

**TOWN OF ROCKY MOUNT
PLANNING COMMISSION
MINUTES
FEBRUARY 7, 2012
6:00 P.M.**

The Planning Commission of the Town of Rocky Mount, Virginia, met at the Rocky Mount Municipal Building on Tuesday, February 7, 2012 at 6:00 p.m., with Madame Chair Janet Stockton presiding.

The following members of Planning Commission were present when the meeting was called to order: Madame Chair Janet Stockton and Vice Chair John Speidel; and Planning Commission Members Bud Blanchard, Ina Clements, and Jerry Greer. Let the record show that Planning Commission Member John Tiggle arrived at the meeting at 6:05 p.m., and Planning Commission Member Derwin Hall was absent.

The following staff members were present: Assistant Town Manager Matthew C. Hankins, Town Planner Patrick Rust, Deputy Clerk Stacey B. Sink, and Town Attorney John Boitnott.

APPROVAL OF AGENDA

Madame Chair Stockton asked if there were any additions or corrections to the presented agenda, and being none, entertained a motion.

- Motion was made by Planning Commission Member Clements to approve the agenda as presented, with motion on the floor being seconded by Vice Chair Speidel. There being no discussion, let the record show that the motion on the floor passed unanimously by those present.

APPROVAL OF MINUTES

Let the record show there were no draft minutes presented for approval at this time.

PUBLIC HEARING

Let the record show there were no public hearings held at this time.

OLD BUSINESS**(1) Work Session regarding Zoning Ordinance update and revisions**

Let the record show that for the past several months and at Planning Commission's direction, staff has been working to update the Town's Zoning and Development Ordinance to correct grammar and punctuation errors, to insure that contained references are correct, and to look for other substantive issues which may require Planning Commission's attention. Prior to the meeting, Planning Commission was presented with documentation regarding the proposed changes, and this work session was scheduled to discuss any items of interest to Planning Commission. Most of the proposed corrections are grammatical in nature. Discussion regarding the more substantive changes was as follows:

- Renumbered all of the articles, organized into sections pertaining to General Administrative, Residential, Commercial, Industrial, Special Administrative.
- Articles 1 and 2: No substantive changes.
- Article 3: changed reference to "Business, General" (BG) to "General Business" (GB) which is how it is generally referred to, and addressed Franklin County Zoning District PCD which was not in place when the Town's zoning ordinance was adopted. This district has been added to come in under annexation as C1/C2. In addition the Town did not have RPUD at the time the ordinance was adopted, so the County RPD should now become RPUD for the Town.
- Article 4: Definitions, will be covered at a later date.
- Article 5 (5-1-11): Suggest correction to wording to clean up the language used, to the following: "The commission shall make a recommendation to the governing body after the public hearing is held."
- Article 5-8: regarding Planning and Zoning Fees, the last time the fees were amended was May 12, 2008 with an effective date of July 1, 2008. It was not presented as an amendment to the zoning ordinance. Should it be every single time? Or, should it just be a set fee schedule that is set by Town Council on the recommendation of the Planning Commission. The Town Attorney will research the possibility of this. Also, a new fee for a Variance Application for rebuilding due to a catastrophic loss was added, which was previously approved by Council.
- Articles 6, 7, 8 will be reviewed at a later time.
- Article 9, Site Plan Review Requirements: (Article 9-5) Add the following phrase at the end of the article "shall be exempt from site plan requirements." Therefore, the new wording will be: "The lawful construction,

alteration, and occupancy of a one- or two-family dwelling, with or without a garage, on a lot on which there exists no other building or use *shall be exempt from site plan requirements.*” This phrase appears to have been inadvertently dropped when the section was published by Municode.

