives offense to the senses so as to cause a positive and material disturbance or annoyance in the use or occupation of property.
- (2) Any animal that:
 - a. Molests passersby or passing vehicles or interferes with traffic;
 - b. Attacks other animals;
 - c. Trespasses on school grounds and interferes with school activities;
 - d. Habitually turns over garbage cans of any person other than the owner or custodian thereof;
 - e. Damages private or public property; or
 - f. By loud, frequent or habitual crying, barking, howling or other noise causes disturbance of the peace and quiet of any person or neighborhood.
- (3) Any aggregation of animals creating a foul odor.

(Code 1968, §§ 8-14, 8-16(A))

Cross reference— Definitions generally, [§ 1-2](#).

Sec. 34-33. - Animals.

- (a) It shall be unlawful for any person to own an animal that is a public nuisance within the boundaries of the town. Any such public nuisance shall be abated by the owner and shall be subject to the abatement procedures of this article.
- (b) If a public nuisance under this section disturbs any person, and the police department receives a complaint from such person, the department shall serve upon the owner of the offending animal notice of the complaint and a copy of this article. Upon the receipt of the second and third complaints within a period of 60 days, the owner shall be served with similar notices, the third notice stating that the offending animal appears to constitute a public nuisance and is subject to abatement procedures under sections [34-32](#)—34-35.
- (c) In addition to the provisions of subsections (a) and (b) of this section, any animal causing a disturbance or annoyance in any manner described, or any combination thereof, shall constitute an apparent public nuisance within the meaning of [section 34-31\(2\)](#), and subject to the abatement procedures under sections [34-32](#)—34-35, if no less than three persons familiar with such animal petition the town complaining about the animal causing the disturbance.
- (d) Any owner of an animal so reported as being a public nuisance shall be subject to the procedure set forth in [section 34-32](#), and, upon a finding by the town council that such animal constitutes a public nuisance, the council shall give the owner of such animal a reasonable time to take such measures as may be reasonably necessary to abate such nuisance including, but not limited to, confining such animal or removing the animal beyond the town limits. Upon the failure of such owner to comply with the abatement order of the council within the prescribed time, the town may confiscate the animal and dispose of it according to law. Failure by such owner to comply with such order shall constitute a violation of this article and shall be punishable as prescribed in [section 34-38](#).

(Code 1968, § 8-16)

City of Danville, VA Code Animals and Fowl

Sec. 5-37. - Public nuisance; at large cats.

- (a) Any cat or cats found in violation of any provision of this article or whose owner is in violation of any provision of this article or any cat or cats creating a "public nuisance" as defined below may be seized by any Animal Control Officer or police officer and impounded at the City animal shelter. The officer seizing any cat and officials of the City animal shelter shall follow the procedures established for impounded dogs by section 5-15 of this chapter in keeping and disposing of any impounded cat.
- (b) The Danville Area Humane Society and Danville Animal Control, according to each agency's policies and procedures, shall provide humane traps to citizens having problems with cats running at large defined as a public nuisance in subsection (c) below on the condition that all captured cats be taken to the animal shelter within twelve (12) hours of the animals capture.
- (c) Public nuisance: Any cat or cats that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance" as used in this article shall mean and include, but is not limited to, any cat that is repeatedly found at large and:
 - (1) Damages the property of anyone other than its owner;
 - (2) Excessively makes disturbing noises, including, but not limited to, continued and repeated caterwauling, howling, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the cat is kept or harbored;
 - (3) Causing fouling of the air by odor and thereby causes unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the cat is kept or harbored;
 - (4) Causes unsanitary conditions in enclosures or surroundings where the cat is kept or harbored; or
 - (5) Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of cats maintained.

(Ord. No. 2009-8.10, 8-18-09)

State Law reference— Authority to prohibit the running at large of animals and fowl, Code of Virginia, § 3.2-6544.

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: April 2, 2018

Action Needed: N/A

(N/A: Information only)

Subject Overview

Permits issued for February & March 2018:

PERMIT #	APPLICANT NAME & ADDRESS	REASON FOR PERMIT
6-Feb	04-18 Nick Lambert, Shentel, LLC	Upgrade existing antennas on Melinda Dr. tower
12-Feb	05-18 Patty Steele, Vinton VA	TNT Fireworks 125 Clarion Road
12-Feb	06-18 Trent Poteat, Danville VA	Subdivide commercial space at 105 Clarion Rd.
19-Feb	07-18 Flip West, Lynch Station	1301 Avondale- Renovations to church kitchen
21-Feb	08-18 James Hilldrup, 1917 Tabby Lane	10x20 shed and children's play house in back yard
6-Mar	09-18 Lonely Branch Builders Rustburg, VA	1028 7th Street Upgrade, remodel, new wiring, etc.
6-Mar	10-18 Lonely Branch Builders Rustburg, VA	1030 7th Street Upgrade, remodel, new wiring, etc.
12-Mar	11-18 IH McBride Sign, CO Lynchburg VA	New sign face Sprint, 105 Clarion Road
12-Mar	12-18 UVA Dialysis Clinic, Altavista	Interior renovations and expansion- 701 5th Street
16-Mar	13-18 Joseph Emerson, 810 Broad Street	10x12' on front of mobile home at this address
19-Mar	14-18 Blair Construction, Gretna VA	137,000 SF Expansion to Graham Packaging, 103 Ogden Rd.
20-Mar	15-18 Scott Lowman, 1291 Lynch Road	In ground pool in the back yard

Suggested / Required Action or Suggested Motion(s)

None required