- Article 10: No significant changes.
- Articles 11 and 12: Will be discussed at a later date.
- Article 13: No significant changes, corrected references to Code of Virginia.
- Article 14: No significant changes.
- Article 15: No significant changes.
- Articles 16, 17, and 18: Reserved for future use if necessary.
- Article 19: (19-5) Changed reference to “40,000 square feet” to “one acre (43,560 square feet)” per the opening “Statement of Intent” for the district, which references “one acre”.
- 19-1-5: Clarified language regarding the allowable area/size for accessory structures. Let the record show that Planning Commission discussed this issue during a previous meeting at the request of staff, who found the current language ambiguous. It was Planning Commission’s consensus that the size of an accessory structure should be limited by the size of the footprint of the main structure. The Town Attorney questioned if the term “footprint” is a true term, and advised that he would like to review the language used. This change will be necessary in each of the zoning districts in which accessory buildings are allowed.
- Article 20: Has same change regarding accessory buildings. Otherwise, no other substantive changes.
- Article 21: Has same change regarding accessory buildings. Otherwise, no other substantive changes.
- Article 22: Has same change regarding accessory buildings. Otherwise, no other substantive changes.
- Article 23: (23-13-1) proposed changing phrase “any increase in the density of the development” to “any *change* in the density of the development”. The Town is protected from any developer who wants to increase the size of a development, but not protected from a decrease in the size of the development. It was the consensus of Planning Commission that it should read “any *substantial change* in the density of the development”.
- Article 23: Staff is not clear if Planning Commission intended for accessory buildings to be a use-by-right in RPUD. Community accessory buildings are a use-by-right in RPUD, but individual accessory buildings are not addressed. It was the consensus of Planning Commission that accessory buildings should not be a use-by-right in RPUD, and the “except” language in 23-7 should be removed. In addition, accessory buildings should not be

listed as a use-by-special-exception.

- Article 24: Has same change regarding accessory buildings as Article 20. Also, added the word “dwellings” to 24-6-1 which was omitted. All other changes were minor.
- Articles 25 and 26: Reserved for future use.
- Article 27: No substantial changes.
- Article 28: No substantial changes.
- Article 29: (29-1-19) The ordinance addresses nurseries, daycares, home daycares, family daycare homes, basically refers to what we call daycares in several different ways throughout the ordinance. Staff proposes changing “nursery” to “child care center, as defined”. Will be discussed at a later date.
- 29-2-2: Staff suggested removal of reference to flea markets and to clean up the wording, noting that the Central Business District is probably not the best place for a flea market. There was general discussion regarding the differences between an antique mall and a flea market, and what constitutes “retail”, with the Town Attorney cautioning against zoning certain businesses out of business. It was the consensus of Planning Commission that flea markets should be left in the wording, since it is currently a use-by-special-exception.
- Article 30: Only substantive change is to remove “nursery” and change it to “child care center”, and that discussion will be held later when the definitions are addressed.
- Articles 31 and 32: Reserved for future use.
- Article 33: No substantial changes.
- Article 34: Most notable change is to correct the reference to the “Roanoke County Subdivision Ordinance” changing it to “Town of Rocky Mount Subdivision Ordinance”. Also, staff recommends the addition of “rail transfer facilities (as defined)” as a use-by-right.
- Articles 35 and 36: Reserved for future use.
- Article 37: Again, the reference to accessory buildings needs to be corrected as in Article 20.
- Article 38: This is the floodplain ordinance and FEMA required that the Town adopt a new ordinance. This has already been done, but needs to be corrected in the book.
- Article 39: The only substantial change made was in 39-10-1, which should refer to the Board of Zoning Appeals acting after a public hearing, so the language “after a public hearing” has been added.
- Article 40: Wireless telecommunications, no significant changes.
- Article 41: Wind energy facilities, no significant changes.

(2) Discussion regarding additional work session

There are six additional sections which must reviewed. It was the consensus of Planning Commission that staff should bring back the additional sections for review at the next regularly scheduled meeting.

NEW BUSINESS

Let the record show that there was no new business to discuss at this time.

COMMISSIONER CONCERNS

Let the record show there were no concerns offered for discussion at this time.

ADJOURNMENT

At 7:35 p.m., and with no further business to discuss, Madame Chair Stockton entertained a motion to adjourn, with motion being made by Vice Chair Speidel, seconded by Planning Commission Member Greer, and carried unanimously by those present.

Janet Stockton, Chair

ATTEST:

Stacey B. Sink, Deputy Clerk

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